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January 29, 2015

John A Stokes  
1519 Varnum Street, NW  
Washington, DC 20011

D C Zoning Commission  
441 4<sup>th</sup> Street, NW Suite 200S  
Washington, DC 20001

Re: Case no. 14-11

Dear Members of the Zoning Commission

My name is John Stokes and I have been a resident and taxpayer in Washington, D C since 1986 and have owned my house at 1519 Varnum Street, NW since 1996 I am not a lawyer or a developer but the proposed development of a pop up building next door to my house has prompted me to attend the commission hearing and speak on behalf of my house and me The recently unveiled plans to develop a single family residential dwelling on my family-friendly street into a seven-unit, 2 bedroom condo building have forced me to take action

Let me begin by acknowledging the difficult balance that the Zoning Commission (ZC) and the Zoning Administrator (ZA) must find between addressing the growing housing needs of the District with the rights of property owners

Unfortunately, the zoning regulations - as currently written - provide a loophole for non-resident developers and house flippers to take advantage of the DC housing boom, make a quick profit, and move onto the next project (all with tacit approval from the ZC and ZA) In doing so, they pay no regard to the neighbors they are greatly impacting nor neighborhoods they are changing

I am writing to you as concerned residents in the Sixteenth Street Heights neighborhood of Ward 4 I recently learned that a developer purchased a two-story rowhouse at 1521 Varnum Street, NW with the intention of converting it into a three-story, seven-unit condominium The developer plans to add a third level to the two-story rowhouse and build an extensive rear addition The rear addition would cover the entire width of the property, abutting against the fence on both sides and resulting in no side yards My neighborhood is zoned R-4

As a community, we are unified in our concerns about the permanent, adverse impact the proposed "pop-up" multifamily building would have on our community Our neighborhood consists primarily of two-story, single-family rowhouses The proposed development of 1521 Varnum Street, NW into condominiums is incompatible with the character of our block and

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community 1521 Varnum Street, NW is located in between a block of two-story, single-family rowhouses. Converting it into condominiums by adding a third-story and enormous rear addition would change the historic character of our neighborhood, increase density and runoff, and dramatically reduce sunlight, air and privacy to neighboring properties.

As you are aware, the District government has recognized that pop-up houses are a significant concern for District residents, and the Office of Zoning has proposed a solution to remedy the problem in R-4 neighborhoods. Numerous newspaper articles have been written about the adverse consequences of these pop-ups. In addition, pop-up developments in R-4 Districts are inconsistent with the zoning code, which states that "the R-4 District shall not be an apartment house district."

While I am aware that matter-of-right construction is not subject to community input, with the construction of a new building in a residential neighborhood, the matter-of-right rule absolutely needs to be reviewed, it basically says residents don't have a right, how would you feel if someone built a building next to your house and the explanation was, well, the developer can do this as a matter of right. Even though Matthew LaGrant has approved of a minor flexibility for minor lot properties, there are errors in the administrative decision.

- Mr. La Grant speaks to the granting of relief to the regulations due to the "...uniqueness of this property compared to surrounding properties...". Indeed this proposed development would destroy the character of the neighborhood and is unique in a most awful way.
- Administrator LeGrant states, "The primary purpose the R-4 District shall be the stabilization of remaining one-family dwellings." While these are his words, the actions he has taken run completely contrary to protecting single family dwellings. Later in that same letter, Mr. LeGrant goes on to grant "minor flexibility" pursuant to §407.1 from the minimum lot area requirements (§401.3) for the development of a seven-unit condominium building. In justifying this minor flexibility, Mr. LeGrant cites a single Board of Zoning Adjustment (BZA) decision (Order No. 18108) where the BZA affirmed a decision of the ZA to grant a deviation from the minimum lot area requirements "so as to alleviate the need to seek *de minimus* zoning relief from the Board."
- Administrator LeGrant also does not accurately address the matter of right for a seven-unit building. I believe matter-of-right is a consideration for six-unit houses and not seven-unit houses.

As a community, this letter incorporates the concerns of many of my neighbors. Concerns that cause this project to be halted include:

- The proposed construction would reach higher than the chimney on my property, surely this is a fire code violation.
- What is the purpose of having minimum lot area requirements if they can be disregarded so easily?

