BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of AMM Development Inc.
Fort Stevens Drive and Rock Creek Ford Road, N.W.
Square 2726, Lot 810

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

The Subject Property consists of Lot 810 in Square 2726. Square 2726 is irregularly shaped and bounded on the north by Fort Stevens Drive, on the east by 14th Street, on the south by Missouri Avenue, and on the west by 16th Street and Rock Creek Park. Rock Creek Ford Road runs horizontally through the northeast portion of the Square. The Subject Property is located in between Fort Stevens Drive and Rock Creek Ford Road and is approximately 7,119 square feet in area. The Subject Property is currently vacant and is located within a R-5-A Zone District.

The Applicant proposes to develop the Subject Property with four two-story row dwellings consisting of an approximate total of 6,036 square feet. 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 project, the applicant seeks special exception 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.

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 that 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.

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II. Special Exception for New Residential Development (§353)

The Applicant proposes to meet the criteria for new residential development as follows:

A. 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 will be referred to the D.C. Board of Education. The proposed development only includes four residential units – a number that does not present any significant burden on surrounding public schools.

B. 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 will be referred to the D.C. Departments of Transportation and Housing and Community Development. 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.

C. 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)

This application will be referred to the Office of Planning. See the comments on ¶B, above.

D. 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 are hereby submitted.

For the above reasons, and as will be supplemented by the pre-hearing statement, the application will meet burden of proof for a special exception pursuant to §353 of the Zoning Regulations.

III. Special Exception for Multiple Building Considered as a Single Building (§410)

The Applicant proposes to meet the criteria for groups of row dwellings and flats to be considered a single building as follows:

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

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

B. 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.

C. 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.

D. 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.

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

1. 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.

2. 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.

3. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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:

1. The provisions of §§410.4 and 410.5 shall be complied with; and

As noted above, these provisions will be complied with.

2. 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 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.