Burden of Proof

According to D.C. Code Ann §5-424(g)(3)(1981), "[w]here by reason of exceptional narrowness…the strict application of any regulation adopted under D.C. Code Ann §5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The existing Lot 72 is exceptionally narrow at Clinton Street. The existing width of the lot is 30.0' wide at its narrowest point, 40% narrower than the required 50.0' width. Under the current code, minimum 8.0' side yards are required. If 8.0' side yards are subtracted from the width of the lot, it would leave only 14.0' for a building. A 14.0' house would have to be deep, cutting into steep topography towards the rear of the lot. Excavation would be costly. Also, a 14.0' wide house would not be appropriate to a neighborhood of single-family houses. In order to place a wider house on the lot, it would have to be placed far back on the lot, where the lot widens to 80.0'. This would place the house far behind adjacent houses and would require long driveway. Construction of a long driveway would involve an unusual amount of excavation and site work. Also, setting a house far back on Lot 72 would place it out of harmony with neighboring structures.

We propose that a normal sized single-family home (24.0' wide by 30.0' deep) be placed on the lot. The front yard of the house would match adjacent houses. Side yards would be 5.0' and 1.0'. (The house is located closer to the North property line to preserve an existing tree on the lot.) This would allow the house to have a garage, similar to the adjacent houses, which have garages and carports. Sufficient spacing between houses would be provided to assure privacy. The space between the proposed house and the existing house to the North would be 20.0'. This is consistent with two adjacent lots with side yards of 8.0', resulting in a minimum 16.0' space between houses. To the South, an 8.8' space would be provided between the buildings. The existing house to the South has a garage adjacent to Lot 72. If the garage were not considered, the space between the houses would be approximately 18.0', which is still consistent with the zoning requirement of 8.0' side yards.

Granting this application for variance will not be of any substantial detriment to the public good. Adding a house in harmony with others in the neighborhood will only enhance this area. Sufficient spacing between houses (as indicated above) will provide the privacy between the adjacent buildings. Traffic and lighting will not be adversely affected. The proposed house will have its own garage and will not block any lighting.

Granting this application is consistent with the general intent and purpose of the Zoning Regulations. Accepting this variance will allow a house to be built that fits in with

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neighboring houses. The proposed house with have a front yard consistent with adjacent houses. And sufficient spacing between houses provide both visual and noise privacy as explained above.