BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

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Re: **Application of Gus Koutromanous**
1309 9th Street NW
Lot 835 in Square 367

BZA Application No.
ANC 2C01
Zoned C-2-A

STATEMENT OF THE APPLICANT

I.

Nature of Relief Sought

This is an application pursuant to Section 3103.2 of the Zoning Regulations for variance relief under Section 2101.1 to permit construction of a mixed use, residential and commercial building in the C-2-A zone at premises known as 1309 9th Street NW, the (Subject Property). No other relief is requested.

II.

Jurisdiction

The Board has jurisdiction to grant the relief requested pursuant to Section 3103.2 of the Zoning Regulations of the District of Columbia.

III.

Background

A. Project History and Basis for Request.

The applicant proposes to construct a four-story mixed use building on the subject property. The first and second floor will be devoted to commercial use(s) appropriate to the C-2-A zone district. The third and fourth floor will be a single dwelling unit.

Plans were developed and a building permit application was submitted on November 28, 2003. On June 17, 2004, the Zoning Administrator officially denied the permit application because the proposal did not meet the off-street parking requirements of 11DCMR §2101.1.

B. Description of Subject Property

The subject property is known as lot 835 in square 367 and carries the address 1309 9th Street NW. It is an interior lot located on the West side of 9th Street NW approximately 15 feet from the intersection of 9th Street NW and N Street NW. The property is landlocked. It has

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street frontage on 9th Street NW but there is no alley or easement at the rear. The property is located within a Historic District.

The lot is rectangular in shape. It is 20.05 feet in width and 60.58 feet deep, resulting in an area of 1214.63 sq. ft.

The property is currently unimproved and overgrown. It is located between an abandoned two-story delicatessen to the south and a three-story apartment building to the north.

C. Description of Surrounding Area

The subject property is located in Ward 2 in the Old City II neighborhood of Northwest Washington. The area is primarily commercial (C-2-A) although the zone changes to R-4 at 129 feet west of 9th Street NW. The west side of 9th St NW is populated by a variety of residential and commercial uses. The East side of 9th Street houses the new DC Convention Center. The Center forms a bridge over N St. to allow passage of traffic.

D. Current Use of the Site

The site is currently undeveloped. Remnants of a former foundation and the concrete waterproofing of the exterior walls of both adjacent buildings indicates that a building may have existed at some point but proof of its existence is not available at this time.

E. Description of the Proposal

The applicant proposes to construct a four-story mixed use building on the site. The first and second floors will be dedicated to nonresidential use while the third and fourth floors are designed for single family living.

F. Burden of Proof

The applicant submits that the proposal meets the test for variance as specified in 11DCMR § 3103.2 which states:

"With respect to variances, the Board has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3)(2001) (formerly codified at D.C. Code § 5-424 (g)(3) (1994 Repl.)), "where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 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. " [Emphasis Added]

The "extraordinary or exceptional situation or condition" attendant with this property is that there is no opportunity to provide vehicular access to the site. There is no alley at the rear. Existing development within the square is such that a negotiated easement for vehicular access is not possible. Vehicular access from 9th Street through a new curb cut at the front of the building is not feasible because it would not meet the design standards of the Historic District within which the property exists.

The current design has received HPRB approval; however, the project does not qualify for a parking waiver pursuant to 11DCMR §2100.5 because a vacant lot does not constitute a "Historic Landmark" nor can it be deemed to contribute to the historic character of the neighborhood.

IV

Points in Support of Application

The applicant offers the following exhibits in support of the requested relief:

Exhibit A:
Exhibit B: