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April 5, 2005

Mary Carolyn Brown
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2005 APR -5 PM 3:59

Hand Delivery

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001
Attention: Richard S. Nero

Re: BZA Application No. 17332
1230 Pennsylvania Avenue, S.E., Square 1019, Lot 55

Dear Mr. Nero:

Pursuant to our discussions, enclosed please find an original and 20 copies of a revised Form 120 reflecting an additional request for special exception relief from the roof structure provisions of section 411.3 (§ 777) pursuant to sections 411.11 and 3104.1 of the Zoning Regulations. We are submitting a revised statement of compliance with the burden of proof to reflect this additional area of relief. Enclosed please find a check in the amount of $2000.00 in payment of the filing fee for this request.

Should you have any questions or need any additional information, please do not hesitate to contact me (202) 862-5990.

Very truly yours,

Carolyn Brown

Carolyn Brown

Enclosures

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BZA
Case No. 17332
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO. 17332
EXHIBIT NO. 21

Form 120 – Exhibit 1
(Revised 04/29/02)

Case No. 17332

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance – Use Variance Special Exception	Section No(s).
1230 Pennsylvania Avenue, S.E.	1019	55	CHC/C-2-A	Area Variance	772.1
"	"	"	"	Area Variance	773.3
				Special Exception	411.3 (777)

Present use(s) of Property:	Vacant Residential		
Proposed use(s) of Property:	Apartments		
Owner of Property	Larry D. and Carol K. Quillian, Owner JPI Apartment Development, LP, Contract Purchaser	**Telephone No:**	c/o JPI: (703) 847-0900
Address of Owner:	Quillians: 820 D St., S.E., Washington, DC 20003-2125 JPI: 8300 Greensboro Dr., Suite 600, McLean, Virginia 22102		

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public

Hearing Notice: Application of JPI Apartment Development, LP, on behalf of Larry D. and Carol K. Quillian, pursuant to section 3103.2, for a variance from the lot occupancy provisions (§ 772.1), the residential recreation space requirements (§ 773.3) and pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure provisions under subsection 411.11 (§ 411.3) in order to construct a 47-unit condominium building at premises address 1230 Pennsylvania Ave., S.E., (Square 1019, Lot 55).

Estimated construction cost	$8,000,000.00	**Advisory Neighborhood Commission Single-Member District(s)**	6B04
Date:	4/5/05	**Signature:**	Mary Carolyn Brown Applicant*

* ***The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing to act on his/her behalf shall accompany the notice of application.***

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:	Carolyn Brown and Norman M. Glasgow, Jr.				
Address:	Holland & Knight LLP, 2099 Pennsylvania Avenue, NW, Suite 100, Washington, DC 20006				
Phone No.:	(202) 955-3000	**Fax No.:**	(202) 955-5564	**E-Mail:**	carolyn.brown@hklaw.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of JPI Development, Inc.
Contract Purchaser
1230 Pennsylvania Avenue, S.E., Washington, D.C.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction

JPI Development, Inc. ("JPI" or the "Applicant")[1] seeks an area variance under section 3103 for relief from the lot occupancy provisions of section 772.1, the residential recreation space requirements under section 773.3, and a special exception pursuant to sections 3104.1 and 411.11 from the roof structure requirements of sections 777 and 411.3, to construct a 47-unit condominium building at Lot 55 in Square 1019, premises address 1230 Pennsylvania Avenue, S.E., Washington, D.C. (the "Subject Property"). The property is located in the CHC/C-2-A District and the Capitol Hill Historic District. A portion of the property is presently improved with a small, two-story row house that will be incorporated into the new design.

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 its burden of proof.

II. Property Description and Proposed Improvements

The Subject Property consists of a large, irregularly-shaped lot located mid-block on the north side of Pennsylvania Avenue, N.W. The lot is approximately 187 feet wide along Pennsylvania Avenue, and contains 20,370 square feet of land area. The existing house contains approximately 1700 square feet of space on two floors. The Applicant proposes to construct a new five-story multi-unit residential building that incorporates the existing historic structure into the design. Twenty-four surface parking spaces will be provided for the 47 units, with access off Pennsylvania Avenue.

Given the unusual shape of the lot, the existing building on the site, and the design requirements imposed by the D.C. Historic Preservation Review Board, the Applicant will exceed the maximum permitted lot occupancy of 60 percent by three percent, for a total lot occupancy of 63 percent. Additionally, the Applicant will be providing 6,560 square feet of

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[1] JPI is the contract purchaser of the property. Larry D. and Carol K. Quillian, the property owners, have authorized JPI to process this application on their behalf. *See* Owner's Authorization Letter submitted as part of this application.

residential recreation space, or approximately 12 percent, where 10,716 square feet is required. Finally, the Applicant proposes to have three separate roof structures instead of one enclosure as required by sections 777 and 411.3. Thus, the applicant seeks area variances from the provisions of sections 772.1 and 773.3, and a special exception from the requirements of sections 777 and 411.3 of the Zoning Regulations, as described below.

III. Compliance with Burden of Proof

A. Variance Relief

Pursuant to 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

> (1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995), *quoting Roumel v District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). *See, also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

The proposed apartment house meets all three prongs of this test. First, the property is unique by virtue of its irregular shape and topography. Second, the Applicant will encounter substantial practical difficulties if the Zoning Regulations are strictly enforced because it would lead to a highly undesirable configuration of the building and location of residential recreation space on the site. Finally, the proposed variance relief will generate significant positive public good without substantially impairing the intent or purpose of the zoning laws.

The requested three percent deviation from the maximum permitted lot occupancy of 60 percent will allow the Applicant to retain a significant portion of the existing rowhouse, maintain the scale and height of the Capitol Hill Historic District, while provided the necessary modern amenities for the building. Given the configuration of the lot, the modest deviation will not adversely affect the light and air of the property. Further, the small reduction in the amount of residential recreation space will not result in any negative impacts for the project or the community. If the Applicant were forced to comply with the residential recreation space requirement, the number of dwelling units would need to be reduced, in contravention of the housing goals of the Zoning Regulations, the Comprehensive Plan and the city as a whole.

B. Special Exception Relief

The Applicant proposed to have two stair enclosures and an elevator penthouse located on the roof of the building. The stair enclosures will be located at either end of the building in compliance with building code requirements. The elevator penthouse will be located in the center of the roof. Section 411.3 of the regulations requires all penthouses and mechanical equipment to be placed in one enclosure, which must harmonize with the main structure. The Applicant seeks relief from this requirement.

Pursuant to sections 3104.1 and 411.11, the Board may grant special exception relief from the roof structure provisions of sections 777 and 411.3 where operating difficulties, size of building lot or other conditions relating to the building or surrounding area make full compliance with the roof structure provisions unduly restrictive, prohibitively costly, or unreasonable.

Here, the proposed building is a mid-size apartment house that must be appropriately designed and scaled to blend in with the Capitol Hill Historic District. If the stair enclosures and elevator penthouse were located in one enclosure, it would create a massive roof structure that would dominate the building and overwhelm the Pennsylvania Avenue streetscape. Thus, relief from section 411.3 is required.

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