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BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
2013 MAY -7 PM 2: 51

Application of 3612 Park Place LLC
3612-3614 Park Place, NW, Square 3035, Lots 838 and 837

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

I. Background.

The property which is the subject of this application consists of assessment and taxation lots No. 837 (3614 Park Place, NW) and 838 (3612 Park Place, NW), both within the R-4 zone district. These properties are located at 3612-3614 Park Place, NW, in the District's Park View neighborhood, directly across the street from the U.S. Soldier's and Airmen's Home property (Armed Forces Retirement Home – Washington Campus). The Applicant has begun the subdivision process of consolidating Lots 837 and 838 into a single record lot, the total area of which will be 4,521 square feet (the "Property"). The Property is irregularly shaped, as the north-eastern portion of the lot narrows as a result of the alley being offset in that location. The Property borders the public alley on both the north side and the rear (west), and access to this alley system is available through three separate access points: through Otis Street, Newton Street, and Warder Street. The improvements on the Property consist of two row dwellings (the "Buildings") originally constructed prior to 1958. These structures have both been vacant for several years. The Buildings are in a severely dilapidated condition and are in need of significant structural repair and restoration, as will be discussed in detail in the Applicant's Pre-Hearing Statement. The condition of the Buildings is in sharp contrast to the rest of this block, on which almost every other property has been either well-maintained or successfully restored. The Property appears as the missing piece to this block, whereas the exterior of almost every other property is in excellent condition.

As part of the proposed restoration and addition (the "Project"), the Applicant is proposing to convert the Buildings into a six-unit apartment house with five (5) parking spaces at the rear of the Property. In the R-4 zone, the Zoning Regulations permit the conversion of a building or other structure existing before May 12, 1958 into an apartment house "as limited by §§ 401.3 [minimum lot area] and 403.2 [lot occupancy]". Under § 401.3, the minimum lot area must be 900 square feet for each apartment unit. Since the Property is 4,521 square feet, the Applicant may provide five apartment units as a matter-of-right. Because of the practical difficulty in restoring this Property as a five (5) unit apartment house, the Applicant is requesting relief from § 401.3 in order to provide one additional unit, for a total of six (6) apartment units. The Project will comply with the lot occupancy restrictions under § 403.2, as well as all other area requirements.

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.

A. The Property is Affected by an Exceptional Situation or Condition

The Buildings are in a severe state of disrepair and decay, and have also incurred extraordinary structural damage to a much greater degree than the ordinary vacant, blighted structure. In addition to the considerable expense necessary to amend the Property's blighted condition (windows, interior walls, drywall, roof, etc), the Applicant will incur extraordinary expenses to correct the Buildings' structural damage. The Property's vacant, neglected condition and structural deficiencies are particularly unique compared to the generally up-to-date properties on this block.

The Property is irregularly-shaped at its northwest corner as a result of it bordering an offset alley that jogs to the south. These Buildings were apparently constructed at the same time and have very similar exteriors. They have also both been vacant for several years, and due to neglect have deteriorated, effectively as one unit. Because there is no accessory structure/garage at the rear of the Property, and because of the Property abuts the alley on two sides, there is considerable room for parking spaces and for the ingress and egress to those spaces (despite the irregular shape of the Property). The Applicant will therefore be able to provide five (5) parking spaces – more than twice the required amount.

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

The physical condition of the Buildings makes restoring them a practical difficulty when providing only five (5) apartment units. In addition, the provision of five (5) units, which is permitted as of right, makes for an inefficient and non-cohesive layout, as well as a potentially unappealing and asymmetrical exterior. The extent of the structural repair required is well beyond that required for an ordinary blighted property. As has been found in a few other requests for this type of relief, the combination of the extraordinary expense required for restoration, the unpredictable nature of a major structural restoration, and the demand for, and marketability of, a certain size and layout of apartment unit, make compliance with the strict requirements § 401.3 (minimum lot area) unnecessarily burdensome for the Applicant.

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

The requested relief can be granted without substantial detriment to the public good or substantial impairment of the zone plan. The request is modest, requesting an increase of one (1) unit; from the matter-of-right five (5) units to six (6). Because of the Property's unique location bordering the alley on two sides, the Applicant is able to provide five (5) full-size off-street parking spaces, all of which can be accessed directly from the public alley. In addition, because of the Property's location across from the Armed Forces Retirement Home, with homes only on the west side of the street, on-street parking on Park Place is available and convenient to the Property. The restoration of these blighted, vacant, and structurally deficient buildings will eliminate an eyesore and bring the quality of the Property in line with that of the other properties on this block. Finally, approval of this request would be consistent with Board decisions and rulings in other approvals by the Board involving dilapidated, long-neglected structures such as these.

STATEMENT OF EXISTING AND INTENDED USE.

The Buildings are currently vacant and appear to have formerly been used as one-family row dwellings.

The Applicant intends to convert the Buildings to one apartment house with a total of six (6) units.