

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of 819 6th ST LLC
819 6th Street, N.W.

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PRELIMINARY STATEMENT OF COMPLIANCE WITH THE BURDEN OF PROOF
AND STATEMENT OF EXISTING AND INTENDED USE

I. Background

The Subject Property is located at 819 6th Street, NW and consists of Lot 15 in Square 485. Square 485 is bound by I Street, N.W., on the north; H Street, N.W., on the south; 6th Street, N.W., on the west; and 5th Street N.W., on the east. The Subject Property has a land area of approximately 1,728 square feet and is located on the east side of 6th Street, N.W., mid-block between H and I Streets, N.W. A 15 foot public alley abuts the Subject Property at the rear. The Subject Property is zoned DD/R-5-E and is included in the Downtown Historic District. The Subject Property is currently occupied by a vacant three-story structure. A copy of the zoning map for the subject property is attached hereto.

The Applicant proposes to construct a four-story addition to the existing structure. The addition will include two residential units and the existing portion of the building will include three residential units, for a total of five units. In order to proceed with the project the Applicant seeks approval by the Board of Zoning Adjustment for: (1) a variance from the lot occupancy requirement (Section 403) and (2) a variance from the rear yard requirement (Section 404).

Pursuant to § 3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for this Application. In that Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested variance relief. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof

In order to receive variance relief, the applicant must satisfy a three-part test which requires: (1) a demonstration that the property is affected by some exceptional situation or condition; (2) without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) the requested relief can be granted without substantial detriment to the public good or substantial impairment of the zone plan.

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A. Property Is Affected by An Exceptional Situation or Condition

The Subject Property is a narrow parcel located in the Downtown Historic District. The Subject Property is currently improved with an existing three-story structure which has been vacant for several years. Due to its location in the Downtown Historic District and the requirements of the Historic Preservation Office and Historic Preservation Review Board, the design and massing of any addition to the existing structure will be required to be set back from the front line of the existing building. The size, width, and location of the Subject Property in a historic district are unique characteristics which create an exceptional condition that affects the Applicant's ability to meet the maximum permitted lot occupancy under Section 403 and the minimum required rear yard under Section 404.

B. Strict Application of the Zoning Regulations Would Result in Practical Difficulty upon the Property Owner

Due to the exceptional conditions discussed above, the strict application of the Zoning Regulations would result in practical difficulty to the Applicant.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good or Substantial Impairment of the Zoning Plan

The requested relief can be granted without substantial detriment to the public good or substantial impairment of the zone plan. The proposed project would provide the restoration of an historic building, and the provision of five residential living units in the heart of the downtown/Chinatown area.

STATEMENT OF EXISTING AND INTENDED USE.

The building on the Subject Property is currently vacant. In the past it has been used apparently for residential use, and at one point for use by the Chinese War Veteran's Association (a copy of the certificate of occupancy is attached hereto).

The Applicant intends to use the Subject Property for apartment house use, with a total of five living units.