

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of JAG Real Estate LLC**  
**945 52<sup>nd</sup> Street, NE (Square 5199, A&T Lot 803, Record Lots 38-39)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of JAG Real Estate LLC (the “**Applicant**”), the owner of the property located at 945 52<sup>nd</sup> Street, NE (Square 5199, A&T Lot 803, Record Lots 38-39) (the “**Property**”). The Property is located in the RA-1 zone and is currently unimproved. The Applicant is proposing to construct a new, three-story building (the “**Building**”) with twelve residential units (the “**Project**”). New residential developments in the RA-1 zone require special exception relief pursuant to U-421. Accordingly, the Project requires special exception approval pursuant to Section 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 Property and Surrounding Area.**

The Property is zoned RA-1 and is an interior lot with 6,250 square feet of land area. It is currently unimproved. Abutting the Property to the north is a multi-family apartment building fronting on Sherrif Road. That property has a C of O for an apartment house dating back to 1952. Abutting the Property to the south is a multi-family apartment building (933 52<sup>nd</sup> Street, NE). That property has a C of O for an apartment house dating back to 1955. To the east of the Property is 52<sup>nd</sup> Street, NE. To the west is a 15-foot public alley. The area is characterized by a mix of

residential uses, including low- to medium-density apartment buildings on this block, similar to the size of the proposed Project.

**B. Description of the Proposed Project.**

The Project comprises of a new, three-story building with 12 new residential dwelling units. At least one of the units will be an IZ unit. The proposal includes a bicycle storage room in the cellar level which can accommodate four bicycle parking spaces. The trash will be enclosed at the rear of the property and the screening of the trash area will break up the parking spaces, meeting the screening requirement for the parking area as well. The proposal meets the development standards of the RA-1 Zone as follows:

Standard	Requirement	Provided
Height	40 ft., 3 stories	36 ft. 5 in., 3 stories
Lot Occupancy	40%	39%
FAR	1.08 w/IZ	1.05 w/IZ
Rear Yard	20 ft.	34 ft.
Side Yards	Two, 9.1 ft.	Two, North: 9 ft. 5-1/2 in. South: 10 ft. 1-1/2 in.
Parking	3 spaces	5 spaces

**IV. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2 AND U-421.**

**A. General Special Exception Criteria of X-901.2.**

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.

The RA-1 Zone provides for areas predominately developed with low to moderate density development, including multi-family residential buildings. The Applicant is proposing to construct a new, multi-family residential building adjacent to two existing residential apartment buildings

while still maintaining the required setbacks of this zone. The Building will conform to all 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 and will not tend to adversely affect the use of neighboring properties.

**B. Specific Requirements of U § 421.**

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).

The Zoning Regulations require that all new residential developments in the RA-1 Zone, except those comprising of one-family detached and semi-detached dwellings, be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section:

**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 addition of 12-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 or 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.

**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—or will provide as requested by the Office of Planning—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.

**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 and set of typical floor plans and elevations. The civil sheets showing the grading plan and landscaping plan will be provided in a later filing. The Applicant is not proposing any new rights-of-way 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,

*Alexandra Wilson*

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