STATEMENT

OF EXPLANATIONS AND REASONS

SUPPORTING AN APPLICATION

TO THE BOARD OF ZONING ADJUSTMENT

OF THE DISTRICT OF COLUMBIA

FOR A SPECIAL EXCEPTION

PURSUANT TO SECTIONS 223.1 and 3104

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

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3415 McKinley Street, N.W.

(SQUARE 1997, LOT 76 (822)

BZA Case No.

BZA
Case No. 17102
Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
CASE NO. 17102
EXHIBIT NO. 3

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INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of Robert and Jennifer Beylickjian, (hereinafter "applicants") for a special exception, pursuant to Section 223.1 of the Zoning Regulations of the District of Columbia, to complete a two-story addition which is 2.9 feet from the side lot line.

DESCRIPTION OF THE APPLICANT

The Beylickjians purchased their home on McKinley Street in 1999. Recently, they contracted to build a two-story addition which extended the existing side yard setback. Plats and surveys filed at the Office of the Surveyor showed the existing side yard as approximately 5 feet. Based on these plats, they were granted a building permit on June 19, 2003. Section 405.8 of the Zoning Regulations permits the extension of a nonconforming side yard adjacent to a house built before 1958, with a minimum five-foot setback. After the addition was well under construction, a wall check by a private surveyor revealed that the existing wall was only 2.9 feet from the side lot line. A stop work order was issued by BLRA after the contractor had nearly enclosed the structure. Subsequently the District permitted them to secure it and make it weather tight. The Beylickjians are the unfortunate victims of mistakes made by surveyors in the past and incorrect plats filed with the DC Surveyor. They desperately need this special exception to finish the addition.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is a one-family detached dwelling located at 3415 McKinley Street, N.W., Square 1997, Lot 822 (76). It is in the R-1-B Zone, which permits single-family detached houses. The property is on the north side of McKinley between Broad Branch Road and Nevada Ave, N.W.

B. Area Surrounding the Property

The predominant uses in the area are low density residential.

C. Zoning History and Use History

The area is zoned R-1-B.

REASONS IN SUPPORT OF THE APPLICATION FOR SPECIAL EXCEPTION

A. Compliance with D.C. Zoning Regulations

The Special Exception is needed to permit the addition to this single-family house to be built within the 5-foot side yard setback area. The applicant satisfies the

requirements for grant of the Special Exception. The Board is authorized to grant special exceptions where, "in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property ..." 11 DCMR §3104.1

B. No Adverse Effects

Because of the large rear yard, even with the addition there will still be over 50 feet between the rear of the house and the rear lot line. A garage in the rear yard does not take up more than a third of the square footage of the rear yard. In addition, the house immediately to the west is nearly 14 feet from the Beylickjian house, and does not have an addition. There will be no loss of light at any time of day since an enormous tree in the rear yard of the subject house shades both back yards from eastern sunlight. East of the subject lot is a wooded area.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Residential Use

The subject property is neither a landmark nor in a Historic District.

CONCLUSION

The Beylickjians are unintended victims of a series of mistakes originated by the District and perpetuated over the years by the District and private surveyors. The Applicants should be granted a Special Exception to allow this nonconformity. Such a use is unlikely to have any negative effects on the neighborhood and will correct an injustice. Moreover, such a use will be in harmony with the purpose and intent of the Zoning Regulations.

Respectfully submitted,



Stephen N. Gell, Esq.