

Adam and Sarah Newton
828 Varnum Street NW
Washington, DC 20011

September 18, 2026

VIA IZIS AND E-MAIL (bzasubmissions@dc.gov)

Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street NW, Suite 200/210-S
Washington, DC 20001

Re: BZA Application No. 21490 of District Line Development, LLC
827–829 Upshur Street NW (Square 3024, Lots 71 & 72) — MU-4 — ANC 4C01
Public Hearing: September 23, 2026
STATEMENT IN OPPOSITION

Dear Chairperson and Members of the Board:

We own and live at 828 Varnum Street NW (Square 3024, Lot 48), in the same square as the subject property and within the 200-foot notice area. According to the District’s property maps, our rear lot line is roughly 80 feet north of the site’s rear lot line; only the public alleys and the surface parking lot on Lot 80 lie between them. We have reviewed the full record, including the Applicant’s Statement (Ex. 7), the Form 135 self-certification (Ex. 4), the revised plans (Ex. 17A), and the OP and DDOT reports (Exs. 18 and 19). We are unable to appear at the hearing and ask that this statement be given full consideration in our absence.

We ask the Board to **deny** the application as presented. In summary: (1) the project is a 21-bedroom building that the Applicant and both agency reports analyze as if it were seven ordinary apartments; (2) the 75 percent lot occupancy requested is the figure the Zoning Regulations reserve for Inclusionary Zoning developments, and this project provides no affordable housing; (3) DDOT confirms that every resident will be eligible for Zone 4 parking permits, and no one has analyzed the effect on the adjacent residential blocks; (4) this is the same principals’ third special exception application in this square, and in the last one they told this Board that on-site parking would “alleviate any concerns about parking,” yet they now propose none; and (5) the Applicant has not carried its burden under Subtitle X § 901.3 “to prove no undue adverse impact.” If the Board is nonetheless inclined to grant relief, we ask that the conditions in Section 6 be written into the order.

1. The record understates the intensity of what is proposed

The Applicant describes “seven new residential apartment units” and calls its parking relief “minimal and limited in scope” (Ex. 7 at 6). Its Statement never mentions bedrooms. The revised plans show that every one of the seven units has three bedrooms, for **21 bedrooms** in units of roughly 600 to 786 square feet (Ex. 17A, Sheets A101–A102; Ex. 18 at 2). The bedrooms range from 71 to 118 square feet; twelve of the twenty-one are under 80 square feet; each unit has two bathrooms and a shared living area of 193 to 352 square feet. A bedroom-by-bedroom schedule taken from the plans is in Attachment A.

The record does not say whether these units will be leased whole, leased by the bedroom, or sold as condominiums. The layout matches what the District’s Zoning Administrator describes as co-living, in which bedrooms “are separately leased on an individual basis” yet “are not considered dwelling

units themselves under the Zoning Regulations” (DOB Interpretation ZA-032, June 20, 2024). Under any form of tenure, however, three bedrooms of this size in a 600-to-786-square-foot unit are suited to three adults rather than to a family, and the building can house 21 or more adults. Both the one-space parking requirement and the ten-unit Inclusionary Zoning threshold are computed by counting units rather than bedrooms. The question under Subtitle X § 901.2(b) is the actual effect on neighboring property. An analysis premised on seven apartments does not answer that question for a 21-bedroom building, and neither OP nor DDOT mentions the bedroom count.

