

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

**APPLICATION OF  
MARY HOUSE INC.  
HEARING DATE: MARCH 21, 2018**

**BZA APPLICATION NO. 19706  
SQUARE 3883, LOT 843  
ANC 5B**

**STATEMENT OF THE APPLICANT**

**I.  
NATURE OF RELIEF SOUGHT**

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 11-X DCMR § 901.2 and 11-U DCMR § 421 to construct a residential development in the RA-1 Zone District. The Applicant also requests special exception approval pursuant to 11-X DCMR § 901.2 and 11-C DCMR § 710.3 to allow surface parking spaces in the front yard of the residential building.

**II.  
JURISDICTION OF THE BOARD**

The Board has jurisdiction to grant the special exception approval requested herein pursuant to 11-X DCMR § 901.2 of the Zoning Regulations.

**III.  
WITNESSES**

1. William Murphy, Mary House Inc.
2. Ralph Cunningham, FAIA, *expert in architecture and design*, Cunningham Quill Architects PLLC

3. Heather Daley Rao, AIA, *expert in architecture and design*, Cunningham Quill Architects PLLC
4. Phoebe Larson, AIA, *expert in architecture and design*, Cunningham Quill Architects PLLC

**IV.**  
**EXHIBITS IN SUPPORT OF THE APPLICATION**

- Exhibit A: Zoning Map
- Exhibit B: Outlines of Testimony and Resume of Expert Witness
- Exhibit C: Revised Architectural Drawings
- Exhibit D: Turning Diagrams

**V.**  
**BACKGROUND AND PROJECT DESCRIPTION**

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

The Site consists of Lot 843 in Square 3883. As shown on the Zoning Map attached as Exhibit A, the Site 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 services provided by Mary House serve an additional 100 families every month. During its thirty seven 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 mentoring 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 which provides 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 of

the existing building that will have a maximum height of 37 feet, 4 inches and includes 12 additional apartments, for a total of 18. The addition will contain nine 2-bedroom units and three 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 11-C DCMR § 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.

## **VI.** **SPECIAL EXCEPTION APPROVAL**

The Applicant seeks special exception approval pursuant to 11-X DCMR § 901.2 and 11-U § DCMR 421 to construct a residential development in the RA-1 Zone District. The Applicant also requests special exception approval pursuant to 11-X DCMR § 901.2 and 11-C DCMR § 710.3 to allow surface parking spaces in the front yard of the residential building.

Pursuant to D.C. Code §6-641.07(g)(2) and 11-X DCMR § 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. 11-U DCMR § 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 11-X DCMR, in accordance with the requirements of 11-U DCMR § 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. On February 7, 2018, the application was referred to the Office of State Superintendent of Education (“OSSE”). See Exhibit 17 of the record. At this time the Applicant has not received any comments from OSSE. 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 at all of these schools.

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. On January 25, 2018, the application was referred to the District Department of Transportation (“DDOT”) and on February 7, 2018, the application was referred to the Department of Parks and Recreation (“DPR”). See Exhibits 17 and 28 of the record. At this time the Applicant has not received any comments from DPT. On February 21, 2018, DDOT requested turning diagrams showing how vehicles would access to the parking lot on the Site. In addition, DDOT requested that the Applicant relocate existing curb cut that is currently utilized to access the Site father from the intersection of Otis Street and Bunker Hill Road. The Applicant provided DDOT with the requested turning diagrams (Exhibit D) which show that cars and handicap vans can successfully access the Site. No loading is required for the apartment building and the Applicant does not anticipate any trucks accessing the Site. In addition, the Applicant is proposing to relocate the existing curb cut approximately 5’-6” father from the intersection of Otis Street and Bunker Hill Road in order to provide sufficient and safe access to the Site. It is the Applicant’s understanding that 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. On January 25, 2018, the application was referred to the Office of Planning (“OP”). See Exhibit 16 of the record. The Applicant previously met with OP on April 5, 2017 to

discuss the modernization and expansion. At this time the Applicant has not received any comments from OP. The Applicant has positioned the building on the Site such that it provides adequate light and air for future residents and those in the surrounding buildings. The Applicant will comply in all respects with the Zoning Regulations, including the provisions regarding yards and setbacks. The only relief requested by the Applicant is with respect to providing parking in the front yard, as discussed below. As noted above, the Site is located in close proximity to a large recreation and 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 11-X DCMR § 901.2 and 11-C DCMR § 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 11-C DCMR § 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 11-X DCMR, 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. As part of the relocation of the existing curb cut, the Applicant has also added more space for landscape between the street and the parking area and moved the parking area closer to the building.

The parking lot for the existing building is also currently located in the same location as the proposed parking lot and the Site it not accessible via an existing public alley or Otis Street. 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 and the Applicant would be required to pave additional area of the Site which may exacerbate stormwater runoff in the neighborhood. 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 and allows for additional pervious surface on the Site



to accommodate stormwater runoff. 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 and guests of the building.

## **VII.** **COMMUNITY SUPPORT**

The Applicant presented the application at the meetings held by Commissioner John J. Feeley, Jr., the single member district representative (SMD 5B05), on February 15, 2018, and February 26, 2018. The February 26, 2018, public meeting was specifically held for the residents of the apartment building located to the south of the Site and the residents living in the single family homes on Otis Street near the Site. At the February 26, 2018 public meeting, the neighbors indicated that they support the application. The Applicant is scheduled to present the application to the full ANC on February 28, 2018.

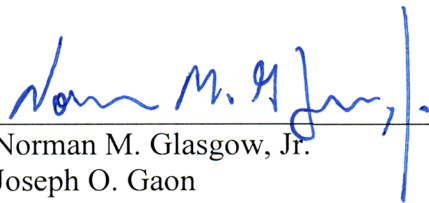
**VIII.**  
**CONCLUSION**

For the reasons stated above, the requested relief meets the applicable standards for special exception approval under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:

  
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