

Applicant: Myrtle Avenue LLC
Representative: Gabriel R. Nathaniel
Date: May 22, 2014
Project Address: 2610 Myrtle Avenue NE
Square 4315, Lot 834
Zoning Amendment: R-1-B
Variance Sought: Lot WIDTH Variance to be decreased from 50'-0" as matter of right to 42'-4" as proposed.

FORM 121 – Applicants Burden of Proof for Variance Applications

Section 401: Minimum Lot Dimensions

401.3 Except as prescribed in the other provisions of this chapter, the minimum dimensions of a lot in a Residence District shall be set forth in the following table:

R-1-B – 50'-0" Minimum Lot Width

Subsection 3102.2 Proofs:

1. **The physical characteristic of the property:**
A. Make it difficult for the owner to use the property in compliance with the Zoning Regulations (Area Variance) – i.e. shape and size of the property, unusual topographic or slope, soil conditions, etc.

All adjacent lots are improved with existing single-family homes on similarly shaped and sized lot. This lot is nearly twice the size of all adjacent lots thus making its size unusual to its immediate surroundings. Furthermore there is no form of development that would be permitted without variance to the proposed width thereby establishing a practical difficulty which is unnecessarily burdensome to the applicant.

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

Massing & Appearance

The neighboring buildings on the same street block to Myrtle Avenue are mostly two-story single family dwellings. The Proposed structure will contribute to the permanency of residential dwellings along Myrtle Avenue. This structure will guarantee its use as a residence by fortifying the typical attributes inherent to residential dwellings, i.e. large master suite with master bathroom, auxiliary bedrooms and intimate outdoor space. The total lot occupancy requested for the project is at 28% and considerably less than the maximum allowed of 40%. The total rear yard requested for this project is approximately 33' and side yards are 8' respectively. The project will not encroach upon the minimum side and rear yard requirements. The proposed structure is not isolated from the street façade and does not propose an adverse visual impact from the streetscape. Furthermore the adjacent properties bordering this site have structures of similar character and size to the proposed project. See attached illustrations for details.

Uses & Traffic

Approval of this variance is critical in that the house is very small by today's standards and by the standards of the immediate neighborhood. The current use as a residential structure will remain and there is no proposed intent to substantially increase occupancy and or vehicular use. Ultimately traffic and noise will be unaffected, because there is no change in use.

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

Development of this lot with a detached structure is consistent with zoning regulation permitted uses along with the Comprehensive Plan Generalized Land Use Map. This proposal would infill a vacant lot with a building that, in scale and bulk would complement the character of the streetscape and the development pattern of the square. The only opportunity to develop this site without variance would be to add on to an existing house and develop a larger structure which would be out of scale with the streetscape and neighborhood character.

The intent of the regulations to control height, bulk, and size of buildings would remain in tact if this application is approved, because the amount of construction will not adversely impact the neighbors, change use, restrict light or air or respond negatively to the appearance of the streets. The goal of the plan to maintain low density development in an R-1-B zoning district will not be compromised by the proposed project. The new construction will continue to promote a strong, sophisticated street presence and will continue the line of residential dwellings already existing on both sides of Myrtle Avenue.