

BOARD OF ZONING ADJUSTMENT

1012 Harvard Street LLC (“Applicant”)
1012 Harvard Street NW

Applicant’s Preliminary Burden of Proof Statement

I. Introduction.

This Statement is submitted on behalf of 1012 Harvard Street LLC (the “Applicant”), owner of the property located at 1012 Harvard Street, NW, Square 2857, Lot 814 (the “Subject Property”). The Subject Property, located in the C-2-A zone district, is located mid-block between 11th Street and Sherman Avenue. The lot is a rectangular lot which fronts on Harvard Street, NW, and borders a mid-block north-south alley. It is currently an A&T lot which is part of a larger record lot. The other portion of the record lot is an alley lot (the “Alley Lot”) which is held by the heirs of the apparent former owner. The Applicant has been unsuccessful in locating these current owners and has not been able to attempt to purchase the Alley Lot. Use of the Alley Lot by the Applicant would provide the necessary parking spaces for which the Applicant is requesting relief herein.

The Subject Property is improved with a four (4)-unit apartment house. The Applicant is planning to construct a matter-of-right addition to the existing structure on the Subject Property, with a matter of right conversion to ten (10) residential units. To do so, the Applicant is requesting parking space variance relief from the two (2) parking space per dwelling parking requirement under 11 DCMR §2101.1, because there is no way to provide the required parking spaces due to the current configuration of the Subject Property and the inability of the Applicant to acquire the Alley Lot. A copy of the Zoning Map for the Subject Property is attached as Exhibit A.

II. Summary of Relief and the Variance Test.

Pursuant to Sections 2100 and 2101 of the Zoning Regulations, a conversion from a four (4)-unit apartment house to a ten (10)-unit apartment house requires the provision of five (5) total

parking spaces. The Applicant's proposed addition (the "Addition") will provide for three (3) parking spaces, thus the Applicant is requesting relief from Sections 2100 and 2101 of the Zoning Regulations for two (2) parking spaces.

A. The Property is Subject to an Exceptional Condition Which Makes Compliance with a Strict Application of the Zoning Regulations a Practical Difficulty.

The existing structure on the Subject Property (the "Building") is two stories, and parking for the Building is located behind the Building via an alley. The Applicant intends to construct a two-story Addition to the Building and to provide ten (10) residential units in the Building. The construction and conversion are permitted as a matter-of-right. Abutting the Subject Property to the rear is the Alley Lot now owned by heirs of the former owner of the Alley Lot. The Applicant has not been able to locate the heirs and, as such, the Applicant has been unable to purchase the Alley Lot to obtain the required parking spaces for the Addition. In order to construct the Addition and retain the Building within the maximum permitted lot occupancy, the Applicant is proposing to move the rear line of the Building in three feet and two and three-quarter inches (3'2¾"). The front of the Building will also move forward to the lot line in the areas where it does not yet do that. While not required, the Applicant believes that retaining as much of the Building as possible will have the benefit of preserving this historical building. Doing so further limits the amount of parking available in the rear of the Subject Property. The Subject Property is too small to allow for the engineering of underground parking. Therefore, due to the current configuration of the Subject Property and the inability of the Applicant to acquire the Alley Lot, the Subject Property is subject to an exceptional condition which makes compliance with the strict application of the Zoning Regulations a practical difficulty.

B. The Requested Variance Would Neither Cause Substantial Detriment to the Public Good Nor Cause Substantial Detriment to the Integrity of the Zoning Regulations.

The Subject Property is located in the commercial C-2-A zone district on a block which includes a mix of residential and commercial uses, such as apartment houses, a gas station and convenience store, and a neighborhood market. Relief for two (2) parking spaces would neither have a substantial detriment to the parking situation in this neighborhood nor would it be a substantial impairment to the integrity of the Zoning Regulations.

III. Conclusion.

For the reasons stated above, this Application meets the requirements for area variance relief, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,



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