

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

Application of Woinshet Mekonnen

**APPLICANT'S HEARING STATEMENT
May 2015**

This Pre-Hearing Statement ("Statement") outlines the existing and proposed use of the property and the manner in which the application ("Application") complies with the specific tests and burden of proof for the special exception sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR § 3104.1 for a special exception under § 353.1 to allow the construction of three new row dwellings, as that term is defined, one each on three adjoining lots of record. The three row dwellings conform in all respect with all other applicable provisions of the Zoning Regulations.

SUMMARY OF APPLICATION

The applicant seeks a special exception pursuant to 11 DCMR § 3104.1 to allow, under § 353.1 the construction of three adjoining row dwellings, each on s separate lot of record. The applicant proposes to construct a replica row dwelling each, on lots 73, 74, and 75 which will occupy approximately 38.37%, 38.10% and 37.05% respectively, in compliance with the 40% maximum percentage of lot occupancy prescribed for the underlying R-5-A zone district within which the subject property is located.

Each building will comply with all other applicable provisions for its underlying zone district, including parking, rear yard setback minimum, floor area ratio (FAR), height and number of story limitation.

JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested special exception under § 8 of the Zoning Act, DC Official Code § 6-641.07 (g) (2) (2001), as further set forth in 11 DCMR § 3104.1

PROPERTY LOCATION AND DESCRIPTION

The property is located in the Fort Stanton Park neighborhood in Southeast quadrant of the city and mapped under Square 5753, Lots 73, 74 and 74 in the Atlas Baist Maps.

The lots are currently vacant, although evidence of the existence of a prior structure(s) exists.

Lot 73 is approximately 1890 square feet in lot area, while Lots 74 and 75 are slightly larger at 1945.3 and 2000.7 square feet respectively.

The subject properties are angularly-shaped where the front property lot lines abut 16th Street. Hence the width of lot for each lot starting with Lot 73 is progressively lengthier, and account for the variation on respective lot sizes or area.

The lots are an interior lot by definition. The proposed two-story row dwellings will occupy less than the maximum allowable 40% percentage of lot occupancy set forth under §403.2.

The subject property is located in neighborhood which consists of a mix of walk-up garden apartment buildings, row dwellings, flats and one-family detached dwellings

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

The Applicant requests approval from the Board of Zoning adjustment (BZA) of a special exception under § 353.1 to allow the proposed new development of three row dwellings on adjoining three lots of record.

The proposed new development will comply with all other applicable provisions of the Zoning Regulations, save for the provision of §353.1 which subjects all new developments in the R-5-A zone district, except those comprising one-family detached and semi-detached buildings, to review by the BZA under special exception.

The Board is authorized to grant special exceptions where, in the judgement of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject to specified conditions.

Under the General Provisions of the R-5 Districts and as more specifically set forth under § 350.1 the R-5 Districts are General Residence Districts which are intended to permit in a single district”all types of urban residential development if they conform to the height, density and area requirements established for these districts under Chapter 4 of this title...”

Chapter 4 of the Zoning Regulations establishes a maximum height of 40 feet and three stories for buildings or structures in the R-5-A zone district within which the subject property is located; density not to exceed 0.9 FAR; percentage of lot occupancy limit of 40%; rear yard setback minimum of 20 feet.

The proposed buildings or structures comply with all the foregoing provisions as attested by the self-certification form and worksheet in conjunction with the submitted project plans and Surveyor's Plats.

The proposed row dwelling use, which is a one-family dwelling having no side yard by definition, is deemed a compatible use in the R-5-A zone district and more importantly the neighborhood epitomizes the objective of the General Provisions as set forth under § 350.1 given that it features such urban mix of all types of urban residential development contemplated therein, as aforementioned.

The subject site is relatively flat and the proposed structures are intended as slab-on-grade structures without cellars or basements, excavation, site grading and other earth disturbance activities will kept to a minimum and therefore not significant

CONCLUSION

The Board is authorized to grant a special exception, in excerpt, where in its judgment, the relief will be in..... "harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring properties....."

The applicant proposes three three-story row dwellings, each on a separate lot of record in a neighborhood with a balanced mixture of three-story walk-up garden apartments, row dwellings, and other types of one-family dwellings. Therefore the proposed project is compatible and is in harmony with the general purpose and intent of the Zoning Regulations and Maps, as set forth in §§ 350.1 and 350.2 of the General Provisions section of the R-5 Districts.

Subject to the provisions of § 353, the proposed use of each structure as a one-family dwelling is use permitted in the underlying R-5 District as specifically set forth under § 350.4 (a).

For the foregoing reasons, the proposed use will not tend to affect adversely, the use of neighboring properties.

The Applicant therefore respectfully requests that the application be granted.