BRIEF STATEMENT OF EXISTING AND PROPOSED USE
2131-2133 TENTH STREET, NORTHWEST
BOARD OF ZONING ADJUSTMENT CASE NUMBER _____

BACKGROUND

The subject property is zoned R-5-B residential. The prior zoning classification of lots 58 and 59 was C-M-1 commercial light manufacturing.

The following Certificates of Occupancy were issued for the premises and are on file at The Department of Consumer and Regulatory Affairs, the Building Land Regulation Administration, the Permit Center:

B15980	2/4/59	Gas Service Station - First Floor
B48324	10/1/64	Gas Service Station – First Floor
B55339	2/14/66	Auto Repair – First Floor
B151138	9/21/87	Auto Repair and Storage– First Floor

The existing property has a vacant one story structure and is located at the intersection of 10^{TH} and W Streets Northwest. The total lot area of lots 58 and 59 is 1,375.0 square feet. The total lot width is 27.5 feet and the depth of the lots is 50 feet. There is a 3.0 foot wide easement which runs across the eastern edge of the property. The property is bounded by an existing structure on the south and an existing structure on the west. Four 1,000 gallon underground fuel tanks were removed from the premises with a permit Issued on January 4, 1999.

PROPOSED USE

The applicants Loder,Gravett, LLC proposes to construct a four unit apartment house which will have a cellar, first, second, third floors and a loft. One efficiency unit will be Located in the cellar with three off street parking spaces. The first, second and third floors will have three two bedroom units. At the loft level there is a deck which will be open to the sky.

BZA
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Exhibit No. 3

Board of Zoning Adjustment
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The height of the proposed construction will be a maximum of 47 feet. The structure will not meet the rear yard setback and the minimum width and area of a closed court requirements. The proposed construction will exceed the minimum lot occupancy and the maximum floor area ratio requirements.

The proposed construction of a four unit apartment with accessory off street parking will require the following relief from the Board of Zoning Adjustment:

(1) Variance from Section 403.2 the maximum allowed lot occupancy requirement for a structure in the R-5-B zone (Section 3103.2).

(2) Variance from Section 402.4 the maximum allowed floor area ratio provisions for a structure in the R-5-B zone (Section 3103.2).

(3) Variance from Section 404.1 the minimum rear yard setback requirement for a structure in the R-5-B zone (Section 3103.2)

(4) Variance from Section 406.1 the minimum width and area requirements for a closed court for an apartment house in the R-5-B zone (Section 3103.2).

LEGAL TEST FOR A VARIANCE

The applicant seeks four area variances in order to construct a four unit apartment building. The standards by which the Board of Zoning Adjustment can approve area variances have been set forth by the D.C. Court of Appeals, Palmer V the Board of Zoning Adjustment, 287 A.2d 535, 541 (D.C. 1972).

Variances may be granted when the following conditions are shown to exist:

(A) The property is unique in its size, shape, topography and other extraordinary or exceptional situation or condition;

(B) The owner would encounter exceptional practical difficulties as a result of the strict application of the

D.C. Zoning Regulations to its particular property, and

© The variance would not cause substantial detriment to the public good and would not impair the intent, purpose and integrity of the Zone Plan, Carlinger V BZA, 412 A.2d 52, 53 (D.C. 1980); Capitol Hill Restoration Society; Inc. V District of Columbia Board of Zoning Adjustment, 534 A.2d 939 (D.C. 1987).

The property is unique in its size of 1,375.0 total lot square footage. The combined lot width of lots 58 and 59 is 27.5 feet. The depth of the lots is 50.0 feet. Lot 58 is 13.5 feet wide and lot 59 is 14.00 feet wide. There is a three foot wide easement on the eastern side of the lot. Several conceptual design schemes were prepared and reviewed. Each concept for uses permitted in the R-5-B zone would require Board of Zoning Adjustment relief. In order to provide required off street parking and functional habitable space. The 5.0 foot rear yard includes the exiting 3.0 foot wide easement.

Because of the lot constraints it is difficult to design any type of a structure with adequate setbacks. The applicant proposes to add landscaping in public space on the 10th Street side of the property and on the W Street side of the property.

The applicants, Loder/Gravett, LLC , have tried to design a building of reasonable height, yet the lot square footage and the lot width and depth present challenges which cannot be overcome without Board of Zoning Adjustment approval.

Therefore Loderd,Gravett, LLC respectfully request approval of four area variances from the Board of Zoning Adjustment in order to construct a four unit apartment building in the R-5-B zone.

Gladys Hicks
Zoning Consultant