

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

**APPLICATION OF 705 KENYON ST,
SQUARE 2892, LOT 804**

PRELIMINARY STATEMENT OF THE APPLICANT

This Preliminary Statement is submitted by David Gullick (the "Applicant"), owner of 705 Kenyon N.W., Square 2892, Lot 804 (the "Site"), in support of his application to the Board of Zoning Adjustment (the "Board") for the following area variances needed to permit the conversion of an existing nonconforming flat to a three-unit apartment building:

772.1 maximum lot occupancy requirement

774.1 minimum rear yard requirement

2100.1 minimum off-parking requirement

The Applicant will file a 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 Information Regarding the Site and Proposed Development

The Site is located at 705 Kenyon ST, N.W. (Square 2892, Lot 804). The Site is zoned GA/C-2-A and is presently improved with a three-story residential building. The Site is bounded to the north, east, and west by private property, and to the south by Kenyon Street, N.W. The Site includes 1,250 square feet of land area and has no public alley access.

As shown on the plans included with the application, the Applicant proposes interior remodeling of the existing basement to add a third apartment. The current building Certificate of Occupancy is for a 2-Family Flat. No changes are proposed to add to the foot print of the building.

II. Burden of Proof for Area Variances

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 situation or condition;

(2) the owner would encounter practical difficulties if the zoning regulation 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.

A. 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 above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. In this case, the size and depth of the Site, combined with its lack of access to a public alley, create an exceptional situation and condition that directly impacts the requested relief. As shown on the materials included with the application, the Site contains only approximately 1,250 square feet of land area.

B. Strict Application of the Requirements Would Result in a Practical Difficulty to the Applicant

Section 2101.1 of the Zoning Regulations requires a parking space, a larger yard, and a smaller foot-print. However, based upon on the lot size, dimensions, existing building foot print, and lack public alley access, there is no practical way to provide these requirements.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan

Relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map. The addition of one apartment to the neighborhood will have a very small effect on traffic and parking and it will provide needed housing to a growing neighborhood.