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July 13, 2004

NORMAN M. GLASGOW, JR.
202-419-2460

Internet Address:
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RECEIVED
D.C. OFFICE OF ZONING
2004 JUL 13 PM 1:25

VIA HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: BZA Case No. 17193
Pre-Hearing Submission

Dear Members of the Board:

On behalf of the applicant, MacArthur Laverock LLC, I enclose an original and twenty (20) copies of the pre-hearing submission for the above-referenced matter.

Please do not hesitate to contact me should you have any questions or comments.

Very truly yours,

HOLLAND & KNIGHT LLP

Norman M. Glasgow, Jr.

Enclosures

cc: Stephen Mordfin, Office of Planning (via Hand Delivery, with attachments)

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BZA
Case No. 17193
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17193
EXHIBIT NO. 25

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

MACARTHUR LAVEROCK LLC

BZA APPLICATION NO. 17193

PUBLIC HEARING: JULY 27, 2004

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of MacArthur Laverock LLC

BZA Application No. 17193
Public Hearing: July 27, 2004

ANC 3D

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR §3103 for variance relief from the rear yard requirement under §404.1. This relief is requested in conjunction with the construction of a matter of right single-family detached dwelling at Laverock Place, N.W. (Square 1356, Lot 36) (the "Property").

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the requested variance relief pursuant to §3103.2 of the Zoning Regulations. The authority of the Board to grant variances is set forth in §3103 of the Regulations.

III.
EXHIBITS IN SUPPORT OF THE APPLICATION

Before proceeding with the discussion of the merits of this application, the following additional materials are submitted:

Exhibit A: A portion of the Sanborn Atlas showing the Property highlighted in yellow.

Exhibit B: A portion of the Zoning Map showing the Property highlighted in yellow, with zoning designation of R-5-A.

Exhibit C: Outline of testimony of Representative of MacArthur Laverock LLC, Applicant.

IV.
BACKGROUND

A. Site and Vicinity Characteristics

1. The Property

The Property consists of Lot 36 in Square 1356 and includes approximately 4,676 square feet of land area. The Property is irregularly shaped and is currently unimproved. Square 1356 is also irregularly shaped, but is generally bounded by MacArthur Boulevard on the north and east, Q Street on the west, and Potomac Avenue on the south. (see Exhibit A). The Subject Property is included in a R-5-A zone district, as shown in Exhibit B.

2. Vicinity

To the north of the Property are Laverock Place, the athletic fields of Georgetown Day School, and single family homes fronting on MacArthur Boulevard. To the east and southeast of the Property is the Psychiatric Institute of Washington property. To the southwest of the Property are additional single family homes and to the west are the athletic fields of Georgetown Day School.

B. Description of Proposed Construction

The Applicant proposes to develop the Property with one matter of right single-family detached dwelling. In order to proceed with the development in its current configuration, the Applicant seeks approval by the Board of Zoning Adjustment (hereinafter "Board") of variance relief from the rear yard requirement (§404.1) set forth in the Zoning Regulations to allow a twelve-foot rear yard instead of a twenty-foot rear yard.

V.

THE APPLICATION MEETS THE REQUIREMENTS FOR VARIANCE RELIEF FROM THE ZONING REGULATIONS

As set forth below, the Applicant satisfies the three-pronged test for variance relief as established in §3103.2. Variance relief is therefore appropriate in the present case.

A. The Property is Affected by an Exceptional Or Extraordinary Situation or Condition

The Property is affected by an exceptional site configuration and topography. As mentioned above, the Property is irregularly shaped. It narrows in width by more than twenty-seven feet from its widest point to the boundary farthest from MacArthur Boulevard. The Property also includes an inward jog of more than thirty feet closest to its frontage on Laverock Place.

B. The Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

In order to obtain an area variance, an owner must prove peculiar and exceptional practical difficulties caused by compliance with the applicable regulation. Furthermore, these difficulties must be related to a property's exceptional circumstances and not to general conditions in the neighborhood. In order to maintain a twenty foot rear yard, the front of the house would have to be located extraordinarily close to the front lot line – less than five feet in places. Because Laverock Place has no setback between its curb and adjacent lot lines, a reasonably configured house on Lot 36 with a twenty foot rear yard would be within steps of the edge of a road and vehicular traffic. Maintaining both the required twenty foot rear yard and a practical front setback could create a home of unreasonable narrowness. In the proposed configuration, the dwelling will be set back between 12.56 and 15.65 feet from the front lot, providing a more pleasing aesthetic for surrounding residents.

For these reasons, the Applicant meets its burden of compliance with the practical difficulty prong of the variance test and is deserving of relief from the Board.

C. Variance Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan.

The relief requested can be granted by the Board without detriment to the Public Good or impairment to the Zone Plan. Situating the home closer to the rear lot line and farther away from its frontage on Laverock Place will cause no harm to the public good as it will not impair access to light or air and is consistent with surrounding existing and planned development. The lot occupancy of the development will be no larger than what would be permitted without this variance. The larger Homeowners Association agrees that the house should be set back farther from Laverock Place. Advisory Neighborhood Commission 3D also voted to support this application at its July 7, 2004 meeting.

For all the above reasons, the requested variance relief can be granted without detriment to the public good or without substantial impairment to the Zone Plan.

VI.
WITNESSES

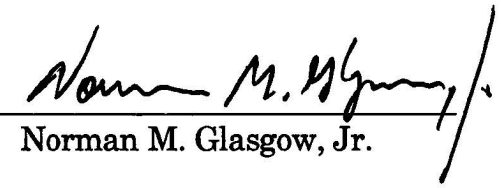
A. Representative of MacArthur Laverock, LLC, Applicant

VII.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The applicant therefore requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By 
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OUTLINE OF TESTIMONY
REPRESENTATIVE
MACARTHUR LAVEROCK LLC

I. INTRODUCTION

II. EXISTING USE OF SITE

III. PROPOSED DEVELOPMENT

IV. EXISTING CONDITIONS AND LIMITATIONS

V. REQUIREMENTS FOR GRANTING THE VARIANCE RELIEF HAVE BEEN MET

VI. CONCLUSION

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A


Q ST. N.W.
PARK LANE N.W.
VOLTA PL. N.W.
FOXHALL RD. N.W.
44TH ST. N.W.
P ST. N.W.
MAC ARTHUR BLVD. N.W.
LAVEROCK PL. N.W.
LAVERock Pkwy. N.W.
POTOMAC AV. N.W.
FOXHALL RD. N.W.
CANAL RD. N.W.
(N. ST. N.W.)
ROSE LEE MAGIC PUBLIC SCHOOL
PSYCHIATRIC INSTITUTE OF WASHINGTON
LINGRAY
1366
1365
1364
1363
1356
1355
1327
1324
354
353
352
351
54

B


R-5-A
1363
134'
148'
125'
198'
209'
120'
269'
141'
140'
242'
1357N
ARK PL
PUD156
1357
MAC AVE
1356
PUD126
LAVEROCK PL
ANAL RD
FOXHALL

C

OUTLINE OF TESTIMONY
REPRESENTATIVE
MACARTHUR LAVEROCK LLC

I. INTRODUCTION

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