

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Martha Bonilla
3902 14th Street, N W , Apt. 217
Washington, D C 20011

May 8, 2013

Re. BZA Application No 18600 (1023 Irving Street, N W) Wilfredo Bonilla

Dear Ms Bonilla,

The Office of Zoning received the above-cited application on May 8, 2013 Your application requests variance relief to allow an addition to an existing accessory garage The Board of Zoning Adjustment will evaluate your application subject to the following.

Section 3103.2 - Variances:

With respect to variances, the Board has the power under § 8 of the Zoning Act, D C Official Code § 6-41 07(g)(3)(2001) (formerly codified at D C Code § 5-424 (g)(3) (1994 Repl)), "[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D C. Code §6-641.01 to 6-651 02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map "

This provision has three main tests that must be proved by the applicant

- 1) The physical characteristics of the property
 - a makes it difficult for the owner to use the property in compliance with the Zoning Regulations (area variance) – ie. shape and size of the property, unusual topography or slope, soil problems, etc
 - b creates financial hardship for the owner in using the property consistent with the Zoning Regulations (use variance)

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

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

Please supplement your burden of proof statement as soon as possible by addressing the above test for variance relief. Please call me on (202) 727-2806, if you have any questions relative to the foregoing

SINCERELY,

A handwritten signature in black ink, appearing to read 'R. Nero', written in a cursive style.

RICHARD. S. NERO, JR.
Deputy Director of Operations
Office of Zoning