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**BEFORE THE DISTRICT OF COLUMBIA**
**BOARD OF ZONING ADJUSTMENT**

Application of AGG International

BZA Application No. 17381
Public Hearing: November 8, 2005

ANC 4A

## STATEMENT OF THE APPLICANT

### I.
### NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR § 3104 for special exceptions pursuant to §353 for a new residential development in the R-5-A zone district and pursuant to §410 for multiple buildings to be considered a single building. This relief is requested in order to permit the construction of four two-story row dwellings with basements at Fort Stevens Drive, N.W. (Square 2726, Lot 810) (the "Property"). The Property is located in the R-5-A zoning district.

### II.
### JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the requested special exception relief pursuant to §3104.1 of the Zoning Regulations.

### III.
### EXHIBITS IN SUPPORT OF THE APPLICATION

Before proceeding with the discussion of the merits of this application, the following additional materials are submitted:

Exhibit A: A portion of the Sanborn Atlas showing the Property highlighted in yellow.

Exhibit B: A portion of the Zoning Map showing the Property highlighted in yellow, with zoning designation of R-5-A.

Exhibit C: Outlines of testimony of Representative of AGG International, Applicant and Architect.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17381
EXHIBIT NO. 30



Board of Zoning Adjustment
District of Columbia
CASE NO. 17381
EXHIBIT NO. 30

Exhibit D: Outline of testimony of Steven E. Sher, Director of Zoning and Land Use Services/Jill G. Cooper, Urban Planner, Holland & Knight LLP and resume for Jill G. Cooper.

Exhibit E: Aerial photograph showing Property location.

Exhibit F: Revised architectural plan pages.

## IV.
## BACKGROUND

### A. Site and Vicinity Characteristics

#### 1. The Property

The Property consists of Lot 810 in Square 2726 and is currently unimproved. The Property includes approximately 7,119 square feet of land area and has 167.53 feet of frontage along Rock Creek Ford Road and 118.08 feet of frontage along Fort Stevens Drive.

Square 2726 is bounded on the north by Fort Stevens Drive, on the south by Missouri Avenue, on the west by 16th Street, and on the east by 14th Street and is bisected by Rock Creek Ford Road (see Exhibit A). The Property is located in the northern portion of the Square, with frontage on both Rock Creek Ford Road and Fort Stevens Drive, and is zoned R-5-A as shown in Exhibit B.

#### 2. Vicinity

To the north of the Property are Fort Stevens Drive and the Rittenhouse Apartments. To the east are multiple family dwellings. To the south are Rock Creek Ford Road and additional multiple family dwellings. To the west is vacant land and the Jewish Primary Day School.

### B. Description of Proposed Construction

The applicant, AGG International, proposes to develop the Property with four two-story row dwellings with basements. Each of the units will be two stories and will contain approximately 2,165 square feet of living space. There will be four surface parking spaces included in the proposed development and access will be provided from Rock Creek Ford Road.

In order to proceed with this development, the applicant seeks the following areas of relief from the Zoning Regulations: 1) a special exception pursuant to §353 for a new residential development in the R-5-A zone district; and 2) a special exception pursuant to §410 for multiple buildings to be considered a single building.

## V.
## COMPLIANCE WITH STANDARDS FOR SPECIAL EXCEPTION RELIEF FROM THE ZONING REGULATIONS

### A. New Residential Development (§353)

1. The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the number of students that can be expected to reside in the project. (§353.2)

   *The application has been referred to the D.C. Board of Education. The proposed development – consisting of only four dwelling units – presents a minimal burden on the public school system.*

2. The Board shall refer the application to the D.C. Departments of Transportation and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects. (§353.3)

   *The application has been referred to the D.C. Departments of Transportation and Housing and Community Development.*

   *The D. C. Department of Transportation determined in its report of July 8, 2005 that the project will have a negligible impact on traffic circulation and on-street parking supply and accordingly that it has no objection to the application.*

*The D.C. Department of Housing and Community Development noted that it would support the application if the four proposed row dwellings were located farther back from the front property line at Rock Creek Ford Road so that only the corners of the projected cantilevered second floor bedrooms touch the front property line. The Applicant has moved the proposed dwellings back to meet this request, as shown on the revised plans attached as Exhibit F.*

*The Subject Property is located between Fort Stevens Drive and Rock Creek Ford Road. Site access will be provided from Rock Creek Ford Road through only two curb cuts. The entrances to the row dwellings will also front on Rock Creek Ford Road. The buildings will occupy less than forty percent of the total site. All areas not devoted to the building or parking will be appropriately landscaped. Grading will meet all acceptable standards to prevent soil erosion. As the proposed development includes only four residential units, trip generation and transportation impact will be minimal. There will be sidewalks along the site's frontage that allow for a high level of pedestrian accessibility. There are also several recreational opportunities in the vicinity, including Rock Creek Park to the west of the Subject Property.*

3. The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood. (§353.4)

*The application has been referred to the D.C. Office of Planning. See the comments on ¶2, above.*

4. In addition to other filing requirements, the developer shall submit to the Board with the application, four site plans and two sets of typical floor plans and elevations, grading plans (existing

and final), landscaping plans, and plans for all new rights-of-way and easements. (§353.5)

*All copies of the required plans have been submitted.*

For all the above reasons, the Applicant satisfies its burden of proof for a special exception pursuant to §353 of the Zoning Regulations.

