Exhibit 'D'

LOT 34 , SQUARE 902

APPLICANT'S REASONS FOR VARIANCE

This lot is burdened with a 6ft wide easement for egress and ingress purposes along its northern perimeter line for the benefit of Lots 32 and 33 of Square 902. Applicant seeks to construct a two (2) story building on this lot with retail on the ground floor and office use on the second floor.

Because the lot is located within the Capitol Hill Historic District, prior to filing plans for building permits, applicant met with the CHRS and the HPRB staff to discuss design details for an historically conforming facade treatment. In the interest of eliminating a gap in the facade along 8th St. SE, both the CHRS and HPRB staff encouraged applicant to design a 2 story structure, cantilevered over, and enclosing, the egress easement area, creating a protected and fire-rated service corridor with a distinct exit gate. (See architectural storefront rendering attached). However, Mr.Toye Bello of the District of Columbia zoning department has advised applicant that sheltering the egress corridor from the elements with a cantilever creates a "courtyard" and this covered area counts against allowable building area, much like an elevator shaft in an office building.

Developing such a small building is very expensive because there is no economy of scale. Losing 396 sf (17%) of applicant's useable floor area because of the cantilever would make this structure difficult to lease and uneconomic to construct. Without a variance, applicant will be limited to a 2 story building with a footprint of 18'x46' at street level and 24'x46' on the second level for a total area of 1,932 sf.

Applicant's current plan for the building shows a gross floor area of 1,150 sf on the first floor (net useable 992sf) and 1,556 sf on the second floor (net useable1,348sf) for a total of 2,706sf (total net useable2,340sf) which will be permissible if a 2 FAR is granted.

A prior variance application for relief from the rear yard setback had the unanimous support of both 8th St merchant associations, as well as the ANC and the CHRS, and was unanimously granted by the BZA (Decision 16538, 10/26/2000). Since both the CHRS and HPRB staff have suggested and encouraged the cantilevered facade design, and applicant agrees that this is an appropriate design for the site; applicant (1) respectfully requests that the Board of Zoning Adjustment permit applicant to construct a two story building with an FAR of 2 on Lot 34 of Square 902; and (2) that applicant be relieved of any lot occupancy restrictions.

Thank you for your consideration of this matter,

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Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO.4