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January 22, 2013

Dear Mr Chairman and the Board of BZA:

My name is Clarence Mobley, a licensed Architect in Washington, D C. Also, I am currently representing the owner of the property at 4336 Douglas Street, N E , BZA case Number 18381 I understand now that in times past, my client and his representative, a contractor had conversations with a case manager in the Office of Planning before I came on board. You now have my notarized copy that I am representing the owner, Mr Lawal Abudul Ganiyu

I visited the Office of Planning a month ago to seek help on this case The case manager spoke favorable about the case I left him a copy of the revised plans produced in my office He agreed to everything that I left for him. We left on the note that the present plans should be approved but I had to make a case for the exceptional conditions

1. Area variance from 401 3 width of lot .50' required, 25' proposed. This is the lot the D C Government sold to my client.
- 2 Area variance from 405.9 side yard – 8' on each side required, 3 ½' proposed)

LOCATION AND SITE DESCRIPTION

Lot Characteristics	Flat, essentially rectangular lot 25' wide, approximately 226 ' deep, with a land area of 5,654 square feet – code minimum 5,000 square feet.
Zoning	R – 1 detached single family dwellings Code minimum 1958 – R-1-B
Surrounding Neighborhood Character	Both sides of Douglas Street are developed with single family detached houses, many of which are on narrower lots than required in this low density zone There are a substantial number of small vacant lots that were platted prior to the Zoning Act of 1958

ZONING REQUIREMENTS AND REQUESTED OR NECESSARY RELIEF

R-1 Zone	Regulation	Existing	Proposed	Relief
Lot Width §401	50 Ft. Minimum	25 Ft.	25 ft.	25 Ft., 50 ft. Required
Side Yard § 405	8 ft. minimum both sides	Vacant Lot	3.5 ft. and 3.5 ft.	4.5 ft. on each side

OFFICE OF PLANNING ANALYSIS

The applicant has addressed the provisions of the zoning regulations that would enable OP to make an affirmative recommendation for relief to the Board.

The applicant has submitted a demonstration of the existence of an exceptional condition that would lead to a practical solution.

The applicant has attempted to demonstrate that the granting of relief would result into no substantial harm to the public good or to the intent of the zoning regulations

Nevertheless, it would appear to be possible for the exceptional condition and practical difficulty prongs of the relief requests to be justified.

The lot's size (25 ft. width & 200 plus ft. depth was an existing condition in 1958 when the current zoning regulations were adopted. The R-1-B District was designated as the appropriate zoning category for the area, with the expectation that lots would be combined in order to meet dimensional requirements, or if they could not be combined, that the owner would seek appropriate relief.

The owner is unlikely to be able to create an existing lot conforming to §401.

Owner has contacted the owners of the lot but they do not want to sell one lot because it would make their lot non-conforming

On the east side, a single property owner has two non-conforming lots. The lots owner lives in a detached single family house on the lot that is adjacent to the applicant's.

- ° Any house on the applicant's non-conforming lot would require yard relief.

PRACTICAL DIFFICULTY LOT UNUSABLE WITHOUT RELIEF

- ° Without some relief from the requirement for two 8-foot side yards, a conforming house on the applicant's non-conforming lot would be no wider than 9 feet. Even a fourteen foot wide house, of which there are many in row-house areas of the District, would require 3.5 feet of relief on each side from §405's side yard requirement.

NO HARM TO PUBLIC OR ZONING REGULATIONS

Given the eclectic nature of housing types in the Eastland Gardens neighborhood and the ability to design a house on the applicant's lot that would not impinge on the privacy, light or air available to adjacent lots. The granting of such relief would not generate substantial harm to either the public or the zoning regulations

COMMENTS FROM OTHER DISTRICT AGENCIES

The District Department of Transportation has no objection to the requested relief

COMMUNITY COMMENTS

The ANC 7D met with Architect on December 14, 2012, regarding this matter and agreed to go along with the Zoning Regulations.

At the July 16 hearing, the east-adjacent neighbor testified in opposition to the application. The homeowner testified that she has had a 70-year old informal easement on the applicant's property to provide access to the garage on her property. Documentation was not provided. There is access from the public alley at the rear, although the applicant states that use of such access would be harmful to the lily garden in her back yard.

There were no written public comments on file as of October 16, 2012.

No harm to adjacent property owners, neighborhood or zoning regulations/

- Variety of houses in neighborhood;
- 11.5 feet from neighbors (Pyndell) house will plant trees if desired, her driveway is informal, no real driveway; may intrude on your property;
- Not intention of Zoning Regulations to make unusable lots
- Used to be house on site in approximately the same location

COMMENTS TO THE OFFICE OF PLANNING

We are requesting a single-family detached house on a twenty five foot wide lot in the R-1-B zone.

- ° Area variance from §401.3, minimum lot width (50' required, 25' proposed).
- ° Area variance from §405.9 minimum side yard widths (8' on each side yard required, 3.5' for each yard proposed).

LOCATION AND SITE DESCRIPTION

Lot characteristic – Code requires 5,000 square feet; provided land area 4,654 Square feet of existing development.



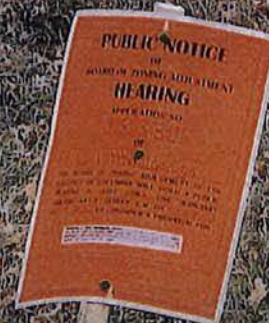
12/03/2012



PUBLIC NOTICE
TO
BOARD OF ZONING ADJUSTMENT
HEARING
BY THE BOARD OF ZONING ADJUSTMENT

11/07/2012

2ND PLACEMENT



11/07/2012

2ND PLACEMENT