**B. <u>Multiple Buildings to be Considered a Single Building (§410)</u>**

1. All buildings in the group of buildings shall be erected simultaneously. (§410.2)

   *All buildings in the group of buildings will be erected simultaneously.*

2. All front entrances of the group shall abut a street, front yard, or front court. (§410.3)

   *The front entrances of three of the row dwellings abut Rock Creek Ford Road. The front entrance of Unit 1 abuts a side yard, although the access stairway faces Rock Creek Ford Road.*

3. No rear or service entrance shall abut a street, front yard or front court unless below the main floor. (§410.4)

   *None of the rear entrances abut a street, front yard or front court unless below the main floor. There are no service entrances provided.*

4. No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area. (§410.5)

   *No exterior stairways are above the level of the joists of the main floor.*

5. No subdivision of the property shall be authorized until the Board has determined that the following requirements are met: (§410.6)

   (a). There shall be adequate free access to the street from each separate dwellings, group of dwellings, or buildings resulting from the subdivision.

   *All front entrances directly abut Rock Creek Ford Road, providing adequate free access.*

   (b). Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street; and

   *The development provides adequate access for fire protection and other purposes through the surrounding street system.*

   (c). There shall be adequate yards, courts, light, and air for each dwelling, group of dwellings, or group of buildings resulting from the subdivision.

   *The development includes adequate yards and light and air for each dwelling unit. Each dwelling unit has direct access to light and air and all yards comply with the Zoning Regulations. Each unit includes a roof terrace that provides additional light and air for the dwellings.*

6. The height of an individual building in a group of buildings may be measured as follows: Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building. (§410.7)

   *There is no building that has another building between it and a public street. The height of the buildings in the proposed*

*development has been measured from the curb at the center of the front of the building.*

7. The front entrances of not more than four one-family dwellings, nor more than four dwelling units per floor, shall face any street that abuts the lot. (§410.8)

   *Four entrances face Rock Creek Ford Road, which abuts the lot.*

8. All front entrances of the group shall abut a street, front yard, or front court; provided, that a front entrance may abut a side yard if all one-family dwellings or dwelling units to which the entrance is appurtenant are located no nearer a street upon which the lot abuts than the rear of any part of the group having a front entrance abutting a street, front yard, or front court. (§410.9)

   *The front entrances of three of the row dwellings abut Rock Creek Ford Road. The front entrance of Unit 1 abuts a side yard that complies with this provision.*

9. No exterior stairway shall be constructed above the level of the joists of the main floor, unless located entirely within the building area of the group. (§410.11)

   *No exterior stairway will be constructed above the level of the joists of the main floor.*

10. In an R-5-A District, if approved by the Board as a special exception under §3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and be deemed a single building for the purpose of this title, when the group does not comply with the provisions of §§410.1 through 410.11, subject to the following conditions:

(a). The provisions of §§410.4 and 410.5 shall be complied with; and

*As noted above, these provisions will be complied with.*

(b). The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.

*The new development will significantly increase the vibrancy of the surrounding community. The Property has remained undeveloped for a substantial period of time. The proposed development includes sidewalks, attractive landscaping, and quality architecture. The development of the property will not adversely affect the present character and will have a positive effect on the future development of the area.*

For all the above reasons, the Applicant satisfies its burden of proof for a special exception pursuant to §410 of the Zoning Regulations.

## VI.
## WITNESSES

A. Representative of AGG International, Applicant and Architect

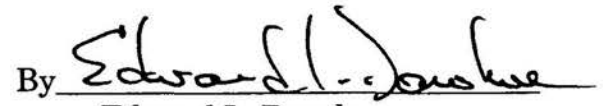
B. Representative, Zoning, Holland & Knight LLP

## VII.
## CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The applicant therefore requests that the Board grant the application.

