Stanton Park Neighborhood Association
P.O. Box 75085, National Capitol Station, Washington, D.C. 20013-5085

Board of Zoning Adjustment
Government of the District of Columbia
One Judiciary Square
Suite 220 South
441 4th St. NW
Washington, DC 20001

July 12, 2004

Re: BZA Application 17188 (409 3rd St. NE Garage)

Dear Sirs,

Stanton Park Neighborhood Association (SPNA) is a nonprofit civic organization representing the interests of north Capitol Hill residents in the area bounded by East Capitol Street, 2nd Street NE, H Street NE, and 10th Street NE. We write to oppose Application 17188, which requests several variances for the construction of a residential garage on Square 780, Lot 26, a/k/a 409 3rd St. NE.

Construction of the proposed garage would radically expand the percentage of lot occupancy on the property. While the application contains contradictory information about the current lot coverage (listed as 58% on the computation worksheet; applicant's written statement claims a figure of 52%), it is clear that the addition would increase lot coverage to more than 82% (and possibly as high as 89%).[1]

Under 11 DCMR § 3103.2, an applicant for a variance must demonstrate that the property suffers from exceptional narrowness, shape, topography, or "other extraordinary or exceptional situation or condition." SPNA believes that the application in this case fails to make the required showing; on the contrary, it is apparent that the applicant's property is essentially identical to the neighboring properties on Third St. NE (both in its dimensions and in the type and size of structures). As a result, the applicant is also unable to establish the "peculiar and exceptional practical difficulties" imposed by a strict application of the zoning regulations.

[1] If the court on the southern boundary of the property is less than 5 feet wide – as indicated on the applicant's drawings – then it must be included in the "building area" used to calculate lot occupancy. With this area included, the proposed project would result in a final lot coverage of roughly 89%.

BZA
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Granting the applicant's request in this case would create an unfortunate precedent. If a homeowner with a typical property is granted a variance to construct to nearly 90% lot coverage – and to do so without any showing of hardship or unique circumstances – then the lot occupancy restrictions imposed under DC zoning law would become essentially meaningless, as nearly every other property owner could expect similar treatment.

As a result, SPNA respectfully recommends that the Board deny the requested variances.

Sincerely,

Drury Tallant, Co-Chair
SPNA Land Use Committee

cc: Karen Wirt, ANC Commissioner 6C08