

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

**APPLICATION OF
CLYDECO 2015, LLC**

**3324 DENT PL NW
ANC 2E02**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of CLYDECO 2015, LLC (the “Applicant”), the contract purchaser of property located at 3324 Dent Place NW, Lot 251 in Square 1278 (the “Property”), in support of its application for variance relief, pursuant to 11 DCMR §3103.2, from the requirements regarding minimum lot width (§401) and minimum off street parking requirements (§2101.1) to allow the Applicant to construct two new row dwellings (the “Project”) in the R-3 District at the Property.

II. JURISDICTION OF THE BOARD

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

III. BACKGROUND

A. Background Information Regarding the Property

The Property, also known as Lot 0251 in Square 1278, contains approximately 5,250 square feet of lot area and is located in the Old Georgetown Historic District. The Property was previously improved with a historic wood frame structure, which was demolished through a combination of storm damage after it was hit by a significant tree, and neglect by the previous

owner of the property thereafter. An emergency raze permit was issued to allow the demolition of the historic structure because it posed a danger to the community.

The Property is extraordinarily deep, but not very wide, and is in the middle of a block comprised primarily of row dwellings. An abandoned pool, once serving the historic home on the property, is the only improvement on the lot. Said pool originally straddled two property lines (Lot 850 and Lot 851), but the property was consolidated in 2012 into a single lot of record.

The Applicant seeks zoning relief from the BZA to allow the Applicant to develop two row dwellings otherwise complying with the area requirements of the R-3 Zone District, each approximately 17.5' wide, or 13% smaller than that required in the Zone.

B. Description of the Improvements in the Surrounding Area

The zoning in the surrounding area is R-3. The block is comprised primarily of row dwellings. The Property is one of the largest lots in the square.

C. Description of the Proposed Development

The Applicant proposes to construct two row dwellings. As shown on the Architectural Plans, the Applicant seeks to restore the historic lot subdivision pattern of the property by dividing the extraordinarily large lot of 5,250 square feet into two separate lots approximately 17.5' in width and exceeding the minimum lot area requirements by more than 600 square feet each. Each lot will then be improved by a new row dwelling, in keeping with the historic development pattern on the block.

IV. NATURE OF VARIANCE RELIEF SOUGHT AND STANDARD OF REVIEW

Variance relief is required from the requirements regarding lot width (§401), and parking (§2101.1). 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 Bd. of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); see also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

Applicants for an area variance need to demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. *See Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972) (noting that “area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden”). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164,

1170 (D.C. 1990). As discussed below, and as will be further explained at the public hearing, all three prongs of the area variance test are met in this Application.

V. THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCE
RELIEF

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

The phrase “exceptional situation or condition” in the above-quoted variance test 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). The Property is unusual and affected by an exceptional situation and condition as a result of a confluence of the following factors: (1) shape and size of the lot; (2) the removal of a historic structure due to an emergency; (3) historic pattern of development of row homes on the block; and (4) the inability to access the rear of the lot to provide parking associated with row dwellings, the preferred use in the R-3 Zone District.

1. Shape and Size of the Lot

The Property is exceptional with respect to its size. Lot 251 is a deep lot, much like the other properties in the same square; however, at 35’ in width, the property is larger than most other properties in the square, and certainly larger than all of the properties along this side of Dent Place NW. Yet at only 35’, rather than 40’, the property cannot be subdivided into compliant lots without variance relief.

2. Removal of Historic Structure

The damage to the historic structure on the Property in 2011 was tragic. A historic wood frame home was all but demolished, and the previous owner's neglect of the property following the damage rendered the house uninhabitable. An emergency raze was allowed to avoid further damage to property and human life. However, removal of the historic structure in this historic district results in any new structure on the lot having to meet the minimum off street parking requirements of Chapter 21 of the Zoning Regulations; it is no longer subject to an exemption from off-street parking based on the historic status of the structure on the lot. Yet, the remainder of the block is developed with row homes, the construction of which makes providing parking on the site nearly impossible.

3. Unimproved Lot

The majority of Dent Place is improved by row dwellings. A single family detached home on a lot of 35 feet in width is likely to result in a building that is out of scale with the neighborhood.

B. Strict Application of Zoning Regulations Would Result in Practical Difficulty to the Owner

Strict application of the zoning regulations with respect to requirements for lot width (401.3) and parking (2101.1) would result in a practical difficulty to the Applicant.

1. Lot width (§401.3)

The Project requires relief from lot width requirements. Under §401.3, the minimum lot width for a row dwelling is 20 feet. The proposed lot width of the Project is 17.5 feet. Although the Project can provide two lots that comply with the minimum lot area (in fact, exceeding the lot area required by more than 600 square feet each), strict compliance with the minimum lot width

would eliminate the ability to construct two homes, and would restrict development to one single family detached house that would be enormous for the neighborhood, out of scale, and likely difficult to market.

Constructing large homes on large lots runs counter to the Applicant's and the District's goal of providing accessible housing to all families. As such, the Applicant seeks variance relief for lot width to permit construction of two homes on smaller lots.

2. Parking (§ 2101.1)

As stated above, development of the Property with row dwellings is far more in character with the neighborhood and the Old Georgetown Historic District (as well as the historic structure that once stood on this Property) than the construction of one single-family detached structure on a 5,250 square foot lot. However, construction of row dwellings, which are permitted as a matter of right, and in fact, encouraged in the R-3 District would render the Property unable to comply with the minimum off-street parking requirements. Unlike most properties in Georgetown, which are eligible for an exemption from the off-street parking requirements due to their historic status, new construction must, in the absence of special exception or variance relief, construct at least one space per dwelling unit. The Property is simply not wide enough to provide access to the rear of the structures for off-street parking.

Moreover, there is a distinct possibility that there are archaeological resources extant on the grounds of the Property, disturbance of which would run counter to the Old Georgetown Act. The Applicant is currently in discussions with the Archaeologist for the District of Columbia to undertake an excavation to determine whether there are such resources on the Property.

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

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the zone plan by approving the zoning relief. The proposed project converts an unimproved piece of land into two compatible row homes in the R-3 District.

VI. CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for variance relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted

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By: _____

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