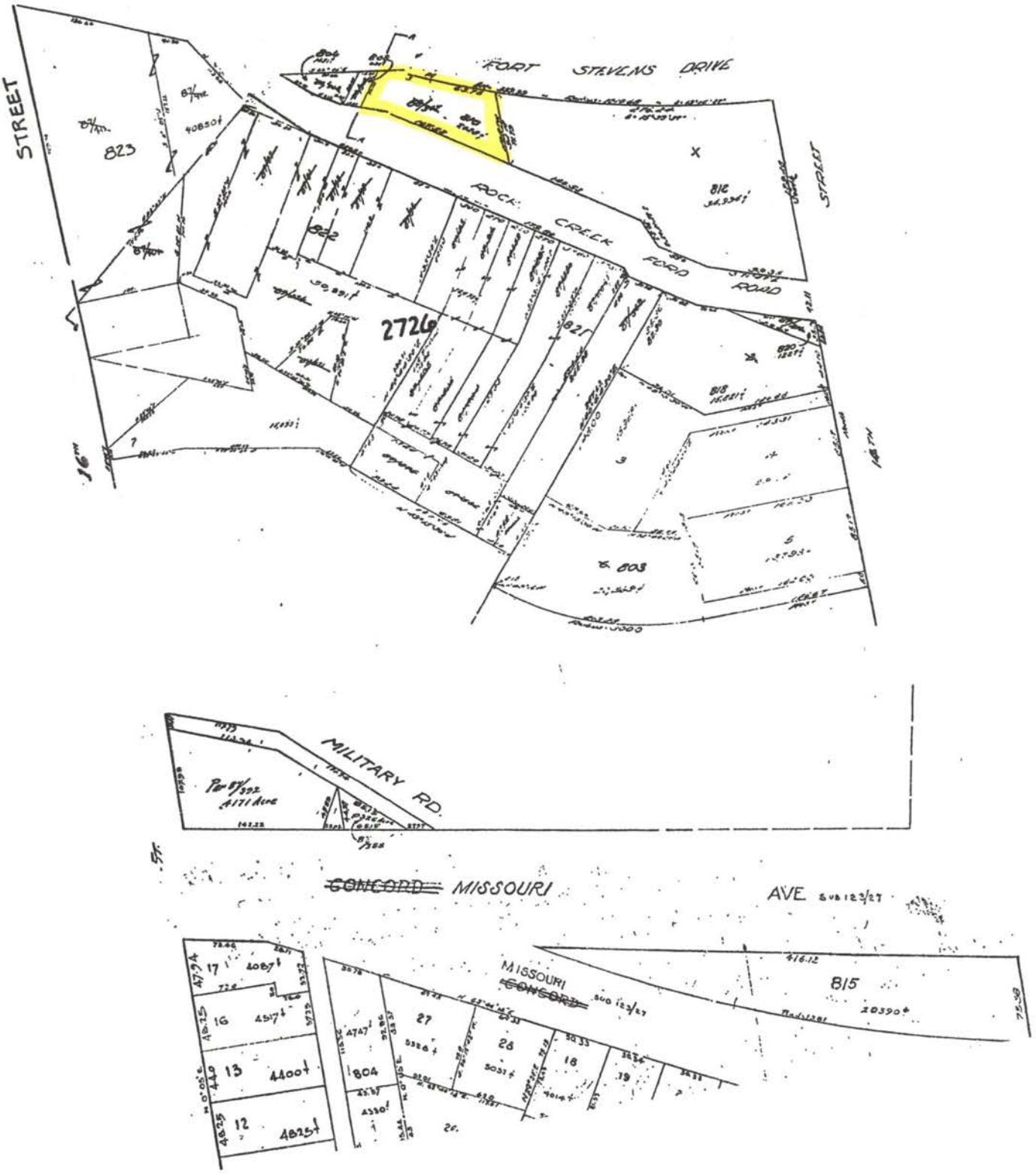
Respectfully submitted,

HOLLAND & KNIGHT LLP

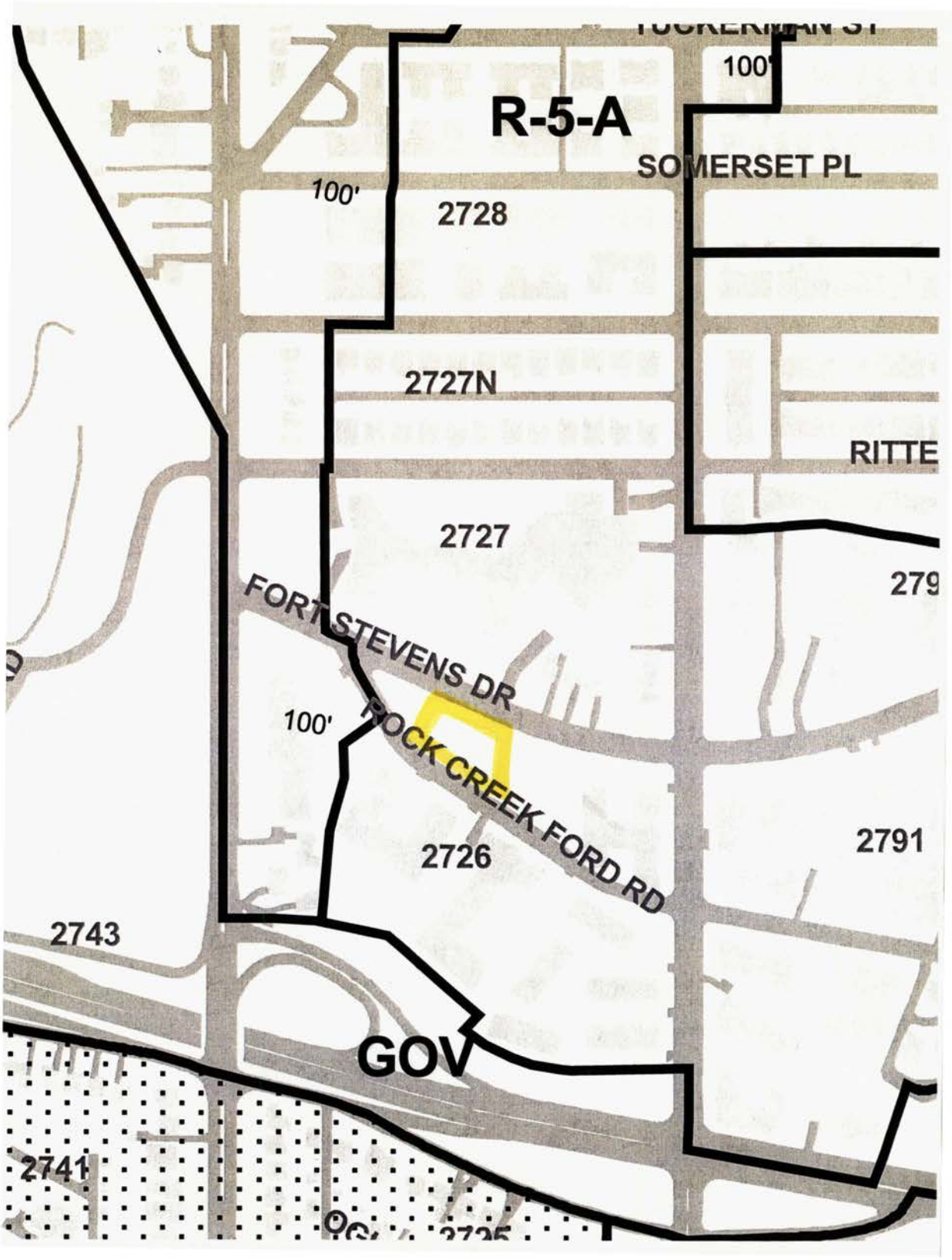
By 
Edward L. Donohue

2099 Pennsylvania Avenue, NW
Suite 100
Washington, D.C. 20006
(202) 955-3000

# A


FORT STEVENS DRIVE
ROCK CREEK ROAD
STREET
823
822
821
2726
812
818
808
MILITARY RD.
MISSOURI
AVE
815
804
27
28
18
19
17
16
13
12

# B


R-5-A
100'
SOMERSET PL
100'
2728
2727N
RITTE
2727
279
FORT STEVENS DR
100'
ROCK CREEK FORD RD
2726
2791
2743
GOV
2741

# C

OUTLINE OF TESTIMONY
APPLICANT
AGG INTERNATIONAL

I. INTRODUCTION

II. PROPOSED DEVELOPMENT

III. EXISTING CONDITIONS AND LIMITATIONS

IV. REQUIREMENTS FOR GRANTING THE SPECIAL EXCEPTION RELIEF HAVE BEEN MET

V. CONCLUSION

OUTLINE OF TESTIMONY
ARCHITECT
AGG INTERNATIONAL

I. INTRODUCTION AND PROFESSIONAL QUALIFICATIONS

II. SITE AND LOCATION DESCRIPTION

A. OVERVIEW OF SITE, VICINITY AND LAND USE/ZONING

B. SITE PLANNING – SIZE, LOT CONFIGURATION, TOPOGRAPHY

III. PROJECT AND BUILDING DESIGN CONSIDERATIONS

IV. ZONING RELIEF IS NEEDED AND THE APPLICANT MEETS ITS BURDEN OF PROOF

V. CONCLUSION

# D

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

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Washington, D.C. 20006
www.hklaw.com

**Outline of Testimony**
**before the Board of Zoning Adjustment**

**BZA Application No. 17381**

**Fort Stevens Drive, N.W.**

**Steven E. Sher, Director of Zoning and Land Use Services**
**Jill G. Cooper, Urban Planner**
**Holland & Knight LLP**

**November 8, 2005**

I. Site location and description

A. Subject property is comprised of Lot 810 in Square 2726

