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BOARD OF ZONING ADJUSTMENT
 District of Columbia

CASE NO. 18646

EXHIBIT NO. 25

Executive Summary

Case No. 18646

2013 OCT 15 PM 4:32
 D.C. OFFICE OF ZONING

Site Description

Address: 3053 Q Street, NW

Square/Lot: Sq. 1282, Lot 863

ANC/SMD: 2E/2E07

Zoning:
 R-1-B

Existing:
 Single Family Home

Historic District:
 Georgetown HD

Cases:

- *Palmer v. D.C. BZ-A*
- *Gilmartin v. D.C. BZ-A*
- *Clerics v. D.C. BZ-A*

Project Description

Applicant	3053 Q Street, LLC
Proposal	Single Family Home
Relief Sought	Extension of Existing Nonconforming Story (\$2001.3)
Variance Standard	Exceptional Circumstance: Confluence of Factors • Irregular shape of the lot; • Existing nonconforming story, lot area, and lot width of the structure; • Subjection to historic preservation requirements; • Steep slope of the Property toward the rear. Strict Application Results in Practical Difficulty: • Inability to efficiently utilize 10% increase in lot occupancy by special exception due to awkward shape and small size of lot. • The first level, occupied by a garage, is mostly unusable but is considered a story from a zoning perspective due to the steep slope of the Property. No Substantial Detriment: • Height remains permitted as a matter of right. • Approved by Old Georgetown Board and Historic Preservation Office with conditions protecting neighbors. • No change in height or number of stories.

Comments of District Agencies and Community:

- Unanimous support from ANC 2E

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October 15, 2013

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Application No. 18646 – 3053 Q Street NW (Square 1282, Lot 863)
Prehearing Statement of the Applicant

Chairperson Jordan and Honorable Members of the Board:

On behalf of Applicant 3053 Q Street, LLC, please find enclosed the Prehearing Statement for the above-referenced application. The application is scheduled to be heard before the Board of Zoning Adjustment on October 29, 2013.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Meredith H. Moldenhauer

Enclosures:

Cc: Advisory Neighborhood Commission 2E
c/o Ron Lewis, Chair (via email)
Single Member District Representative 2E07, Charles Eason Jr. (via email)
Office of Planning (via email)
Cliff Moy, Board of Zoning Adjustment (via email)

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
3053 Q STREET, LLC**

**BZA APPLICATION NO. 18646
HEARING DATE: OCTOBER 29, 2013**

PREHEARING STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of 3053 Q Street, LLC (the “Applicant”), the contract purchaser of property located at 3053 Q Street NW, Lot 863 in Square 1282 (the “Property”) in support of its application for an area variance from the nonconforming structure requirements (§2001.3) to allow the Applicant to renovate an existing single family home.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the variance requested herein pursuant to §3103.2 of the Zoning Regulations.

III. APPLICANT MEETS BURDEN OF PROOF FOR VARIANCE RELIEF

The Board is authorized to grant an area variance where it finds that the Applicant fulfills the three-prong area variance standard. As described in the Initial Submission, supplemented in this Prehearing Statement, and as will be further explained at the public hearing, all three prongs of the area variance test are satisfied.

A. The Property is Unusual Because of its Size, Shape or Topography and is Affected by an Exceptional Situation or Condition.

The phrase “exceptional situation or condition” in the variance test applies not only to the land, but also to the property’s history and the configuration of a building on the land. *See Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property.

Gilmartin v. District of Columbia Bd. of Zoning Adjustment, 579 A.2d 1164, 1168 (D.C. 1990). As described in the initial application, the Property is unusual and affected by an exceptional situation and condition as a result of a confluence of the following factors: (1) the irregular shape of the lot; (2) the existing nonconforming number of stories, lot area, and lot width of the structure; (3) the property is subject to historic preservation requirements; and (4) the steep slope of the Property toward the rear.

B. Strict Application of the Zoning Regulations would Result in Practical Difficulty

Under §400.1, a structure in the R-1-B District is permitted to be a maximum of 40 feet and 3 stories. The existing and proposed structures are less than 40 feet. However, the existing structure is four stories. Under §2001.3(b) an enlargement or addition can be done to a nonconforming structure devoted to a conforming use, but the addition must conform to use and structure requirements and must not increase or extend the existing, nonconforming aspect of the structure or create new nonconformity. Because the renovation extends the existing, nonconforming fourth story, variance relief is required from the nonconforming structure requirements.

As described in detail in the Initial Application, strict application of the zoning regulations with respect to the story requirement would result in a practical difficulty to the Applicant. Due to the awkward shape and small size of the lot, the Applicant cannot efficiently utilize the 10% increase in lot occupancy permitted by special exception. Furthermore, as a result of the steep slope of the lot, the first story is occupied by a garage in the front and is below grade with limited light and utilization at the rear. This unique level counts against the Applicant as a story for zoning purposes and prevents the renovation from being permitted as a matter of right.

C. No Detriment to Public Good or Inconsistency with Zone Plan

Approval of the application will not cause detriment to the public good or be inconsistent with the Zone Plan. The proposed project extends an existing nonconforming fourth story. The height of the structure, permitted as a matter of right, will remain unchanged. The Old Georgetown Board and

Historic Preservation Office approved the plans, in concept, having no objection as long as specific conditions are met. These conditions more than adequately address any potential visual impacts to the community.

On July 19, the Applicant received a recommendation of no objection, with conditions, from the Old Georgetown Board and Commission of Fine Arts. *See* HPA No. 13-307 and OG No. 13-184. The Applicant has explained the project to a number of nearby property owners including the adjacent neighbors. While unwilling to document their support by signing a letter of support, no objections were raised. On September 30, ANC 2E voted unanimously to support the Application as proposed.

IV. WITNESSES

The following witnesses will appear on behalf of the Applicant:

1. Rashid Salem, on behalf of the Applicant
2. Rich Markus, Architect on behalf of Rich Markus Architects.

V. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings in this case, we hereby submit that the application meets the requirements for area variance relief. We look forward to presenting our case to the Board on October 29, 2013.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP

A handwritten signature in black ink, appearing to read 'M. Moldenhauer', with a long horizontal flourish extending to the right.

By: Meredith H. Moldenhauer