

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

**Application of Jemal's TP Land LLC
Maple and Willow Streets, N.W.
Square 3357, Lots 808, 811, 818, 26, 27, 28, 29, 40, 814,
815, 819, 820, 824, 825, 840 and 843**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

The Subject Property includes Lots 808, 811, 818, 26, 27, 28, 29, 40, 814, 815, 819, 820, 824, 825, 840 and 843 in Square 3357. Square 3357 is bounded by Carroll Street on the north, Willow Street on the east, Sandy Spring Road on the southwest, and Maple Street on the west. The Subject Property occupies 101,879 square feet in the middle of the square, and is currently improved with three single family dwelling units that will be relocated with the proposed development to elsewhere on the Subject Property. The Subject Property is zoned R-5-A.

The Applicant proposes to develop the Subject Property with two new multiple dwelling buildings, each containing 38 dwelling units. Seventy-six at-grade parking spaces will be provided with the development. As noted above, the existing single family dwelling units will be relocated as shown on the attached plans.

In order to proceed with this project, the applicant seeks special exceptions pursuant to §353.1 for new residential development in the R-5-A zone district and pursuant to §2516.1 in order to locate two or more principal buildings or structures on a single subdivided lot.

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 exceptions. Following herein, as required by the Board's application process, is a statement indicating how the Applicant will

meet said burden of proof.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17679

EXHIBIT NO. 7

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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. There are existing D.C. public schools in the area, including Takoma Educational Center and Coolidge Senior High School.

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 fronts on both Maple and Willow Streets, providing adequate access to the site. All areas not devoted to the building or parking will be appropriately landscaped. Grading will meet all acceptable standards to prevent soil erosion, although as the site is relatively flat, no major grading will be required. There will be sidewalks accessing the site that allow for a high level of pedestrian accessibility. There are also several recreational opportunities in the vicinity, including the athletic facilities at Coolidge Senior High School and small parks in both the District and neighboring Prince George's County.

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)

The site plan has been arranged to provide for maximum accessibility, pedestrian and vehicular flow, and light and air for both the multiple and single family dwelling units. The two multiple family buildings are over eighty feet apart with landscaping throughout the site. The relocated single family homes are appropriately screened from the multiple family dwellings and have been located adjacent to other single family homes instead of closer to the commercial use to the north of the Subject Property where they are currently located.

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)

Twenty copies of all of the required plans are hereby submitted.

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

III. Special Exception for Theoretical Building Sites (§2516.1)

The Applicant proposes to meet the criteria for two or more principal buildings or structures to be erected on a single subdivided lot as follows:

A. This section applies to construction on a lot that is located in, or within 25 feet of, a Residence District. (§2516.2)

The Subject Property is located in a R-5-A zone district.

B. In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four site plans for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints, provided: (§2516.3)

1. The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans and two sets of typical floor plans and elevations; and

2. If the applicant elects to submit the plans referenced above at a later date, the Board's original approval shall be conditional, subject to a later public hearing and final decision on the project as a whole.

All required plans are submitted with this application.

C. The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to Section 2507 and 3202.2 and 3202.3 are met. (§2516.4)

As set forth on page G100 of the attached architectural plans, the proposed development meets all applicable zoning requirements.

D. 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: (§2516.5)

This provision is not applicable as all theoretical building sites have street frontage.

E. In providing net density pursuant to Section 2516.11, the Board shall require at least the following: (§2516.6)

1. The area of land that forms a covenanted 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.

This provision is not applicable as each lot provides its own direct access and means of ingress and egress.

2. Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be 25 feet in width, but need not be paved for its entire width;

Each means of vehicular ingress and egress is at least 25 feet in width. The principal buildings will each have direct access from either Maple Street or Willow Street or both (in the case of the multiple family dwellings).

3. If there are not at least two entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than 60 feet; and

There are at least two entrances or exits from the means of ingress or egress.

4. The requirements of paragraphs (1) and (2) above may be modified if the Board finds that a lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.

F. Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia, the height of a building governed by the provisions of this section, in all zone districts, shall be measured from the finished grade at the middle of the front of the building. (§2516.7)

The building heights have been measured accordingly.

G. The provisions of this section shall also apply to buildings erected under the terms and conditions of Section 410, relating to a group of one-family dwellings, flats, or apartment houses, or a combination of such buildings. (§2516.8)

This provision was repealed in conjunction with the deletion of Section 410..

H. 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. (§2516.9)

The proposed development complies with the substantive provisions of the zoning regulations. The development will not have an adverse effect on the present character and future development of the neighborhood, as it will provide a high-quality residential development that will contribute to the vitality of the Takoma Park community. The development includes landscaping and sidewalks that will create an attractive and accessible site. The project also provides additional residential uses in an area designated as such in the Comprehensive Plan.

I. 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: (§2516.10)

1. 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 as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided that the planning considerations that are addressed shall include, but not be limited to:

- (a) Public safety relating to police and fire concerns;
The project will meet all standards for public safety.
- (b) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;
The project will meet all environmental standards. As noted above, the site requires no major regrading.
- (c) Public education;
As noted above, the site is served by Coolidge Senior High School and Takoma Educational Center.
- (d) Recreation;
The site is served by several small area parks and the facilities at Coolidge Senior High School.

- (e) **Parking, loading, and traffic;**
Adequate parking and loading are provided on-site pursuant to the Zoning Regulations. The additional dwelling units will not negatively impact the traffic patterns on surrounding streets.

- (f) **Urban design; and**
The site has been designed to relocate the existing single family dwellings closer to adjacent single family dwellings, while establishing the new multiple family buildings adjacent to commercial uses. The site is attractively landscaped and designed to be pedestrian accessible.

- (g) **As appropriate, historic preservation and visual impacts on adjacent parkland.**
Concept approval by the Historic Preservation Review Board has been obtained for the proposed development. The site is not adjacent to parkland.

2. **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.**

As noted above, the site has been planned to provide a transition between single family residential, multiple family residential, and commercial land uses. Appropriate screening has been established between these uses. The driveways have been located at the opposite end of the site from the single family residential uses so as to minimize conflict or disruption. Loading areas have been carefully sited to minimize disruption as well, and meet the requirements set forth in the Zoning Regulations. Side and rear yards, density, and open space also meet the requirements set forth in the Zoning Regulations.

3. **Considerations of traffic to be generated and parking spaces to be provided, and their impacts.**

Parking is provided at a one-to-one ratio as required by the Zoning Regulations. The additional of 76 dwelling units will not negatively impact the surrounding traffic patterns.

4. The impact of the proposed development on neighboring properties; and

As noted above, the development will not have a negative impact on neighboring properties due to adequate screening, the placement of driveways, and the transition of land uses from south to north.

5. The findings, considerations, and recommendations of other District government agencies.

J. The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations. (§2516.11)