B. Square 2726 is bounded on the north by Fort Stevens Drive, on the south by Missouri Avenue, on the west by 16th Street, and on the east by 14th Street

C. Subject property is located in the northern portion of Square 2726 with frontage on both Rock Creek Ford Road and Fort Stevens Drive

D. Frontage of approximately 167.53 feet along Rock Creek Ford Road and 118.08 feet along Fort Stevens Drive

E. Land area of approximately 7,119 square feet

F. Property currently vacant

II. Description of surrounding area

A. To the north:

1. Fort Stevens Drive, N.W.

2. Rittenhouse Apartments

B. To the east:

1. Multifamily residential uses

C. To the south:

1. Rock Creek Ford Road, N.W.

2. Multifamily residential uses

D. To the west:

1. Vacant land

2. Jewish Primary Day School

III. Existing zoning

A. R-5-A District

1. New residential developments permitted by special exception

2. Height - maximum of forty feet, three stories (§400.1)

3. Floor area ratio – maximum of 0.9 (§402.4)

4. Maximum percentage of lot occupancy – forty percent (§403.2)

5. Rear Yard – twenty feet ((§404.1)

6. Side Yard – three inches per foot of height of building, but not less than eight feet (§405.9)

7. Parking – one space for each dwelling unit (§2101.1)

IV. Proposed development:

A. Four two-story row dwellings with basements

B. Four surface parking spaces

V. Relief required:

A. Special exception for new residential development in the R-5-A zone district (§353)

B. Special exception for multiple buildings to be considered a single building (§410)

VI. Standards for special exception relief (§3103.2)

A. Section 353

1. The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the number of students that can be expected to reside in the project. (§353.2)

