BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of MacArthur Laverock LLC
Laverock Place, N.W.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background:

The Subject Property consists of Lot 36 in Square 1356 (the "Subject Property"), and is owned by MacArthur Laverock, LLC (the "Applicant"). The Subject Property was created by a subdivision recorded on June 12, 2003, in which prior Lot 33 was subdivided into three record lots – Lots 34, 35, and 36. The Subject Property is located within a R-5-A District.

The Applicant proposes to construct three single-family dwellings on the three record lots as a matter-of-right. The two lots that front on MacArthur Boulevard will include two semi-detached dwellings. The lot to the rear, abutting the private Laverock Place, will include a single detached dwelling. It is this dwelling that is the subject of this variance application.

The minimum required depth of a rear yard is 20 feet in the R-5-A District. The rear yard of Lot 36 is considered to be that opposite its frontage on Laverock Place. At the request of the Laverock Homeowners Association, and due to the site characteristics discussed below, the Applicant seeks to locate the dwelling farther back from Laverock Terrace, and therefore closer to the east lot line than is normally permitted. The Applicant thus seeks variance relief from the rear yard requirements set forth in §404.1 of the Zoning Regulations in order to permit a rear yard of twelve (12) feet instead of the twenty (20) feet required in the R-5-A District.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17193
EXHIBIT NO. 8

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Board's approval of the requested variance relief. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

The test for variance relief is in three-parts: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

(A) Exceptional Condition or Situation:

The Applicant will demonstrate that the Subject Property is impacted by an exceptional site configuration and topography. The Subject Property is irregularly shaped. It narrows in width as it recedes from the two MacArthur Boulevard lots, and includes an inward jog closest to its frontage on Laverock Place.

(B) Resulting Practical Difficulty:

The Applicant will demonstrate that the strict interpretation of the Zoning Regulations will result in a practical difficulty upon the Applicant. In order to maintain a twenty foot (20') rear yard, the front of the house would have to be located extraordinarily close to the front lot line – less than five feet (5') 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 (20') rear yard would be within steps of the edge of a road and vehicular traffic. Maintaining both the required twenty foot (20') rear yard and a practical front setback would 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 line, providing a more pleasing aesthetic for surrounding residents.

(C) No Harm to Public Good or Zone Plan:

The Applicant will demonstrate that the proposed project can be undertaken without harm to the public good and without threat to the integrity of the zone plan. The proposed home on the Subject Property complies with all other requirements of the Zoning Regulations. 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. In fact, it was the public – or the larger Homeowners Association in this case – that requested the proposed configuration of the dwelling that necessitates this variance relief.