STATEMENT OF REASONS IN SUPPORT OF AMENDED APPLICATION FOR A SPECIAL EXCEPTION FROM THE REAR YARD SET-BACK REQUIREMENTS FOR AN ACCESSORY BUILDING ABUTTING AN ALLEY AT THE PREMISES OF 1619 CONNECTICUT AVENUE, N.W., LOT 815, SQUARE 111

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This Statement of Reasons is submitted on behalf of the Applicant, Michael R. Kain, President & General Partner, Kain Family Limited Partnership, the owner of the subject property, by his attorneys, Robins, Kaplan, Miller & Ciresi, L.L.P., by Richard B. Nettler, Esquire and Jeannine Rustad Zigner, Esquire.

The subject property is improved with two structures. The main building, which is one story, abuts Connecticut Avenue, N.W. A two-story accessory building, a historic carriage house (the "carriage house"), abuts a ten foot (10') public alley at the rear of the property. The main building is currently used for retail purposes and carriage house is currently vacant.

In addition to owning the subject property, the Applicant is the owner of the adjacent property, Lot 85, Square 111. The Applicant intends to subdivide Lots 815 and 85 and, subsequently, to attach the carriage house to the principle structure on Lot 85.

By this application, the Applicant proposes to use the carriage houses for retail purposes. The subject property is located in the C-3-B zone district, which requires a set back of any portion of a building over twenty feet (20') tall (i.e., over one story) abutting an alley. *See* 11 D.C.M.R. §774.9(a). As the carriage house is a two-story building which abuts an alley without the required setback and is intended to be attached to the principle structure on Lot 85 or used as a principal structure, a special exception from the rear yard set-back requirements of 11 D.C.M.R. §774.9(a) is necessary. However, as the carriage house is situated so as to provide sufficient light and air and to protect the privacy of surrounding building occupants, the requested relief will have no adverse effect on the surrounding community. *See* 11 D.C.M.R. §774.2.

For the foregoing reasons, and on the basis of the evidence to be presented at the public hearing on this matter by the Applicant and other witnesses, it is respectfully submitted that the subject application satisfies the legal requirements applicable to the requested relief and that it therefore be granted.

Respectfully submitted,

ROBINS, KAPLAN, MILLER & CIRESI, L.L.P.

By: Richard B. Nettler

By: Jeannine Rustad Zigner

BZA
Case No. 16688
Exhibit No. 13

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Board of Zoning Adjustment
District of Columbia
CASE NO.16688
EXHIBIT NO.13