2. The Board shall refer the application to the D.C. Departments of Transportation and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects. (§353.3)

3. The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood. (§353.4)

4. In addition to other filing requirements, the developer shall submit to the Board with the application, four site plans and two sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements. (§353.5)

B. Section 410

1. All buildings in the group of buildings shall be erected simultaneously. (§410.2)

2. All front entrances of the group shall abut a street, front yard, or front court. (§410.3)

3. No rear or service entrance shall abut a street, front yard or front court unless below the main floor. (§410.4)

4. No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area. (§410.5)

5. No subdivision of the property shall be authorized until the Board has determined that the following requirements are met: (§410.6)

   (a). There shall be adequate free access to the street from each separate dwellings, group of dwellings, or buildings resulting from the subdivision.

   (b). Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street; and

   (c). There shall be adequate yards, courts, light, and air for each dwelling, group of dwellings, or group of buildings resulting from the subdivision.

6. The height of an individual building in a group of buildings may be measured as follows: Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building. (§410.7)

7. The front entrances of not more than four one-family dwellings, nor more than four dwelling units per floor, shall face any street that abuts the lot. (§410.8)

8. All front entrances of the group shall abut a street, front yard, or front court; provided, that a front entrance may abut a side yard if all one-family dwellings or dwelling units to which the entrance is appurtenant are located no nearer a street upon which the lot abuts than the rear of any part of the group having a front entrance abutting a street, front yard, or front court. (§410.9)

9. No exterior stairway shall be constructed above the level of the joists of the main floor, unless located entirely within the building area of the group. (§410.11)

10. In an R-5-A District, if approved by the Board as a special exception under §3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and be deemed a single building for the purpose

of this title, when the group does not comply with the provisions of §§410.1 through 410.11, subject to the following conditions:

(a). The provisions of §§410.4 and 410.5 shall be complied with; and

(b). The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.

VII. Compliance with standards for special exception relief

A. Section 353

1. The application has been referred to the D.C. Board of Education.

a) Proposed development includes only four residential units, presenting a minimal burden on public schools.

2. The application has been referred to the D.C. Departments of Transportation and Housing and Community Development.

a) Property located between Fort Stevens Drive and Rock Creek Ford Road, with access from Rock Creek Ford Road through two curb cuts.

b) Entrances to the row dwellings will front on Rock Creek Ford Road.

c) Buildings will occupy less than forty percent of the total site. All areas not devoted to the building or parking will be appropriately landscaped.

d) Grading will meet all acceptable standards to prevent soil erosion.

e) Trip generation of the proposed development will be minimal.

f) There will be sidewalks accessing the site that allow for a high level of pedestrian accessibility.

g) There are also several recreational opportunities in the vicinity, including Rock Creek Park.

3. See above comments.

4. All required copies were submitted with the original application.

For all the above reasons, the Applicant satisfies its burden of proof for a special exception pursuant to §353 of the Zoning Regulations.

B. Section 410

1. All buildings in the group of buildings will be erected simultaneously.

2. The front entrances of three of the row dwellings abut Rock Creek Ford Road. The front entrance of Unit 1 abuts a side yard, although the access stairway faces Rock Creek Ford Road.

3. None of the rear entrances abut a street, front yard or front court. There are no service entrances.

4. No exterior stairways are above the level of the joists of the main floor.

5(a). All front entrances directly abut Rock Creek Ford Road, providing adequate free access.

5(b). The development provides adequate access for fire protection and other purposes through the surrounding street system.

5(c). The development includes adequate yards and light and air for each group of dwellings. Each dwelling unit has direct access to light and air and all yards comply with the Zoning Regulations. Each unit includes a roof terrace that provides additional light and air.

6. There is no building that has another building between it and a public street. The height of the buildings in the proposed development has been measured from the curb at the center of the front of the building.

7. Four entrances face Rock Creek Ford Road, which abuts the lot.

8. The front entrances of three of the row dwellings abut Rock Creek Ford Road. The front entrance of Unit 1 abuts a side yard that complies with this provision.

9. No exterior stairway will be constructed above the level of the joists of the main floor.

10(a). As noted above, these provisions will be complied with.

10(b). The new development will significantly increase the vibrancy of the surrounding community. The Property has remained undeveloped for a substantial period of time. The development of the Property will not adversely affect the present character and will have a positive effect on the future development of the area.