2. Lot occupancy relief (Subtitle G § 210.1)

- **The Applicant is requesting the Inclusionary Zoning figure without providing Inclusionary Zoning.** The MU-4 zone permits 60 percent residential lot occupancy, and 75 percent for Inclusionary Zoning developments. The 75 percent sought here is therefore the bonus the regulations offer in exchange for affordable housing. At seven units this project falls below the ten-unit IZ threshold, uses the non-IZ 2.5 FAR (Ex. 18 at 2), and provides no affordable units. Granting the IZ lot occupancy by special exception to a market-rate project that stays under the IZ threshold is not “in harmony with the general purpose and intent of the Zoning Regulations” (Subtitle X § 901.2(a)). Neither the Applicant nor OP addresses this.
- **The actual deviation is larger than 75 percent suggests.** The Applicant’s Form 135 lists proposed lot occupancy as “99% / 75% (Levels 2–3),” a deviation of “39% / 15%” (Ex. 4 at 2). The revised plans, filed September 2, place a new three-bedroom dwelling (Unit 1) at the rear of the ground floor, where the building covers 99 percent of the lot, has no rear yard, and has bedroom windows on the alley lot line (Ex. 17A, A101). OP’s report analyzes only the 75 percent upper floors. Because the application is self-certified, we ask the Board to satisfy itself that introducing a residential use into the portion of the existing structure that occupies the required rear yard does not extend an existing nonconformity (see Subtitle C § 202.2) or require relief that was not advertised.
- **The stated reason for relief is to maximize floor area at lower cost.** The Applicant explains that a compliant design would require “three smaller stories rather than the two stories proposed” in order “to maximize the FAR available,” which “would be prohibitively expensive” (Ex. 7 at 3). The project reaches 2.49 of a permitted 2.50 FAR. A building that respects the 60 percent limit is feasible; the relief serves yield, and the added yield is what produces 21 bedrooms on a 3,013-square-foot lot with no parking, no loading, and no open space.
- **The solar study does not show neighboring property.** Sheet A202 depicts 10 a.m. and 2 p.m. on the two solstices only, is cropped at the edges of the site, and shows no neighboring building or yard. OP acknowledges “additional shadow cast to the northwest and northeast” (Ex. 18 at 4). The Varnum Street rear yards lie to the north and northeast, about 100 feet from the new rear wall. On this record the Board cannot see where winter afternoon shadows fall.
- **Rear-facing impacts and trash are unaddressed.** The rear elevation shows eight north-facing windows on Levels 2 and 3 looking toward the Varnum Street rear yards, and a 20-foot-deep low roof that holds the building’s condensers, is enclosed by a guardrail, and is reached by a ladder (Ex. 17A, A100, A200). Nothing in the record limits use of that roof or addresses mechanical noise. DDOT notes that all trash must be stored on private property and collected privately at the rear (Ex. 19 at 2–3), yet the only storage shown is one small room labeled “Residential Trash.” None is shown for the retail space, for which the plans provide a grease duct. With 99 percent lot coverage, overflow will end up in the public alleys that serve our homes.

3. Parking relief (Subtitle C §§ 701.5, 703)

We do not dispute that the site is close to transit or that the existing one-story building fills the lot. Our objection is to granting relief with no conditions and no analysis of where the residents' vehicles will go.

- **The residents will be eligible for Zone 4 RPP permits.** DDOT states this expressly: the 800 block of Upshur Street is in the RPP database, and “residents on site are eligible to obtain Zone 4 parking permits” (Ex. 19 at 2). With zero on-site spaces, every vehicle owned by the building’s residents will be parked on the surrounding RPP blocks. The 800 block of Varnum Street is the nearest residential one.
- **No agency analyzed that effect.** DDOT finds minimal impact on “the transportation network” but does not address curbside supply on adjacent residential blocks, and it requires no TDM plan because fewer than four spaces are at issue. OP’s § 901.2(b) discussion of parking addresses only whether a space is practical to build, not the effect on neighboring property (Ex. 18 at 4).
- **The Applicant offered no demand evidence.** Subtitle C § 703.3 requires that any reduction be proportionate to the reduction in parking demand “demonstrated by the applicant.” The Statement recites distances to transit. It contains no estimate of vehicle ownership for a 21-bedroom building and no survey of on-street availability. It also does not address whether a space could be secured within 600 feet under § 703.2(a), although a surface parking lot sits directly behind the site.
- **Existing conditions.** DDOT’s published meter data shows that curb parking on both sides of the 800 block of Upshur Street, and on the adjacent 4200 block of 9th Street, is metered with a two-hour limit. Longer-term parkers are therefore pushed onto the nearby residential blocks. In our direct experience, the 800 block of Varnum Street is frequently full in the evening, and residents are regularly unable to park on their own block.

4. The same principals’ prior cases in Square 3024

This is the third special exception application these principals have brought in our square in eight years, and the second from the MU-4 lot occupancy limit. All three were presented by the same counsel. We raise the earlier cases only for what they show about the issues now before the Board. Sources are listed in Attachment A.

