

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Evergreen Properties I LLC (the “Applicant”)
7300 Georgia Avenue, NW; Square 2956, Lot 40 (the “Property”)

PRELIMINARY STATEMENT OF COMPLIANCE WITH THE BURDEN OF PROOF

I. Background

The Property is located at 7300 Georgia Avenue, NW (Square 2956, Lot 40). It is improved with a two-story plus cellar, 4-unit apartment house (the “Building”). The Property has a lot area of approximately 1,995 square feet. The Building currently occupies seventy percent (70%) of the lot. The Property is an odd-shaped lot. It has a lot width of 46.31 feet along the front property line, similar to four other contiguous lots adjacent to the north. However, the lot width decreases from that point, at a 45 degree angle, from the front of the Property to a point about a third of the way toward the back, to an eventual width of about 17 feet, which then continues at that width to the rear property line. The shape of the Property severely limits the density of the existing building, compared to the neighboring buildings to the north. The existing Building is only two stories, at a height of 24.5 feet, less than half of the permitted height, and currently utilizes only 1.4 of its available 2.4 FAR.

Due to the pre-existing lot occupancy percentage being legally nonconforming, strict compliance with the Zoning Regulations makes it a practical difficulty to do any addition at all, and the Building is therefore effectively restricted to an FAR of only 1.4, absent a reduction in the existing Building footprint. This situation is very unique to the subject Property, as it is the only lot in this row of properties which is odd-shaped, as a result of the adjacent alley to the south running northwest at a 45 degree angle, effectively cutting off the Property.

The Applicant is proposing to construct a one-story addition to the Building, including a mezzanine (the “Addition”), adding one residential unit in the cellar and two residential units in the Addition portion of the Building on the new third floor. The nonconforming lot occupancy will not be increased, but the Applicant will need relief from both lot occupancy restrictions of Section 772.1, and the from the nonconforming structure restrictions of Section 2001.3.

The odd shape also leads to a narrowing of the Property in the rear, which makes the provision of two (2) full-sized parking spaces impossible. The Applicant is proposing to provide one full-sized parking space, and one compact space. The parking space requirement is two (2) spaces, therefore relief is also being requested for one parking space (or, effectively, to provide a compact space rather than a full-sized space).

The proposed project will restore and bring up to code an aging building. It will also provide additional residential units by utilizing only the available FAR. While relief for one space is requested, a compact space will be provided in its place. Therefore granting relief will not be a substantial detriment to the public good. Nor will it negatively impact the integrity of the zone plan, as the condition of the lot which creates the practical difficulty is extremely unique.

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