- And how is it that this type of project, where you are building an entirely new building in back of an existing structure, not deemed new construction?
- How does a property currently zoned as a single family, residential dwelling get approved to become a seven unit condo building without any public notice?
- DDOE has new regulations regarding storm water run off, have these rules been followed?
- Further, how is it that the ZA has authority to change the dynamics of an entire neighborhood, yet the owners and taxpayers of that neighborhood have NO say and NO recourse whatsoever?
- Parking – the new construction calls for 4 parking spaces. For a seven-unit, two-bedroom condominium building, this could equate to 14 cars which far exceeds parking spaces in front and back of the property.
- There is a huge 100 year old tree in the backyard, did the developer get a permit from DDOE to destroy the tree?
- The scale of the proposed development of 1521 Varnum is against the R-4 regulations on the books with regular lot size, exceeding allowable "footprint", size of units, and height.
- As you know, the maximum number of stories in R-4 is 3. The lower level basement would be a key issue when limiting growth and ensuring compliance with zoning laws. The current plan calls for three stories and a basement AND a rooftop deck.
- The plans call for the "penthouse roof structure" to be over 45' which is over the height limit of 40'.

I am also asking for the repeal of 330 5(e) as it conflicts directly with the Comprehensive Plan. Below are the policies from the Comprehensive Plan, East Rock Creek Area Element, that conflict with the zoning regulations permitting these pop-up conversions to apartment buildings in the R-4 zone.

#### **RCE-1.1 Guiding Growth and Neighborhood Conservation 2208**

The following general policies and actions should guide growth and neighborhood conservation decisions in the Rock Creek East Planning Area. These policies and actions should be considered in tandem with those in the citywide elements of the Comprehensive Plan. 2208 1

***Policy RCE-1.1.1: Conservation of Low Density Neighborhoods*** Maintain and conserve the attractive, stable neighborhoods of the Rock Creek East Planning Area. Any new development in the Planning Area should be attractively designed and should contribute to the community's positive physical identity. 2208 2

**Policy RCE-1 1 2. Design Compatibility Ensure that renovation, additions, and new construction in the area's low density neighborhoods respects the scale and densities of adjacent properties, avoids sharp contrasts in height and mass, and preserves park-like qualities such as dense tree cover and open space. 2208 3**

As a community, we are notifying you that we are extremely concerned about this proposed pop-up development and its impact on our properties and neighborhood. A condominium building in the middle of a block of single-family rowhouses is undesirable and inconsistent with the zoning code and character of our block.

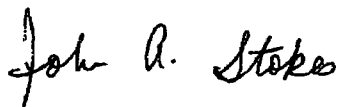
In addition, the environmental impact of the proposed pop-up is disturbing. The proposed development of 1521 Varnum Street, NW would reduce sunlight in several neighboring yards; additionally, it would result in less pervious surfaces, thus increasing runoff. We request that the city assess the environmental impact of the proposed pop-up on our community.

I ask the Zoning Commission to perform a thorough review of the permit application and narrowly apply the law to the proposal. Because of the permanent adverse consequences of the proposed pop-up, the developer must be held to the strictest standards required under the District's laws. We are cognizant of the negative impact some pop-ups have had in our community, particularly on nearby Buchanan and Shepherd Streets, and want to ensure that we do not suffer similar negative consequences.

Much has changed in and around Washington DC since that time. The city has undergone an amazing transformation and much progress has been made. The recent sale of the property at 1521 Varnum Street and subsequent zoning allowances made by the DCRA is not a story of the progress. It is one of excess and it threatens to change both the look and feel of the street. As a concerned citizen and a property owner on this street, I object to the plans proposed by the current owner, a developer, to turn the house into a multi-family unit consisting of seven 2.5+ bedroom units.

In summary, I strongly urge the Board to support proposed changes submitted by the Planning Office (PO) which would repeal of §330.5 (e) and prevent residential structures in R-4 zoned areas from being converted into apartment buildings or multi-unit condominium buildings. It is critical that the ZB, ZA and PO work together to stop the exploitation of our neighborhoods by non-resident developers and to contain the rampant pop-up and pop-out construction.

Thank you,

A handwritten signature in black ink that reads "John A. Stokes". The signature is written in a cursive, flowing style.

John A. Stokes  
1519 Varnum Street, NW