- **845 Upshur Street NW, two doors west of the site (Case No. 19883, 2018).** The applicant was 845 Upshur LLC; District permit records for that project name Matthew Medvene as owner, and the Applicant’s website presents it as its “Upshur St Holdings” project. The Board granted lot occupancy of 81.3 percent against the same 60 percent limit. That project kept the required 15-foot rear yard and produced four two-bedroom units, eight bedrooms, above the retail space on a 1,790-square-foot lot. Counsel told the Board then that units under 500 square feet would be “micro-unit size” (Case 19883, Ex. 8 at 4). The present proposal places a dwelling at grade with no rear yard and puts 21 bedrooms on 3,013 square feet, which is over 50 percent more bedrooms per square foot of land than the same principals built two doors away. Relief granted one lot at a time becomes the context cited for the next request. We ask the Board to weigh the cumulative effect on this square and not only this lot.
- **826 Varnum Street NW, the lot adjoining ours (Case No. 20667, 2022).** In the Application of Samuel C. Medvene, Matthew Medvene, the Applicant’s witness here, testified that he was

“the applicant and one of the owners with my brother” (Tr. 48); the architect was also the same. Counsel told the Board: “We’re also providing two parking spaces, will help to alleviate any concerns about parking” (Tr. 35; Case 20667, Ex. 32). The Chairperson relied on that point in deliberation: “they’re providing two parking spaces to take parking off the road” (Tr. 59). That was for three units. For seven units and 21 bedrooms one block away, they now propose zero spaces, and their Statement says nothing about on-street conditions that they know firsthand. This is also the Applicant’s second zero-parking request in fourteen months (Case No. 21312, July 2025: 29 units, three spaces required, none provided).

- **Both projects grew after approval.** Seven weeks after the order in Case No. 19883, the applicant returned for a modification adding a rooftop penthouse (Case No. 19883A); its website describes the finished building as having “a rooftop deck and penthouse.” At 826 Varnum, the Board was told the building would contain a two-, a three-, and a four-bedroom unit, nine bedrooms in all (Tr. 34; Case 20667, Ex. 32); public listings show the completed units were marketed in 2023 with three, three, and five bedrooms, eleven in all. We do not suggest any violation. The penthouse was approved, and interior layouts are not controlled by a zoning order. The point is that occupancy and rooftop use drive the impacts at issue here, and both can grow after approval unless the order addresses them. Minor modifications are served only on parties, so neighbors who are not parties receive no notice of them.
- **Commitments that are not in the order are not enforceable.** In Case No. 20667 the Applicant agreed on the record to ANC 4C’s conditions (Tr. 57–58), but the Board “did not adopt these as conditions of the final order” (Order at 1). In Case No. 21312 the Board likewise did not adopt DDOT’s recommended TDM condition or OP’s trash conditions (Order at 1–2). Assurances given at a hearing do not bind contractors, purchasers, or successors. Conditions in the Board’s order do.

5. Questions we ask the Board to put to the Applicant

Because we cannot attend, we respectfully ask the Board to obtain answers to the following on the record:

1. Will the units be rented or sold as condominiums? Will bedrooms be leased individually? How many residents and how many vehicles does the Applicant expect? At 845 Upshur Street the same principals built two-bedroom units; why are three bedrooms of 71 to 118 square feet proposed in every unit here?
2. Why does the Applicant seek the 75 percent lot occupancy reserved for Inclusionary Zoning developments while providing no affordable units?
3. Why did two on-site spaces “alleviate” parking concerns for three units at 826 Varnum Street, while none are needed for seven units here? Will the Applicant commit to the RPP restriction in Section 6?
4. Where will retail trash and grease be stored, and at what hours and from which alley will collection occur?
5. Will the Applicant provide a shadow study that shows the Varnum Street properties, including winter afternoon hours?
6. Does the new ground-floor dwelling unit require rear yard or other relief beyond what was self-certified?

6. Conditions requested in the alternative (Subtitle X § 901.4)

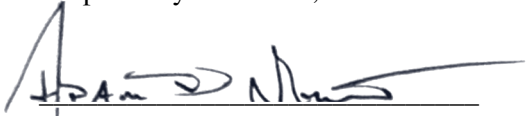
DDOT's report confirms RPP eligibility and proposes no restriction, so the only protection available to adjacent blocks is a commitment that binds the Applicant and its successors. For the reasons in Section 4, we ask that any conditions be stated in the order itself rather than accepted as assurances at the hearing:

