

Jill & Blaise Marion
1116 K Street NE
Washington, DC 20002
DCRA BZA Case # FY-10-44-Z

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Applicant's Burden of Proof for Variance and Special Exception

Use Variances

1. The physical characteristics of the property create a financial hardship for the owner in using the property consistent with the Zoning Regulations (use variance)

a. Variance from §2001.3 to permit a 3rd floor addition to an existing non-conforming structure & conversion to a new (SFD) row structure which will increase the nonconformity (§3103.2):

With respect to §3103.2, we are not adding a 3rd story addition to the existing structure. We are vaulting the roof line on the 2nd story to accommodate a loft and create a more esthetic, user-friendly and "residential-looking" exterior and interior space. This is necessary in order to convert what used to be a warehouse to the most viable and marketable residential space. Complying with this regulation would cause financial hardship by unnecessarily conforming what used to be a commercial structure to a commercial look in a now R-4 zone, thus reducing the potential residential value of the property.

With respect to the variance from §2001.3, there is no enlargement or addition increasing the nonconformity of the lot occupancy requirement since the footprint is remaining the same. The enlargement of the roof line does not increase the nonconformity of the structure because the elevation is still smaller than the elevations of the neighboring houses.

b. Variance from §404.1 to permit a (SFD) row structure without having a minimum required rear yard setback (§3103.2):

With respect to §3103.2 and §404.1, it is impossible to both restore this structure and provide a minimum rear yard setback of 20 feet. With only 8.3 feet of combined rear space available for both existing structures, Lot 7 is too small to create a conforming rear yard setback for either structure. Complying with this regulation is physically impossible and would cause financial hardship by forcing us to keep an unrenovated shell on our lot.

c. Variance from §2101.1 to permit a (SFD) row structure without providing one required parking space (§3103.2):

With respect to §3103.2 and §2101.1, it is impossible to both restore this structure and provide the one required parking space. The structure on Lot 7-B faces an emergency back alley access that has no curb. Creating a parking space would be impossible because the dimensions of the structure and proposed Lot 7-B are too small. Complying with this regulation is physically impossible and would cause financial hardship by forcing us to keep an unrenovated shell on our lot.

2. Granting the application will not be of substantial detriment to the public good – i.e. traffic, noise, lighting, etc.

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District of Columbia
CASE NO. 18527
EXHIBIT NO. 4

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In fact granting the application will improve the public good by restoring one of the neighborhood's landmarks to an appealing residential space and eliminating the complications associated with this currently vacant property, i.e. loitering, trash dumping, etc. Both immediate neighbors at 1114 and 1118 K Street NE (Mr Eugene Lyons and Mrs. Iveracottis Short) fully support the application for variances, as does the rest of the local neighborhood (See Petition for the Restoration of 1109 Florida Avenue).

3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map

The commercial structure on proposed Lot 7-B was perfectly compliant with the C2-A Zoning Regulations and Map when it was first built in 1910, and remained in compliance until the neighborhood was rezoned from C2-A to R-4 in 1994. Our request for the above variances are designed to restore an existing structure with a prior commercial use, to a usable and visually appealing residential space in accordance with the general intent of the R-4 Zoning Regulations.

Special Exception

Special exception pursuant to §2516.1 to permit (2) principal buildings on a single subdivided lot of record in the R-4 residential zone district (§3104.1):

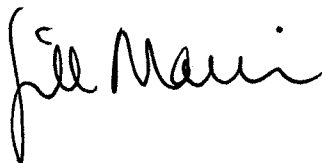
1. How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map:

There have always been 2 existing principle buildings on Lot 7, the footprints of which have remained unchanged since 1910 and will remain unchanged if this application is approved. Although subdividing a lot in an R-4 district is unusual, it was the historical way this property was handled (see Existing and Intended Use of the Property) and remains the most logical way to preserve the structures as separate residential properties with separate uses. The historical addresses were 1116 K Street NE for proposed Lot 7-A and 1109 Florida Avenue for proposed Lot 7-B.

2. How allowing the use will not adversely affect the use of the neighboring property – i.e. traffic, noise, lighting, etc:

In fact allowing the use will improve the public good by restoring one of the neighborhood's landmarks and eliminating the complications associated with this currently vacant property, i.e. esthetically unappealing look, loitering, trash dumping, etc. Both immediate neighbors at 1114 and 1118 K Street NE (Mr Eugene Lyons and Mrs. Iveracottis Short) fully support this special exception, as does the rest of the neighborhood (See Petition for the Restoration of 1109 Florida Avenue).

Thank you for considering our application,



Jill & Blaise Marion