

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

**Application for Square 3883, Lot 843**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

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This statement is submitted by Mary House Inc. (“Mary House” or the “Applicant”), the owner of property located at Lot 843 in Square 3883 (the “Site”) in support of its application for special exception approval pursuant to Subtitle X § 901.2 and Subtitle U § 421 to construct a residential development in the RA-1 Zone District. The Applicant also requests special exception approval pursuant to Subtitle X § 901.2 and Subtitle C § 710.3 to allow surface parking spaces in the front yard of the residential building.

Pursuant to Subtitle Y § 300.15 of the Zoning Regulations, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment (“BZA” or the “Board”) no fewer than twenty one days prior to the public hearing for the application. In this statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested special exceptions. The following is a preliminary statement demonstrating how the Applicant meets the burden of proof.

**I. Background**

**A. Description of the Site and Surrounding Area**

The Site consists of Lot 843 in Square 3883 and is zoned RA-1. The Site contains approximately 17,252 square feet of land area and is bounded by a vacant lot and the Archdiocese for the Military Services to the north, a detached single family home to the east, a multifamily residential building to the south, and Bunker Hill Road to the west, all located in the northeast quadrant of the District of Columbia. The Site is located approximately 0.2 miles from the Brookland-CUA Metrorail station, serviced by the redline, and approximately 0.1 miles from two Priority Corridor Metrobus route stops (80 and G8). The Site is currently improved with a two-story apartment house that has a maximum building height of approximately 23 feet, 1 ¼ inches that contains six apartments. The existing building has a nonconforming side yard measuring 7 feet, 4 inches.

**B. Background on Mary House Inc.**

Mary House is a non-profit organization that was founded on August 13, 1981 and has been serving immigrant and refugee parents and children in Washington, D.C. ever since. Mary House works primarily with low-income Latin American families, as well as families from East Africa and the Middle East. With fifteen sites in Northeast Washington D.C. and Takoma Park, Maryland, Mary House provides housing for approximately 60 families. Additional support provided by Mary House serve an additional hundred families every month. During its thirty two year history, Mary House has sheltered and cared for hundreds of families. With the assistance of

Mary House family advocates, families living in transitional housing work to secure stable employment, pursue education, and address health care issues.

Mary House also runs a free after school tutoring and mentor program, which serves up to thirty students at a time. Many of the students the Applicant works with live in homes where English is not the first language. As a result, May House works with children to improve their reading, writing and comprehension skills. The Applicant aims to provide a safe and nurturing environment where kids complete their homework, have access to help from tutors, and receive mentoring from DC high school and college volunteers. Mary House also offers a monthly food pantry providing basic ingredients and produce, as well as a supplemental food program for children in their after school program.

### C. The Modernization and Expansion

The Applicant proposes to modernize and expand the existing building on the Site in order to accommodate additional families within the District. The modernized and expanded residential apartment building will have a floor area ratio (“FAR”) of 0.90 and will occupy approximately 38.7% of the Site (the “Project”). The Project includes an addition to the south existing building that will have a maximum height of 37 feet, 4 inches and includes 12 additional apartments, for a total of 18. The building will contain nine 2-bedroom units and two 1-bedroom units. The Applicant will provide two screened parking spaces in the existing parking lot in the front yard of the Site. Since the Site is located within 0.5 miles of a Metrorail station the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 is reduced by 50%, and thus only two parking spaces are required. The Project includes a mechanical penthouse, which has a maximum height of 6 feet. All portions of the penthouse will be set back 1:1 from the edge roof on which it sits.

## II. Special Exception Approval

Pursuant to D.C. Code §6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception approval, “[t]he Board’s discretion... is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.* Public service and non-profit organizations may come under a more lenient burden of proof with respect to the test for relief from the Zoning Regulations. *See Monaco v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091 (D.C. 1979).

A. New Residential Development in the RA-1 Zone District

The Applicant seeks to construct an extension to the existing residential building on the Site, which will contain 12 additional apartments. Subtitle U § 421.1 states that all new residential developments in the RA-1 Zone District, except detached and semi-detached single-family dwellings, must be reviewed by the BZA as special exceptions under Subtitle X, in accordance with the requirements of Subtitle U § 421.2 through 421.4.

