

STATEMENT OF EXPLANATIONS AND REASONS

**SUPPORTING AN APPLICATION
TO THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

**FOR A VARIANCE
FROM MINIMUM LOT AREA, MINIMUM LOT WIDTH, AND SIDE-YARD
REQUIREMENTS OF R-2 ZONE
PERSUANT TO 11 DCMR §3103.2 SECTION 401 & 405**

Address of the property:

**4209 Grant Street NE
(SQ. 5092, LOT 31)**

BZA CASE NO. ...18341

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO. 18341

EXHIBIT NO. 4

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Board of Zoning Adjustment
District of Columbia
CASE NO.18341
EXHIBIT NO.4

APPLICANT'S STATEMENT

We own this vacant lot which has 25' lot width and 1765 SFT lot area, and which is located at 4209 Grant Street NE, square # 5092, lot # 31, and R-2 zone of the District. This lot does not meet the criteria to build a detached house as a matter of right, because it does not conform to the required minimum lot width and lot area requirements for this zone. Therefore, we seek BZA variance on those non-conforming requirements in order to build a single family detached house in this lot.

PROJECT DESCRIPTION

The proposed single family house will have a foot print of 688 SFT with two floors and a basement, and consists of 4 bedrooms, 3 ½ bathrooms, Kitchen with separate dinning space, living room and family room. There will be a one car parking at the back side of the house and accessible from the public alley.

DESCRIPTION OF THE SITE AND SURROUNDING AREA

The subject property is located in Ward 7, ANC 7D06 and in Deanwood neighborhood 42nd and 44th Street NE, and major roads of East Capitol St, NH Burroughs Ave. It is supported by an adequate number of educational facilities, such as Alton Elementary School, Kelly Miller Middle School, and Spingram High School among others.

COMPREHENSIVE PLAN

The 2007 Comprehensive Plan recommends low density residential use for the property. Single-family detached and semi-detached dwellings with front, back and side yards are the predominant use in low density areas. The subject property is within the Far Northeast & Southeast Area Element of the Comprehensive Plan.

ZONING

The site is currently zoned R-2, a district designed to protect quiet residential areas which is now consisting of one-family detached dwellings and other vacant lots in the areas are likely to be developed for those purposes.

The table below shows a comparison between the development standards of the R-2 zone and the proposed development:

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Section	Description	Minimum Required	Maximum Allowed	Provided	Remarks
400	Building Height	-	40' 3 stories	25'-9" 2 stories	
401	Lot Area	4,000 sft	-	1,765 sft	Variance
401	Lot Width	40'	-	25'	Variance
403	Lot Occupancy	-	40%	39%	
404	Rear Yard	20'	-	25'	
405	Side Yard	8'	-	3' (right) 5' (left)	Variance
2101	Parking Space	1	-	1	

ANALYSIS

The proposed construction of a single family detached structure on the subject lot will be non conforming because the lot is smaller than the minimum lot area and width permitted in the R-2 District, and do not meet all the zoning requirements.

Section 401.3 - Lot Area

The minimum Lot area required in the R-2 zone is 4,000 square feet. The subject lot is only 1,765 square feet. Therefore the lot requires a variance of 2235 square feet of the requirement.

Section 401.3 - Lot Width

The minimum lot width required in the R-2 zone is 40 feet. The subject property has a lot width of only 25 feet. Therefore the lot requires a variance of 15 ft of the requirement.

Section 405.9 – Side Yard

The minimum side yard required in the R-2 zone is 8 feet. The proposed structure would be 17 feet in width, which would leave only 8 feet available for side yards. Thus it is proposed to provide 5' sideyard on the left side, while 3' sideyard on the right side, for which a variance is needed.

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition.

The subject property is unique because of an exceptional circumstance in that the lot was created prior to the 1958 Zoning Regulations. The new regulations created dimensions for lots sizes and lot widths that were greater than those of the existing lot. Adjacent properties are already developed and in separate ownership, so there is no opportunity to combine lots to create a conforming lot.

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When the Zoning Act of 1958 was adopted, mostly all of the lot on the subject square and many other lots in this area were adopted with less than 4,000 square feet lot areas, and lot widths less than 40 feet required in the R-2 District. The zoning assumption was that adjoining lots would be combined to meet the minimum lot dimensions in the R-2 District. Without variance relief from the required lot dimensions, the subject private property could not be developed for its intended purpose.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

We have a practical difficulty because the lot area and lot width cannot be expanded because the adjacent lots have different ownership and are currently developed so, without relief, the property would be incapable of being developed.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The requested variances could be granted without substantial impact to the Zoning Regulations and public good. The proposed three-story structure would not limit the light and air to adjacent properties or to other dwellings in the neighborhood. We will also provide a one car inertial garage at the front of the proposed structure.

CONCLUSION

The proposal will contribute to the continued improvement of the surrounding area by developing one of the many vacant infill lots. The improvement of this infill lot would be for the public good as it would remove a vacant property and prevent the use of the property for negative purposes. As demonstrated in the analysis, the proposal adequately meets the requirements of the requested variances under Sections 3103.2. Variances for the lot area and the lot width will not have a negative impact on the zoning regulations and would allow the property to be developed with a single-family structure that will be consistent with the development pattern in the area.

Respectfully submitted,

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