

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

**APPLICATION OF 4326 GEORGIA LLC
4326 GEORGIA AVENUE, N.W.
SQUARE 2914, LOT 22**

PRELIMINARY STATEMENT OF THE APPLICANT

This Preliminary Statement of the Applicant is submitted on behalf of 4326 Georgia LLC (the “Applicant”), as owner of property located at 4326 Georgia Avenue, N.W., Square 2914, Lot 22 (the “Site”), in support of its application to the Board of Zoning Adjustment (“Board” or “BZA”) pursuant to 11 DCMR § 3103.2 for an area variance from (i) the off-street parking space requirements of 11 DCMR § 2101.1, and (ii) the compact parking space requirements of 11 DCMR § 2115.2 to allow the construction of a new four-story multiple dwelling building containing nine residential units in the C-2-A District at the Site.

Pursuant to 11 DCMR § 3113.8, the Applicant will file its 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

Square 2914 is located in the northwest quadrant of the District and is bounded by Webster Street to the north, Georgia Avenue to the east, and Varnum Street/Iowa Avenue to the south and west. Square 2914 is split-zoned, with the properties on the eastern portion of the square with frontage on Georgia Avenue zoned C-2-A and the properties on the western portion of the square with frontage on Iowa Avenue zoned R-4.

The Site is located at 4326 Georgia Avenue, N.W. and has approximately 2,891 square feet of land area. The Site is presently improved with a detached building that was most recently occupied with an office use. The Site is bounded by private property to the north and south, Georgia Avenue to the east, and a 15-foot wide public alley to the west. The Site is located in the C-2-A District and is unusually narrow and irregularly shaped.

As shown on the plans included with the application, the Applicant proposes to demolish the existing structure on the Site and to construct a new four-story residential building. The project will include a total of 6,936 square feet of gross floor area devoted to nine residential units. Four compact parking spaces will be located at the rear of the Site, accessed directly from the public alley. As described below, five standard-size parking spaces are required to be located on the Site, thus necessitating the zoning relief requested herein.

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 regulations 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.

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also, Capitol Hill Restoration Society, Inc. v. District of Columbia*

Board of Zoning Adjustment, 534 A.2d 939 (D.C. 1987). As discussed below, the Applicant meets all three prongs of the area variance test.

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 above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. See *Clerics of St. Viator, Inc. v. D.C. Board of Zoning Adjustment*, 320 A.2nd 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation or condition may arise from a confluence of factors which affect a single property. *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2nd 1164, 1168 (D.C. 1990).

In this case, the size of the Site and its irregular shape combine to create an exceptional situation and condition that directly impact the ability to provide five zoning-compliant parking spaces on the Site. As shown on the materials included with the application, the Site only contains 2,891 square feet of land area and is irregularly shaped, with property lines ranging from 37.5 feet along Georgia Avenue, to 38.7 feet at the rear of the Site, to 72.31 feet at the southern property line, to 91.9 feet at the northern property line. The Site is the narrowest and smallest lot designated for multi-family use in the C-2-A District in Square 2914. In addition, the width of the rear of the Site at only 38.7 feet cannot physically accommodate five standard parking spaces side by side, which would require a minimum width of at least 45 feet. The narrow dimensions also preclude the Applicant from providing a drive aisle onto the Site to provide two rows of parking, since doing so would take up the majority of the Site's land area. Therefore, the small size and narrow dimensions of the Site directly impact the ability to accommodate five standard-size parking spaces on the Site.

B. Strict Application Would Result in a Practical Difficulty to the Owner

As stated above, section 2101.1 of the Zoning Regulations requires five standard-size parking spaces for the proposed nine residential units, which are to be located either within a parking garage or on an open area on the lot (*see* 11 DCMR §§ 2101.1 and 2116.2). In addition, compact parking spaces are permitted only in accessory parking areas containing 25 or more required parking spaces, and only 40 percent of those parking spaces may be designated for compact cars. *See* 11 DCMR § 2115.2. In this case, the Applicant can only fit four parking spaces on the Site, and all of them will be compact in size, thus necessitating relief from sections 2101.1 and 2115.2.

Due to the Site's rear width of only 38.7 feet, it is impractical and impossible to locate five standard-size parking spaces accessed from the public alley at the rear of the Site. Lined side-by-side in a row perpendicular to the alley, five 9 feet x 19 feet parking spaces would require a minimum width of 45 feet, which is wider than the width of the Site.

Alternatively, providing a drive aisle that meets the drive aisle width and turning requirements to access a row of spaces on the Site would utilize almost three-quarters of the Site, thus leaving insufficient room for any type of residential development. (*See* 11 DCMR § 2117.5, which requires a clear width of 20 feet for accessibility and maneuvering space between rows of parking spaces and between parking spaces and the perimeter of the area devoted to parking spaces.)

Furthermore, the Applicant cannot provide any below-grade parking on the Site or a ramp to access below-grade parking. Due to the Site's narrow width and small land area, it is impossible to construct a ramp that could meet the maximum permitted ramp slope of 12 percent (11 DCMR § 2117.8(a)) and the minimum ramp width of 14 feet (11 DCMR § 2117.8(c)(2)) and

still provide the five required parking spaces. Moreover, once a vehicle were to reach the foot of the ramp, there would be insufficient room for vehicle turning movements to reach a row of parking spaces. There is simply not enough width on the Site for a vehicle to drive down a safe and zoning-compliant ramp and make a turn to access below-grade parking spaces.

With respect to the maximum number and percentage of compact parking spaces permitted by section 2115.2, the Applicant cannot meet the 25 parking space threshold requirement or the requirement that 40 percent or less of the parking spaces be compact in size because, as explained above, there is only room for four parking spaces at the rear of the Site and all of them are compact in order to provide the greatest number of off-street parking spaces as possible.

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 zone plan, as embodied in the Zoning Regulations and zoning map. The construction of a new four-story residential building with nine units will significantly contribute to the vibrancy of the neighborhood while supporting the District's housing goals for the area. Demand for housing is growing rapidly in this area of the city, and the proposed development will replace a vacant, underutilized office space with much needed new residential units.

Providing four parking spaces instead of five will create no adverse impacts to on-street parking demand or to existing traffic conditions. The Site is well served by public transportation. It is located within convenient walking distance of numerous Metrobus routes and stops, including the 60, 62, 63, 64, 70, and 79 Metrobus lines, and is located a half-mile from the Georgia Avenue/Petworth Metrorail station. In addition, according to walkscore.com, which

measures the walkability, transit, and bicycle access of properties, the Site is rated as “Very Walkable,” and is an “Excellent” transit location, given the variety of public transportation options and the Site’s location in a mixed-use walkable neighborhood with convenient access to grocery stores, restaurants, schools, parks, and other neighborhood services and amenities. The Site is also rated “Very Bikable,” due to the flat topography surrounding the Site, the prevalence of bicycle lanes and routes connecting the neighborhood to the rest of the city, and the existence of three Capital Bikeshare docks located within convenient walking distance of the Site. In addition, three car-share facilities are within 0.4 miles of the Site, and Car-2-Go vehicles, which are operated as a city-wide point-to-point car-share service, are easily accessible throughout the neighborhood. Together, the variety of transportation options and the mixed-use neighborhood will attract residents and visitors who do not want or need to own a car, thus eliminating any detriment to the public good or impairment to the zone plan.