

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

Application of 2853 28<sup>th</sup> Street SE LLC for a Special Exception

2826 28<sup>th</sup> Street SE (Sq. 5729W, Lot 0005)

**STATEMENT OF THE APPLICANT**

2853 28<sup>th</sup> Street SE LLC, the “Applicant,” and owner of the property located at 2826 28<sup>th</sup> Street SE (Sq. 5729W, Lot 0005) (the “Property”), now seeks a special exception to add 13 units to an existing five-unit apartment house located in the RA-1 zone, pursuant to 11 DCMR, Subtitle U, Section 421.

**I. BACKGROUND**

The Property is zoned to the RA-1 zoning district and is currently improved with a multifamily apartment house with five units. The Property is a corner lot located at the intersection of 28<sup>th</sup> Street SE and Gainesville Street SE. The Property has a total land area of 9,439 square feet. The existing two-story apartment house is fully detached and currently has 4,020 square feet of gross floor area. The Property is not located within a historic district.

**II. NATURE OF RELIEF REQUESTED**

The Applicant proposes to expand the existing apartment house and add 13 units for a total of 18 units. The Applicant also proposes to add four parking spaces and solar panels on the roof of the apartment house. Therefore, the Applicant seeks a special exception to add 13 units to the existing apartment house pursuant to 11 DCMR Subtitle U, Section 421. The Applicant expects to include up to two inclusionary zoning units as part of this project.

**A. Special Exception Relief for New Residential Developments in the RA-1 Zone Pursuant to Subtitle U, Section 421.1**

All new residential developments in the RA-1 zone, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in Subtitle U, Section 421.1.

**B. Special Exception Standards Pursuant to Subtitle X, Chapter 9**

Pursuant to Subtitle X, Chapter 9, the special exception relief requested must also meet the standards set forth in Section 901.2, which states that the BZA may grant a special exception when the relief requested:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;**
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and**
- (c) Will meet such special conditions as may be specified in this title.**

The Application meets the above standards. First, the relief requested is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The purpose of the RA-1 zone is to “[p]ermit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts.” *See* Subtitle F, Section 101.3(a). The RA-1 zone allows for low- to moderate-density development, including detached houses, row houses, and low-rise apartments. *Id.*, Section 101.4. The proposed project will meet all development standards in the RA-1 zone.

The proposed addition and 13 new dwelling units will not substantially intrude on the character, scale, and pattern of houses along the street and alley. Apartment and multifamily

residential buildings are common in this neighborhood and, in particular, on this block, which is comprised almost entirely of apartment houses. Further, the BZA recently approved an application to add 12 units to an existing 4 unit apartment house on the eastern corner of this same square. (BZA Case No. 20767).

The project will not adversely affect the use of neighboring properties. The proposed addition will have minimal impact on the light, air, privacy, enjoyment, character, scale, and pattern of the two neighboring properties, both of which are also apartment houses. The Property is separated from the neighboring property to the north by an alley. The Applicant has included solar studies to show that the project will cause minimal shading on adjacent properties. In addition, given the large lot area of this Property and the fact that it is a corner lot, it can accommodate the addition and 13 new dwelling units without generating adverse impacts on neighbors. Further, the proposed project will have an FAR of 1.04, which is less than the maximum 1.08 FAR of density permitted as a matter of right with an inclusionary zoning project in the RA-1 zone. The Applicant expects to provide up to two IZ units with this project. The Applicant will be adding four parking spaces as required by the Zoning Regulations.<sup>1</sup>

Subtitle U, Section 421 of the Zoning Regulations sets forth additional standards for the BZA to consider in determining whether to approve new residential developments in the RA-1 zone. Section 421 requires that the application be referred to relevant D.C. agencies to analyze the project's impact on schools, public streets, recreation, and other services. Given this project only involves 13 new residential units, impacts on schools and public infrastructure will be minimal and outweighed by the addition of new residential units, including IZ units. Section 421 also

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<sup>1</sup> The Property is located within 0.25 miles from the Priority Corridor Network Metrobus Route 32, which permits the minimum parking requirement to be reduced by 50%.

requires that the BZA refer the application to the Office of Planning to review 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. As noted herein, beyond the proposed addition, the Applicant is proposing minimal changes to the existing site and these changes should not have a significant impact on the surrounding neighborhood. The Applicant has included a landscape plan and grading plan as part of its architectural drawings. For all of these reasons, the Application satisfies the standards and criteria for a special exception.

### **III. COMMUNITY ENGAGEMENT**

The Applicant will engage with ANC 8B, neighbors, and the community as this project moves forward.

### **IV. WITNESSES**

The following witnesses will appear on behalf of the Applicant at the BZA hearing on this Application:

1. Matthew Medvene, District Line Development, LLC: Mr. Medvene is supervising the proposed construction for this project and will testify as to construction, design, and community engagement and outreach.
2. Ryan Petyak, Architect, Studio 3877: Mr. Petyak is the architect for this project and will testify as to design and architecture matters related to the project.

**V. CONCLUSION**

For all of the reasons discussed above, the Applicant respectfully requests that the BZA approve this application for a special exception.

A handwritten signature in black ink, appearing to read "Zach Williams", written over a horizontal line.

Zachary G. Williams, Esq.  
Venable LLP  
Authorized Agent for the Applicant