1. The Applicant shall record a covenant against the property, and shall include in any condominium declaration and bylaws and in every lease, a provision prohibiting owners and residents from obtaining Residential Permit Parking permits; shall disclose the restriction in writing to every prospective purchaser or tenant; shall request that DDOT and DMV remove the property from the RPP-eligible database; and shall, upon request of ANC 4C, document compliance.
2. The project shall contain no more than seven dwelling units and no more than the 21 bedrooms shown on Exhibit 17A.
3. The Applicant shall provide secure, indoor long-term bicycle parking for residents and a transit or bikeshare benefit for initial occupants, consistent with its reliance on those modes to justify zero parking.
4. The rear low roof shall be used for mechanical equipment only and not as a terrace or amenity space; the condensers shall be screened and acoustically treated toward the north; and no roof deck or penthouse shall be added except through a modification noticed to all owners within 200 feet.
5. All residential and retail trash, recycling, and grease shall be stored inside the building, with private collection no earlier than 7:00 a.m., and no containers shall be kept in the public alleys.
6. Before any demolition or construction begins, the Applicant shall enter into a written construction management agreement with neighboring owners in Square 3024 that keeps the public alleys open, limits work to permitted scope and hours, addresses staging, dust, debris, and pest abatement, and names a point of contact with authority over the contractor.

If the Board finds the record incomplete on any of these points, we ask that it keep the record open for a context shadow study and for evidence of expected occupancy and vehicle ownership, rather than approve on the present record. We note that the revised plans introducing the ground-floor dwelling were filed 21 days before the hearing, that the agency reports were filed 12 days before it, and that, although ANC 4C listed this case on its September 9 agenda, no ANC report was in the record as of this writing. We ask the Board to give great weight to any issues and concerns ANC 4C raises.

Thank you for considering our position. We ask that this statement and its attachment be entered into the record.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Adam Newton", written over a horizontal line.

Adam Newton

A handwritten signature in dark ink, appearing to read "Sarah Newton", written over a horizontal line.

Sarah Newton

828 Varnum Street NW, Washington, DC 20011

Attachment A: Bedroom schedule, zoning data, and sources

cc: Commissioner Emily Winternitz, ANC 4C01; Advisory Neighborhood Commission 4C

Philip Y. A. Isaiah, D.C. Office of Planning

Zachary G. Williams, Esq., Venable LLP, counsel for the Applicant

ATTACHMENT A

BZA Application No. 21490 — Bedroom Schedule, Zoning Data, and Sources

1. Bedroom schedule (areas as labeled on Exhibit 17A, Sheets A101 and A102)

Unit	Level	Bedroom A	Bedroom B	Bedroom C	Shared living area
1	1 (rear, at alley)	91 sf	73 sf	73 sf	352 sf
2	2	85 sf	74 sf	105 sf	246 sf
3	2	71 sf	73 sf	97 sf	226 sf
4	2	75 sf	71 sf	86 sf	195 sf
5	3	85 sf	74 sf	118 sf	269 sf
6	3	79 sf	79 sf	105 sf	233 sf
7	3	75 sf	71 sf	95 sf	193 sf

Totals: 7 units; 21 bedrooms; 1,755 sf of bedroom area (average 84 sf); 12 bedrooms under 80 sf; two bathrooms per unit. OP describes the units as “7 three-bedroom units ranging from 600 to 786 sq. ft.” (Ex. 18 at 2).

2. Zoning data from the record

Item	Permitted / required	Proposed	Source
Lot area	—	3,013 sf (37.7 ft x 80 ft)	Ex. 4; Ex. 18
Residential lot occupancy	60% (75% for IZ developments)	99% ground floor; 75% Levels 2–3	Ex. 4 at 2; Ex. 18 at 2
FAR	2.5 (3.0 for IZ)	2.49	Ex. 18 at 2
Vehicle parking	1 space	0	Ex. 19 at 1
Long-term bicycle parking	0 (under 8 units)	0 (3 short-term spaces)	Ex. 18 at 2; Ex. 19 at 2
Affordable (IZ) units	None required under 10 units	None	Ex. 7; Ex. 18
RPP eligibility of residents	—	Eligible for Zone 4 permits	Ex. 19 at 2

