APPLICANT'S BURDEN OF PROOF

An area variance may be granted for improvement of property if all of the following conditions are met: (1) the property suffers from "exceptional narrowness, shallowness or shape" or from "exceptional topographical conditions or other extraordinary or exceptional situation or condition"; (2) these exceptional circumstances "result in peculiar and exceptional practical difficulties" to the owner unless he or she can obtain a variance; and (3) variance relief will not create "substantial detriment to the public good" or "substantially impair" the intent, purpose and integrity of the zone plan as embodied in the zoning regulations and map. **Draude v. BZA**, 527 A.2d 1242, 1254 (D.C. 1987); **Roumel v. BZA**, 417 A.2d 405, 408 (D.C. 1980); **Carliner v. BZA**, 412 A.2d 52, 53 (D.C. 1980); **Capitol Hill Restoration Society v. BZA**, 398 A2d 15, 16 (D.C. 1979); **Palmer v. BZA**, 287 A.2d 535, 541 (D.C. 1972). The Applicant, Dud L.L.C., purchased Lots 17 and 18 in Square 5145 S as well as the adjacent property located at 554 48th Place, NE, Washington, DC 20019. Lots 17 and 18 are undeveloped, each lot containing an area of 3,000 square feet and a width of 25 feet. The property is located in an R-2 Zone that requires a width of 30 feet. The Applicant proposes to build two (2) semidetached structures on the properties.

The Baist Map attached hereto shows that, with the exception of the properties adjacent to the subject properties, almost all of the properties surrounding the subject properties were subdivided in 25 feet wide lots. With minor exception, none of the developed lots in the R-2 Zone near the subject properties comply with the 30 feet width requirement of §401.3 of the Board's Regulations. The initial subdivision of the properties into 25 feet widths results in the properties suffering from "exceptional

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narrowness". This exceptional narrowness results in the Applicant being unable to develop the subject properties without zoning relief from the Board of Zoning Adjustment. The surrounding properties to the subject properties are, for the most part, the same width as the subject properties, and development of the subject properties would therefore in no way impair the intent, purpose and integrity of the zone plan as embodied in the zoning regulations or map. The property is to be developed with structures that are compatible with their surrounding.