

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Dorchester Associates, LLC
Square 1425, Lot 827, and Parcels 12/63, 12/293, 12/294
Chain Bridge Road, NW

Preliminary Statement of Compliance with Burden of Proof

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I. **Background:**

The Subject Property (Square 1425, Lot 827, and Parcels 12/63, 12/293, 12/294) is located off Chain Bridge Road, NW and is currently vacant/undeveloped. The Subject Property is zoned CBUT/R-1-A.

The Applicant, Dorchester Associates LLC, requests special exception approval from the Board of Zoning Adjustment (hereinafter, the "Board" or "BZA") in order to permit thirteen detached single family dwellings on a single subdivided lot, including approval of a sixteen foot roadway. Four of the lots have frontage on Chain Bridge Road and may be permitted as a matter of right. The Applicant seeks special exception approval under §2516 of the Zoning Regulations and a modification of the requirement of a twenty-five foot roadway under §2516.6(b) as permitted by §2516.6(d). At the public hearing the Applicant will show that the granting of the special exception and modification are appropriate.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested special exception. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. **Burden of Proof:**

A. **Special Exception**

Pursuant to §2516 of the Zoning Regulations, two (2) or more principal buildings or structures may be erected on a single subdivided lot if approved as a special exception by the Board, pursuant to the provisions of §§ 2516 and 3104.1. The Subject Property is in compliance, as set forth herein:

Section 2516.4:

This section allows for an unlimited number of principal buildings provided that the Applicant *submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building...), and §§ 3202.2 and 3202.3 are met.* By pre-hearing submission and testimony offered at the hearing, the Applicant will submit satisfactory evidence that the Project meets all applicable requirements.

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Section 2516.5:

If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

Section 2516.5(a):

The front of the building shall be the side upon which the principal entrance is located. The Project complies with this requirement, as shown on the submitted plans.

Section 2516.5(b):

This section requires *open space in front of the entrance* that shall be equivalent either to the required rear yard or to the distance between the building restriction line and the public space upon which the subdivided lot fronts, whichever is greater. The project complies with this requirement, as shown on the submitted plans.

Section 2516.5(c):

A rear yard shall be required. Rear yards are provided for as shown on the submitted plans.

Section 2516.5(d):

If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot. The project complies with this requirement as shown on the submitted plans.

Section 2516.6:

In providing for net density pursuant to § 2516.11, the Board shall require at least the following:

Section 2516.6(a):

The area of land that forms a convalidated means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title. The Project complies with this requirement as shown on the submitted plans and calculations.

Section 2516.6(b):

This section requires that *each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width.* The Applicant requests a modification of this requirement as permitted by §2516.6(d). In an effort to save as many trees as possible on the site, the Applicant proposes to build two 16' wide drives leading to the interior cul-de-sacs. Each of the homes has its own driveway off the main entrance drives and has twice the required number of parking spaces. The lesser width of the drives will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood. One of the primary purposes of the CB/UT overlay is tree preservation. Reducing the width of the drive furthers this purpose of the overlay district.

Section 2516.6(c):

If there are not a least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.). The proposed cul-de-sac is sixty feet in diameter as shown on the submitted plans.

Section 2516.9:

The proposed development shall comply with the substantive provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood. As evidenced by the application materials and the testimony to be offered at the hearing, the Project will comply with the provisions of this title and will not have an adverse effect on the character or future development of the neighborhood. The proposal calls for 13 single family homes, four of which have frontage on Chain Bridge Road and may be permitted as a matter of right. Each of the homes complies with the applicable setbacks and yard requirements. In addition, ample landscaping is proposed to provide privacy and separation from surrounding properties. The addition of 13 single family homes will not adversely effect this residential neighborhood.

Section 2516.10:

Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:

(a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including ...

- (1) Public safety relating to police and fire concerns;*
- (2) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;*
- (3) Public education;*
- (4) Recreation;*
- (5) Parking, loading, and traffic;*
- (6) Urban design; and*
- (7) As appropriate, historic preservation and visual impacts on adjacent parkland;*

(b) Considerations of site planning; the size, location, and bearing capacity of driveways; deliveries to be made to the site; side and rear yards; density and open space; and the location, design, and screening of structures;

(c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;

(d) The impact of the proposed development on neighboring properties; and

(e) The findings, considerations and recommendations of other District government agencies.

The proposed development is for thirteen (13) single family homes; four of these homes have frontage on Chain Bridge Road and are permitted as a matter of right. The addition of thirteen families to the area will not significantly impact the provision of public services. Public sewer and water is available, and the addition of 13 families will not significantly increase the local school enrollment.

Sufficient parking is provided for each home, and there will be not be a significant impact on traffic conditions caused by the project. The subject property lies within the CB/UT overlay district and the project is designed to adhere to the particular environmental goals of the district. The Applicant is requesting a reduced width for two entrance drives in an attempt to preserve trees on the subject property. The appropriate side and rear yards and open space are provided as shown on the plans, and there is significant landscaping proposed in addition to the existing trees that are being preserved. The proposed development will have minimal, if any, impact on neighboring properties. All of the surrounding properties are either single family residential or park land. The proposed homes meet the applicable lot size, yard and setback requirements. Each has double the required number of parking spaces and provides for ample landscaping to maintain the privacy of neighboring properties.

Section 3104.1:

This section authorizes the Board to grant special exceptions as provided in the Zoning Regulations, where the Board determines such grant(s) of special exception to be in harmony with the intent and purpose of the zone plan and which does not tend to adversely impact the use of neighboring property. The requested special exception is in harmony with the intent and purpose of the zone plan, and will not tend to adversely impact the use of neighboring properties. The proposal is for 13 detached single family homes (four of which may be permitted as a matter of right) in the CBUT/R-1-A District. The R-1-A District is designed for single family detached dwellings. The proposal is designed in accordance with the goals of the CB/UT Overlay District, preserving the natural topography and mature trees of the subject property.

B. Matter of Right Development within the CB/UT Overlay District

Section 1568.1:

Except as provided in §1568.2, development within the CB/UT development zone is only permitted as a matter of right subject to the tree removal provisions of subsections (a-c) of this section. The Applicant complies with the tree regulations as shown on the submitted plan detailing the trees saved and those to be removed.

Section 1568.2:

The prohibitions of §1568.1 do not apply to the removal or cutting down of any dead or unhealthy tree or a tree that creates an unsafe condition. The need for the removal of any tree shall be certified by a tree care professional certified by the International Society of Arboriculture. The Applicant will comply with the requirements of this section.