'99 DEC -6 P3:19

OFFICE OF ZONING
DISTRICT OF COLUMBIA

STATEMENT OF REASONS IN SUPPORT OF APPLICATION FOR A VARIANCE FROM THE MAXIMUM PERCENTAGE OF LOT OCCUPANCY IN THE R-4 DISTRICT

THIS STATEMENT OF REASONS is submitted on behalf of Steven and Cecile Simone, for the Simone-Starbuck Joint Venture (the "Applicant") by and through its counsel, Greenstein DeLorme & Luchs, P.C., by Jacques B. DePuy, Esq. and Jeannine Rustad, Esq., in support of an application for a variance from the maximum allowable percentage of lot occupancy in an R-4 district for Lots 72 and 73 in Square 868, which are also identified as 12 and 16 Seventh Street, N.E. (the "Property").

The Property consists of two (2) irregularly shaped lots which were very recently improved with two (2) new single family row houses. The Property is located in the R-4 zone district and is included in the Capital Hill Historic District. The lots front on the west side of Seventh Street, S.E. between East Capitol and A Street, N.E. A public alley runs along the rear of the Property. There is a single family dwelling that abuts the subject property to the south and a commercial (nonconforming) use on the north side.

Pursuant to 11 DCMR § 3103, the subject application seek variances from the lot occupancy requirements of the R-4 zone district in order to construct detached garages for each of the single-family dwellings. Entrances to the garages will be from the public alley to the west. The maximum lot occupancy in the R-4 district for row houses is sixty percent (60%). In order

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16544

Board of Zoning Adjustment
District of Columbia
CASE NO.16544
EXHIBIT NO.5

to construct the garages, variances of fifteen percent (15%) for Lot 72 and fourteen percent (14%) for Lot 73 are required.

The standard for granting variances is that compliance with the regulation would be unnecessarily burdensome and practical difficulties apply to the Applicant arising out of the property. *See* A.L.W. Inc, v. District of Columbia Board of Zoning Adjustment, D.C. App., 338 A.2d 428, 431 (1975) and Barbour v. District of Columbia Bd. of Zoning Adjustment, 358 A.2d 326, 327) D.C. 1976).

These variances are justified by reasons of the exceptional narrowness and irregular shape of these lots. The lots are twenty-seven (27) feet wide along 7th Street, N.E. and decrease in width to only nineteen (19) feet along the alley. The rear portion of each lot is also set off in an irregular direction from the remainder of the lot. This set off is approximately sixteen (16) feet for Lot 73 and eight (8) feet for Lot 72. This unusual lot configuration and the location of the public alley to the west discourages the use of the rear yard for anything other than parking. The granting of the variances to allow for construction of the garages will enhance both the appearance and utility of the lots.

At present, two (2) parking spaces have been established that are surrounded on the east by a ten (10) foot high cinder-block wall and by the walls of adjacent structures which abut to the north and the south. The walls of the abutting structures to the north and the south are approximately twenty-two (22) and eighteen (18) feet high, respectively. By proposing to

construct two (2) garages, the Applicant seeks nothing other than to place a roof over the enclosing walls. In so doing, the Applicant will create structures with a design that is more compatible with other historic structures in the Capitol Hill Historic District. In addition, these new structures will provide the security, storage space and protection from the weather desired by today's home buyers.

In order to comply with the overall regulations for the R-4 District, the two (2) subject lots were created by resubdividing three (3) nonconforming lots and by demolishing a nonconforming, noncontributing one (1) story structure. The resubdivision has reduced the number of required variances significantly. Therefore, the variances are the minimum zoning relief necessary to overcome the exceptional conditions and unique character of the Applicant's property.

The Property as improved will not adversely affect the character of the neighborhood or the light, air or view of neighboring properties. In fact, the two (2) new garages will not be visible from Seventh Street, N.E. or from the structures located in the rear of the two (2) abutting properties. Furthermore, the garages would face the public alley, thereby allowing access without affecting traffic circulation on the street and without requiring any curb cuts.

For the foregoing reasons, and on the basis of the evidence submitted with the application, it is respectfully submitted that the subject application satisfies the legal requirements applicable to the requested relief and that it therefore should be granted.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
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