

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement in Support of Area Variance Relief from Section 2101.1

3700 14th Street, N.W.; Square 2692, Lot 43

I. Introduction.

This Statement is submitted on behalf of Wacap LLC (the “Applicant”), owner of the property and improvements located at 3700 14th Street, N.W., Square 2692, Lot 43 (the “Property”). The Property is currently improved with a one-story Building (the “Building”), which is currently used as a restaurant. The Applicant intends to keep the existing restaurant use on the first and basement floors, and construct a four-story addition (the “Addition”). The Addition will create four residential units, one unit on each of the newly added floors.

The Property is located in the C-2-A zone district, at the northwest corner of 14th Street and Spring Road. The Property is a very small, corner lot, with a land area of 2,838 square feet. It fronts on 14th Street to the east, and borders Spring Road to the south. To the west, it borders an alley. The Property shares a common lot line with the commercial property to the north. The Property’s Building Restriction Line significantly and uniquely decreases the Property’s usable land area.

The Applicant is proposing to do a four-story addition on top of the current restaurant use, creating a five-story mixed-use building with restaurant use on the first and basement floors, and residential units on stories two through five. Section 2101.1 requires that the Applicant provide one parking space for every two residential units, for a total of two (2) spaces. Because of the size, shape, and unique conditions associated with the Property, the Applicant is unable to provide any parking and is therefore requesting relief from the parking requirements of 2101.1.¹

¹ The newly adopted Zoning Regulations to go into effect on September 6, 2016, will eliminate the need for this relief, as the new parking requirement will be zero spaces. The Applicant desires to move forward expeditiously, however, and needs the requested relief to do so.

II. Burden of Proof

The burden of proof for an area variance is well established. The Applicant must demonstrate three elements: (1) unique physical aspect or other extraordinary or exceptional situation or condition of the property; (2) practical difficulty from strict application of the Zoning Regulations; and (3) no substantial detriment to the public good or the zone plan. *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990).

As set forth below, the Applicant meets the three-part test for the requested variance from parking.

A. The Property is Uniquely Affected by an Exceptional Situation/Condition.

The Property is impacted by several unique and exceptional conditions, including the small and narrow size, and the irregular shape, of the lot, and the fact that a large portion of the Property is located beyond the Building Restriction Line, as a result of this being a corner lot. The Building has a footprint of 1,266 square feet and is contained entirely within the usable portion of the lot, which is approximately 1,630 square feet. The entire lot area measures 2,838 square feet, therefore the Building Restriction Line eliminates roughly 43% of the lot's usable land area.

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

A strict application of the parking area requirement in this case would result in a practical difficulty to the Applicant because the unique conditions greatly increase the core factor in the proposed building, making it difficult to provide any reasonable size of building, if parking is provided. The Applicant is also working with an already-existing footprint that would have to be

reduced in order to squeeze a parking space onto the lot. Furthermore, since that parking space would have to be accessed from the rear alley, at a point at which the lot is very narrow (the lot is triangle-shaped), the parking space would have to be beyond the edge of that building restriction line, well within the property line toward the middle of the lot.

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

Granting an area variance from the strict requirements of 2101.1 would result in no substantial detriment to the public good, nor substantial impairment to the intent, purpose and integrity of the Zone Plan. In addition to providing four new quality residential units, the proposed project will maintain the desired restaurant use on the first and basement floors, rather than just maximizing the residential FAR.

IV. Conclusion.

For the above reasons, as will be explained in more detail in the prehearing statement, the Application meets the three-prong test for variance relief.

Respectfully Submitted,



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Date: January 28, 2016