

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant’s Statement of Congressional 1015 Rhode Island LLC
1015 Rhode Island Avenue, NE (Square 3870, Lot 53)

I. INTRODUCTION.

This Statement is submitted on behalf of Congressional 1015 Rhode Island LLC, (the “**Applicant**”) the owner of the property located at 1015 Rhode Island Avenue, NE (Square 3870, Lot 53) (the “**Property**”). The Property is located in the RA-1 zone district. The Applicant is proposing to construct a new three-story + cellar building (the “**Building**”) with eight residential units (the “**Project**”). New residential developments in the RA-1 zone require special exception relief pursuant to U-421 of the D.C. Zoning Regulations.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception approval requested pursuant to Subtitle X § 901 and U § 421.

III. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

The Property is zoned RA-1 and is an interior lot with 4,050 square feet of land area. It is not located in any Historic District. To the north of the Property is Rhode Island Avenue, NE. To the south of the Property is a public alley. To the west of the Property is 1013 Rhode Island Avenue, NE, which consists of a detached single-family dwelling. To the east of the Property is 2420 12th Street, NE, which consists of a 12-unit apartment building. The surrounding area is characterized by a mix of apartment buildings and commercial uses. The Property is about a quarter mile from the Rhode Island Avenue Metrorail station.

B. Description of the Proposed Project.

The Applicant proposes to raze the existing single-family dwelling and construct a new, three-story + cellar, 8-unit apartment Building. The proposal meets the development standards of the RA-1 Zone as follows:

Standard	Required Min/Max	Proposal
Height, Stories	40 ft., 3 stories	33 ft. 6 in.
FAR	0.9	0.9

Lot Occupancy	40%	32%
Side Yards	8.4 feet	8 ft. 6 in. 9 ft. 6 in.
Rear Yard	20 ft.	55 ft.
Parking	1 space	4 spaces

IV. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2, U-421, F-5201, AND F-5206.

A. Special Exception Criteria

i. General Special Exception Standards

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

ii. Standard for Review

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000). In this case, the Applicant is seeking relief from U-421 and asserts it meets the prerequisites for approval as it satisfies the relevant respective zoning requirements.

B. The Application satisfies the General Special Exception Criteria of Subtitle X-901.2.

The granting of the special exception will be in harmony with the general purpose and intent of the zoning regulations. The RA-1 Zone provides for areas predominately developed with low to moderate-density development, including multi-family residential buildings. The Building will conform to all other RA-1 zoning development standards. Accordingly, the granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The proposal includes sufficient setbacks from neighboring buildings and two side yards where only one is required. The Project includes only 8 dwelling units, and the design is sensitive to the existing homes and surrounding neighborhood, which includes a mix of single-family dwellings and larger multi-family buildings. Four (4) parking spaces are provided. Accordingly, the granting of the special exception will not tend to adversely affect the use of neighboring properties.

C. The Application satisfies the Specific Requirements of U § 421.

New residential developments in the RA-1 zone require special exception approval pursuant to U-421. The Zoning Administrator's interpretation of what constitutes a "new residential development" under U-421 includes the conversion of single-family homes to apartment buildings. Accordingly, the Project requires special exception approval pursuant to Section U-421 of the D.C. Zoning Regulation:

Section 421.2: The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

It is expected that the Office of the State Superintendent of Education will not have an issue with the increase in residents from eight new units.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

It is expected that DDOT and other relevant DC agencies will find that the surrounding public streets, recreation, and other services are adequate to accommodate the residents that can be expected to reside in the project, given the proximity to Rhode Island Metro Station and Rhode Island Avenue.

Section 421.3: The Board of Zoning Adjustment shall 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 projects.

The Applicant has provided sufficient information for the Office of Planning to comment and make recommendations 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 projects. An existing grading conditions drawing is being submitted herewith.

Section 421.4: In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The Applicant has submitted a site plan, a set of typical floors plans and elevations, grading and landscape plans. The Applicant is not proposing any new rights of ways or easements.

V. CONCLUSION.

For the reasons stated above, this Application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested special exception approval.

Respectfully submitted,

Martin P Sullivan

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Date: April 7, 2023