

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Donatelli Development
3825-3829 Georgia Avenue, NW

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PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted by Donatelli Development, on behalf of the District of Columbia, the owner of the property located at 3812-3829 Georgia Avenue, N.W. (Square 3028, Lot 818) (the "Site"), in support of its application pursuant to 11 DCMR §3103.2 for an area variance from the off-street parking requirements under § 2101.1 to allow the construction of a new residential building in the GA/C-3-A District at the Site.

Pursuant to § 3113.8 of the Zoning Regulations, the Applicant will file its prehearing statement with the Board no fewer than 14 days prior to the public hearing date. In that statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested relief.

I. Background

The Site is located at 3825-3829 Georgia Avenue, N.W. and includes Lot 818 in Square 3028. Square 3028 is located in the northwest quadrant of the District of Columbia and is located on the east side of Georgia Avenue. Square 3028 is bounded on the north by Randolph Street, on the south by Quincy Street, on the west by Georgia Avenue, and on the east by 8th Street. The Site is rectangular in shape, but is relatively small and only contains approximately 5,757 square feet of land area. The Site abuts a 15-foot public alley to the east, Georgia Avenue to the west, and existing structures on the north and south. The Site is located within the C-3-A District and the Georgia Avenue Overlay District. Lot 818 is a vacant lot.

As shown on the plans included with the application, the Applicant proposes to construct a new residential building on the Site. The project will include 31 residential units and 4 off-street parking spaces. The project complies with all applicable provisions of the Georgia Avenue Overlay District requirements. The proposed uses are consistent with the Site's GA/C-3-A

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zoning designation. However, due to a number of site and design constraints, the Applicant is seeking an area variance from the off-street parking requirements of § 2101.1.

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II. Burden of Proof

Under D.C. Code § 6-641.07(g)(3) and 11 DCMR § 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

1. the property is affected by exceptional size, shape or topography or other extraordinary or exceptional condition or situation;
2. the owner would encounter practical difficulties if the zoning regulations were strictly applied; and
3. the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); see also *Capital Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, and as will be further explained at the public hearing, all three prongs of the area variance test are met in this Application.

(1) The Site Is Unusual Because of Its Size, Shape or Topography and Is Affected by an Exceptional Situation or Condition

In this case, the Site is uniquely affected by the combination of the Site's long and narrow shape and the fact that it is immediately adjacent to existing buildings to the north and south. The combination of these factors results in an extraordinary and exceptional condition that imposes a number of significant development constraints on the Site. The Site is bounded by a major street and a public alley, which impacts access to the Site and the configuration of the proposed development of the Site. The shape of the Site, in particular, its relative limited land area and narrowness, severely limits the depth of any below-grade excavation for the

development. Finally, the presence of adjacent structures to the north and south of the Site, particularly the presence of a funeral home to the north, also restricts the type of shoring and underpinning techniques that can be employed on the Site while the development is being constructed.

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(2) Strict Application Would Result in a Practical Difficulty to the Owner

The strict application of the off-street parking requirements in this case would result in a practical difficulty to the Applicant. Pursuant to § 2101.1 of the Zoning Regulations, an apartment house or multiple dwelling in the C-3-A District is required to provide one (1) off-street parking space for each two (2) dwelling units. The project includes 31 residential units, and is thus required to provide a total of 16 off-street parking spaces. However, as shown in the plans, the Applicant is seeking a variance to instead provide a total of 4 off-street parking spaces located at the rear of the Site.

The Applicant has maximized the number of surface parking spaces on the Site. However, due to the need for a residential lobby and associated spaces on the ground floor of the building, the Applicant cannot increase the number of surface parking spaces. The Applicant cannot provide any below-grade parking due to the dimensions and narrowness of the Site, which limits the Applicant's ability to construct below-grade parking. The Site is too narrow to efficiently accommodate the required parking ramp width and slope that would be necessary to construct below-grade levels for parking, and constructing below-grade parking would lead to an inefficient garage layout. Additionally, deeper below-grade excavation in order to provide parking would require additional underpinnings and shoring. The impact of that work could compromise the stability and integrity of the adjacent buildings to the north and south of the Site. Thus, in order to avoid being severely restricted in the design and construction of the development by the shape of the Site and its proximity to existing structures, the Applicant is seeking relief from the off-street parking requirements.

(3) No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the zone plan by approving the project as proposed. The

construction of the proposed residential building in the GA/C-3-A District will significantly contribute to the vibrancy of the neighborhood while supporting the City's goals for this area.

The Site is well-serviced by a number of bus routes along Georgia Avenue, and is in convenient walking distance to the Georgia Avenue-Petworth Metrorail station. The Site is also within 0.78 miles of the Columbia Heights Metrorail station, and 1.5 miles of the U Street Metrorail Station. In addition, according to Walkscore.com, which measures the walkability and transit access of properties, the Site is rated as "Very Walkable" and scores 88 points out of a possible 100; is rated as an "Excellent" transit location given the Sites access to transportation options, access to amenities and other services within close walking distance to the Site; and is rated as "Very Bikeable" and scores 84 points out of a possible 100. Several Zipcar car sharing locations are also within blocks of the Site.

Thus, the Applicant anticipates that the existing transit access to the Site will result in a significant amount of transit and pedestrian access to the Site, resulting in a decrease in the number of vehicle trips that would otherwise be generated, or the number of off-street parking spaces that would be needed, if the property were not in such close proximity to public transportation options.

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