VIII. Conclusions

A. Special exception criteria have been met

B. The application should be granted

# Jill G. Cooper, AICP

**Urban Planner**
**Holland & Knight LLP**
**2099 Pennsylvania Avenue, Suite 100**
**Washington, D.C. 20006**
**202-457-1845**
**jill.cooper@hklaw.com**


**Work Experience:**

Holland & Knight LLP, Washington, D.C.
Urban Planner, 2001 to Present

- Prepare and coordinate land use applications in the District of Columbia and multiple jurisdictions throughout Virginia and Maryland.
- Manage land use applications and represent clients before elected and appointed bodies in Virginia jurisdictions.
- Represent clients before community groups in Virginia jurisdictions.
- Prepare feasibility and zoning reviews of properties in the District of Columbia.
- Prepare applications to the District of Columbia Board of Zoning Adjustment.
- Review development proposals for conformance with District of Columbia Zoning Regulations.

Urban Land Institute, Washington, D.C.
Senior Associate, 2000 to 2001

- Coordinated Smart Growth initiatives among regional District Councils.
- Contributed to policy and working papers regarding Smart Growth issues.

McGuireWoods, McLean, Virginia
Land Use Planner, 1997 to 2000

- Prepared and managed land use applications in Fairfax, Loudoun and Prince William Counties and the City of Alexandria.
- Represented clients before elected and appointed bodies and various community groups.
- Prepared feasibility and zoning reviews of properties in Virginia jurisdictions.

Fairfax County Department of Planning and Zoning, Fairfax, Virginia
Zoning Administration Division
Zoning Intern, 1997

- Provided research support for proposed Zoning Ordinance amendments and requests for zoning certification.
- Responded to citizen inquiries regarding zoning regulations.

City of Harrisonburg, Department of Planning and Community Development
Harrisonburg, Virginia
Planning Intern, 1996

- Provided research support for planning and zoning inquiries.
- Prepared map sets illustrating historical zoning changes.

**Education:**

Master of Urban and Environmental Planning, 1998
University of Virginia

Bachelor of Science, Cum Laude, 1996
James Madison University

**Professional Affiliations:**

American Institute of Certified Planners
American Planning Association

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# E




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AGG International
choice designs built with quality

ARCHITECTURA, LTD. ARCHITECTS AND PLANNERS
Lelio Imas, R.A.
8120 Woodmont Avenue, Suite 440, Bethesda,
Maryland 20814 USA (301)654-3700

FORT STEVENS TOWNHOMES

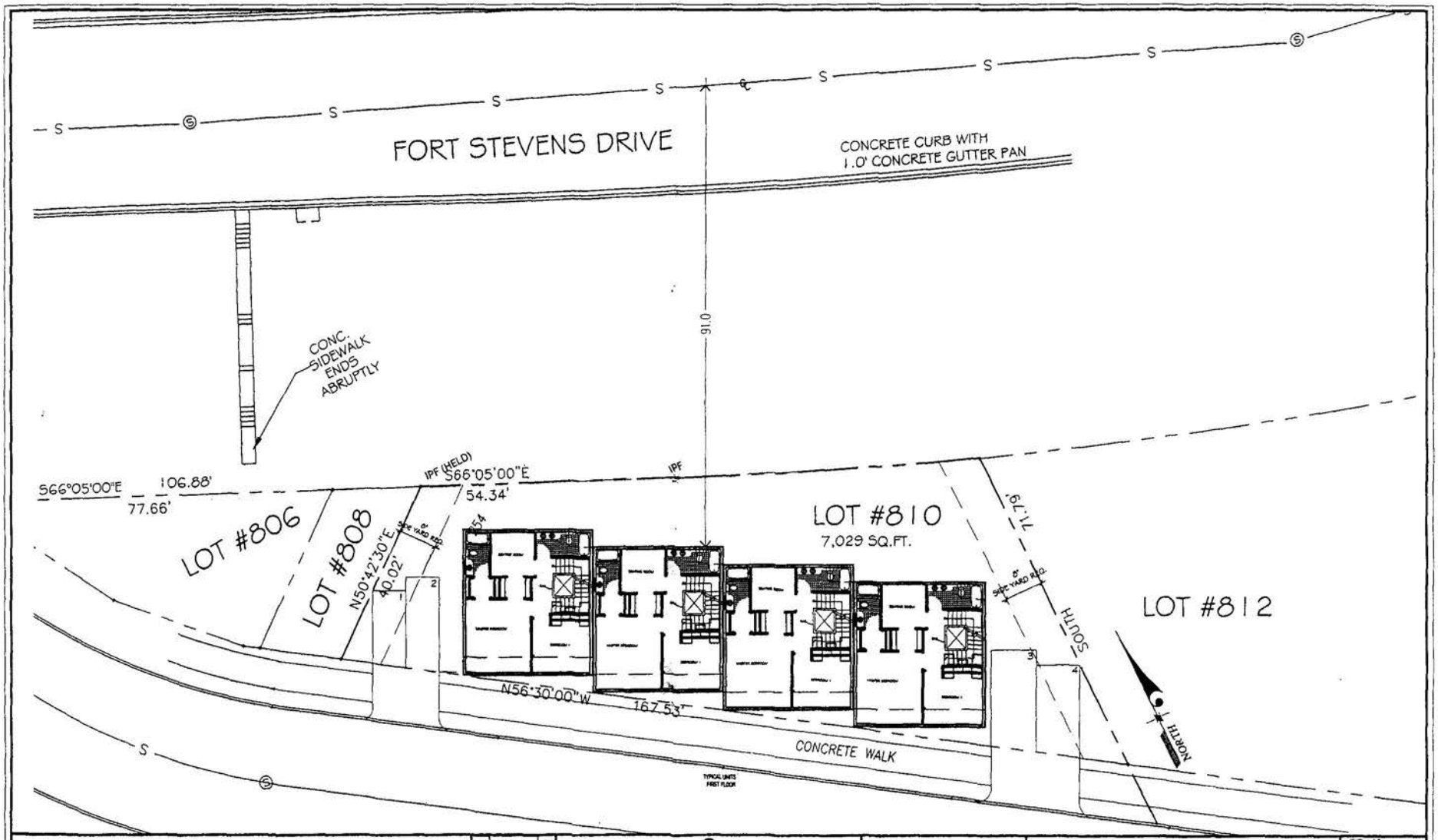
FORT STEVENS DRIVE & ROCK CREEK FORD ROAD N.W.
WASHINGTON D.C.