3. Site context from District data (DC GIS / opendata.dc.gov, accessed September 17–18, 2026)

- **Lots.** Subject property: Square 3024, Lots 71 and 72. Our property: Square 3024, Lot 48. Rear lot line to rear lot line is approximately 24 meters (about 80 feet). The intervening land is public alley and Lot 80, which OP describes as “a gravel surface parking lot” (Ex. 18 at 4).
- **Parking meters (DDOT Parking Meters dataset).** 14 single-space meters on the north and south sides of the 800 block of Upshur Street NW: two-hour limit, 7:00 a.m. to 6:30 p.m., Monday through Saturday. A multi-space meter serves the 4200 block of 9th Street NW on similar terms.
- **Residential Permit Parking (DDOT RPP Block dataset).** The 800 block of Varnum Street NW and the 800 block of Upshur Street NW are both listed as active RPP blocks in Ward 4.
- **Co-living interpretation.** D.C. Department of Buildings, Zoning Administrator Interpretation ZA-032, “Applying Inclusionary Zoning Standards to Co-living Dwelling Units” (June 20, 2024), available at dob.dc.gov.

4. Sources for Section 4 of this statement

- **BZA Case Nos. 19883 and 19883A,** 845 Upshur LLC, 845 Upshur Street NW (Square 3024, Lot 56). OP Report (Ex. 30): lot occupancy “60% maximum, 40% existing, 81.3% proposed”; rear yard 15 ft., conforming; lot area 1,790 sq. ft. Summary Order dated December 10, 2018. Burden of Proof (Ex. 8 at 4): “micro-unit size of less than 500 square feet per unit.” Request for minor modification filed January 31, 2019; order of March 21, 2019 approving a 222-square-foot penthouse. Counsel: Zachary G. Williams.

- **Link to the Applicant.** DC building permits B1901714, B1901608, and B1901756 (2019) for 845 Upshur St NW list “Matt Medvene” as owner; permit B1901714 describes “a third floor addition and a roof access penthouse above an existing L1 commercial retail space. The two upper floors will be 4 apartment units.” District tax records list 845 Upshur LLC and 826 Varnum Street LLC at 700 Randolph St NW, which DLCP records show as the registered address of District Line Development L.L.C. The Applicant’s website (districtlinedevelopment.com, “Upshur St Holdings”) describes “a mixed use, five unit building” with “a rooftop deck and penthouse” and “two, two bed, one bathroom residential units on each the second and third floors.”
- **Bedrooms per lot area.** 845 Upshur: 8 bedrooms on 1,790 sq. ft. (one per 224 sq. ft.). This application: 21 bedrooms on 3,013 sq. ft. (one per 143 sq. ft.).
- **BZA Case No. 20667,** Application of Samuel C. Medvene, 826 Varnum Street NW (Square 3024, Lot 49). Summary Order (Ex. 35), decided April 13, 2022. Applicant’s presentation (Ex. 32): “2 bedroom/2 bath unit in basement; 3 bed/3 bath unit on first floor/partial second floor; 4 bed/2.5 bath unit on second/third floor” and “Provides two parking spaces.”
- **Hearing transcript, April 13, 2022** (Neal R. Gross; posted in the IZIS record of Case No. 20667). Page references (“Tr.”) are to that transcript: bedrooms at 34; parking at 35 and 59; Mr. Medvene’s identification at 48; ANC conditions at 57–58. Counsel was Zachary Williams of Venable LLP (Tr. 31), and the architect was Ryan Petyak of 3877 (Tr. 55); both appear for the Applicant in this case (Ex. 7 at 7).
- **826 Varnum ownership.** DOB Scout property record (2022): owner “Medvene, Samuel C,” acquired October 6, 2021. DCRA Articles of Organization for District Line Group L.L.C. (effective February 10, 2022) list 826 Varnum St. NW as the principal office and Samuel Medvene as organizer, registered agent, and 100 percent owner.
- **Completed units.** Public MLS listings (2023–2024) for 826 Varnum St NW Units 1, 2, and 3 describe new construction of 3, 3, and 5 bedrooms, listed by Samuel Chase Medvene of Century 21 Redwood Realty.
- **ANC 4C.** Draft agenda for the September 9, 2026 meeting, item 6(b): “829-827 Upshur Street NW BZA Case” (anc4c.com).
- **BZA Case No. 21312,** District Line Development, LLC, 2200–2212 40th Place NW. Summary Order dated July 22, 2025: parking relief (“3 parking spaces required; 0 spaces proposed”) for a 29-unit apartment house; OP’s trash conditions and DDOT’s TDM condition were not adopted as conditions of the order.