First, under subsection 421.2(a), the BZA is required to refer the application to relevant District agencies for comment and recommendations as to the adequacy of existing and planned area schools to accommodate the number of students that can be expected to reside at the Site. The Site is currently assigned to Bunker Hill Elementary School, Brookland Middle School, and Dunbar High School (*see* [dcAtlas.dcgis.dc.gov/schools](http://dcAtlas.dcgis.dc.gov/schools)). It is the Applicant's understanding that the D.C. public school system has adequate capacity to accommodate any future children living in the proposed development at the Site.

Second, under subsection 421.2(b), the BZA is required to refer the application to the relevant District Agencies 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. In this case, the public streets immediately surrounding the Site are paved in compliance with the District's standards and have capacity to serve the needs of the Site. The Site is located near the Turkey Thicket Recreation center and the new development will be well-sited to provide easy access to this community facility.

Third, under subsection 421.3 the BZA is required to refer the application to the 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 surrounding neighborhood, and the relationship of the proposed project to public plans and project. The Applicant will position the building on the Site such that it provides adequate light and air for future residents and those in the surrounding buildings. As noted above, the Site is located in close proximity to a large recreation center. Moreover, the Site includes an existing children's play area that will be retained by the Applicant. In addition, the proposed parking in the front yard will be adequately screened from Bunker Hill Road.

Finally, in conformance with subsection 421.4, the Applicant has submitted the requisite site plans, typical floor plans, elevations, grading plans, landscaping plans, and plans for all new rights-of-way and easements.

B. Location of Surface Parking Spaces

The Applicant seeks special exception approval pursuant to Subtitle X § 901.2 and Subtitle C § 710.3 to provide two screened parking spaces in the front yard of the Site. Subtitle C § 710.2 states that vehicle parking spaces may be located on an open area of a lot, except in any zone other than a PDR zone, surface parking spaces shall not be located within a front yard. Pursuant to Subtitle C § 710.3, the BZA may allow surface parking spaces to be located

anywhere on the lot upon which the building or structure is located in accordance with the general special exception requirements of Subtitle X, and the applicant's demonstration of the compliance with the following:

- a. *The Board of Zoning Adjustment shall determine that it is not practical to locate the spaces in accordance with Subtitle C § 710.2 for the following reasons:*
  1. *Unusual topography, grades, shape, size, or dimensions of the lot;*
  2. *The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;*
  3. *Traffic hazards caused by unusual street grades; or*
  4. *The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.*
- b. *The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve; and*
- c. *The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve to assure the continued provision and maintenance of the spaces.*

The Applicant proposes to provide two parking spaces in the front yard of the Site that will be screened behind a 42 inch tall fence. The Site is not accessible via an existing public alley or Otis Street and the only form of access is from Bunker Hill Road. If the parking was provided in the rear of the Site, the Applicant would be required to construct a driveway from Bunker Hill Road to the rear of the Site, which would prevent the Applicant from constructing the addition to the existing building and removal of the existing play area at the rear of the Site. In addition, if the parking was located in the rear of the Site it would be located in proximity to the detached single family homes located to the east of the Site. As a result, the proposed location results in less adverse impact to neighboring properties since the parking is only located adjacent to Bunker Hill Road. The surface parking area also includes a turnaround area for cars that access the Site and thus the provided parking is reasonable and convenient for the occupants of the building and guests of the building.

Accordingly, the Project is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception approval under Subtitle X § 901.2, Subtitle U § 421, and Subtitle C § 710.3 of the Zoning Regulations.

### **III. Affected Advisory Neighborhood Commission**

As required under Subtitle Y § 300.8(1), the Applicant has apprised Advisory Neighborhood Commission ("ANC") 5B of the BZA application. The Applicant will continue to coordinate with ANC 5B, the Office of Planning, and other interested stakeholders between the time of filing the subject application and the public hearing. As part of its prehearing statement

that will be filed no less than 21 days prior to the public hearing, the Applicant will include a statement describing the efforts made to discuss the application and receive comments from these entities.