AERIAL SITE VIEW

DATE: 10-04-2005

SHEET: SITE

# F




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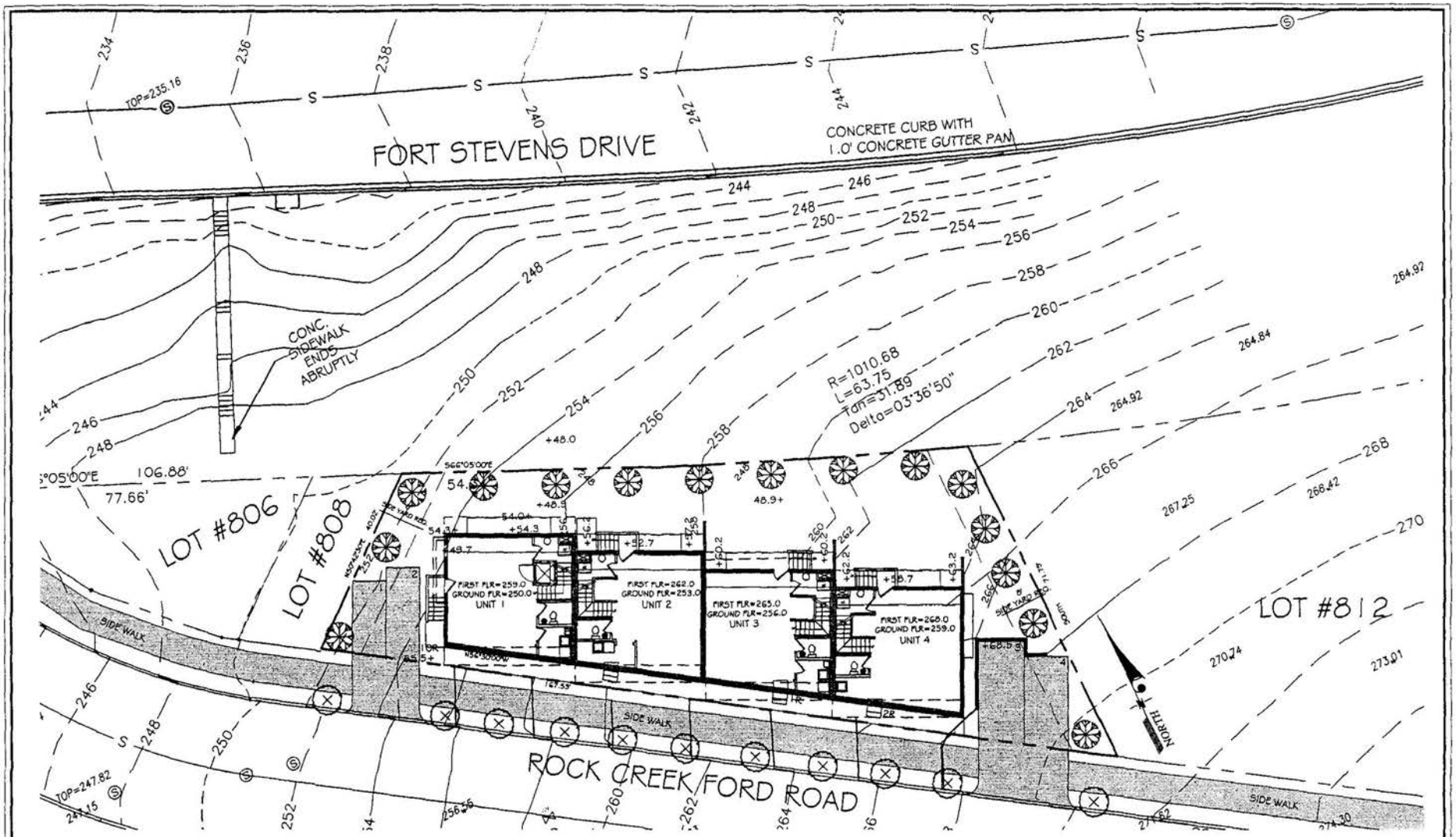
SCALE 1" = 20'

# FORT STEVENS TOWNHOMES

FORT STEVENS DRIVE & ROCK CREEK FORD ROAD N.W.
WASHINGTON D.C.

SITE PLAN SHOWING SECOND FLOOR LAYOUT

A.C.
AS NOTED
10.18.2005
SP-1




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Lelio Imos, R.A.
8120 Woodmont Avenue, Suite 440, Bethesda,
Maryland 20814 USA (301)654-3700

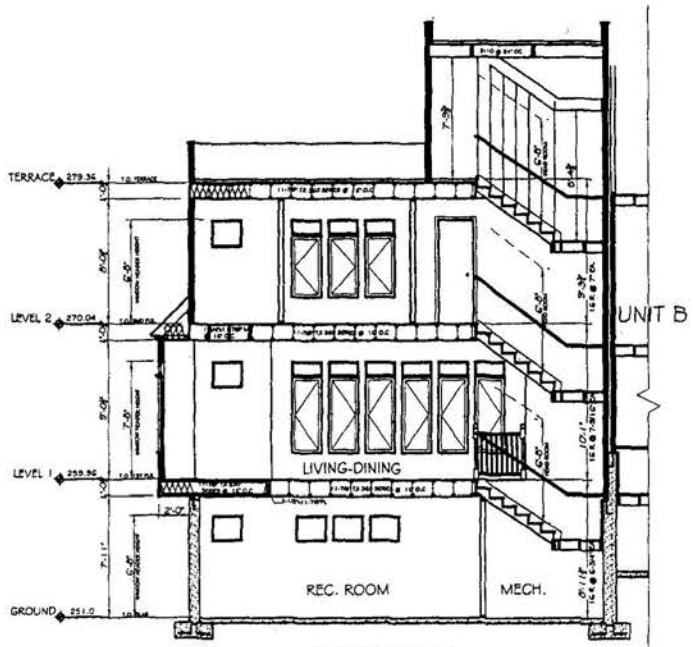
SCALE 1" = 20'

# FORT STEVENS TOWNHOMES

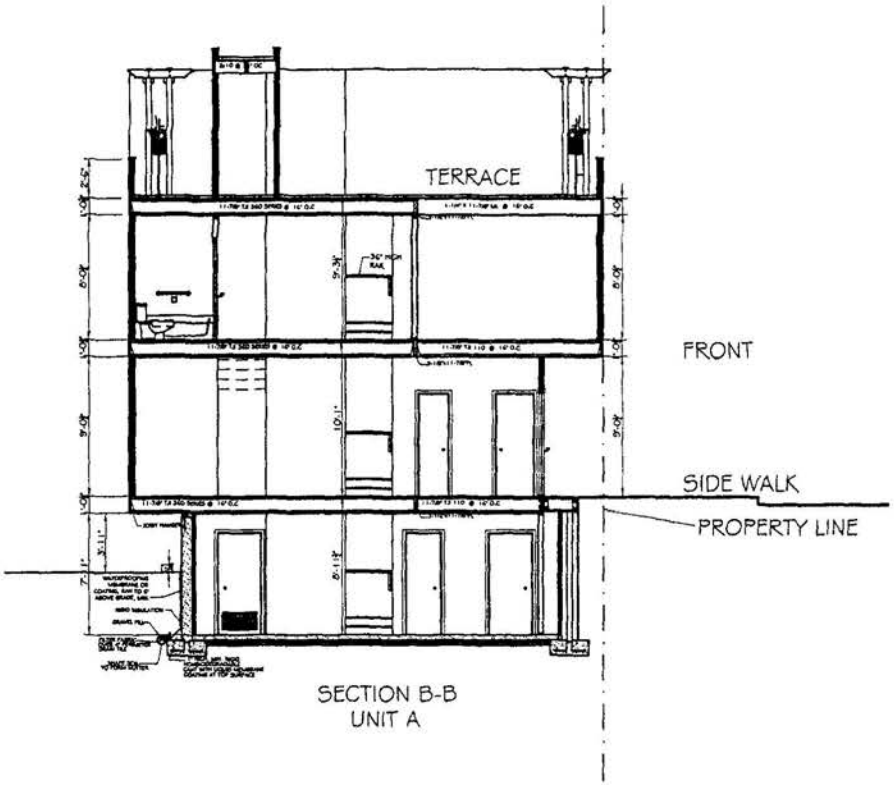
FORT STEVENS DRIVE & ROCK CREEK FORD ROAD N.W.
WASHINGTON D.C.

SITE DEVELOPMENT & LANDSCAPE PLAN

| | |
|---|---|
| DRAWN | J.C. |
| CHECKED | |
| SCALE | AS NOTED |
| DATE | 05.24.2005 |
| SHEET | SP-2 |




SECTION A-A
UNIT A




SECTION B-B
UNIT A

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NOTES:

AGG International
choice designs built with quality

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FORT STEVENS TOWNHOMES

FORT STEVENS DRIVE AND ROCK CREEK FORD ROAD N.W.
WASHINGTON, D.C.

UNIT A - SECTIONS

DRAWN • DMDG
CHECKED • LI / JG
SCALE • DMDG
DATE • AUG. 17, 200
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