Form 120 — Exhibit 1
(Revised 04/29/02)

REVISED

Case No. 17298

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: Click Here for Application Form Instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
1507 4th Street NW Washington, DC 20001	521	835	R-4	Area Variance	401.3 403.2 405.8 2100.7

Present Use of Property:*	R-4 (Residential)						
Proposed Use of Property:*	R-4 (Residential)						
Owner of Property:*	Mr. Tashir Lee			Telephone No.:*	202/270-7959		
Address:*	1622 New Jersey Ave NW Unit #1	City:*	Washington	State:*	District of Columbia	Zip:*	20001-2471

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:*

An Area Variance to be less than the Minimum Lot Area of 5400 square feet, 900 square feet per apartment, pursuant to Section 401.3.

1507 4th Street Condominiums proposes to renovate the existing apartment structure at 1507 4th Street NW for use as private condominiums. An additional two apartment units will be added to the roof of the existing building, creating a 6 unit apartment building.

An Area Variance to permit 46.6% Lot Occupancy pursuant to Section 403.2.

1507 4th Street Condominiums proposes additions will be made to create an enclosed interior egress at the front facade and an exterior fire stair will be added to the rear of the existing building, resulting in an additional 1.6% lot coverage.

An Area Variance to be less than the required side yard as defined by Section 405.8.

1507 4th Street Condominiums is proposing an addition of a third floor on to the existing structure maintaining existing side yards, due to practical building construction.

A Parking Variance to be less than the required additional parking as defined by Section 2100.7.

1507 4th Street Condominiums is proposing not to add the additional one parking spot required due to the availability of adjacent street parking and the lack of accessibility of the site.

D.C. RECEIVED
OFFICE OF ZONING
2005 FEB -2 AM 9:10

BZA
Case No. 17298
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17298
EXHIBIT NO. 23

Estimated Construction Cost:	**$412,330.00**	**Advisory Neighborhood Commission Single-Member District(s):***	5C01
Date:* 1.27.05		**Signature:**	

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:*	**Mr. John K. Burke** **Partner, Studio27 Architecture, PLLC**						
Address:*	**1600 K Street NW** **Ste 202**	**City:***	**Washington**	**State:***	District of Columbia	**Zip:***	**20006**
Phone No.:*	**202/939-0027**	**Fax No.:**	**202/939-0270**	**E-Mail:**	**jburke@studio27arch.com**		

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

FORM 121
APPLICANT'S BURDEN OF PROOF FOR VARIANCE AND SPECIAL EXCEPTION

401.3
Except as prescribed in the other provisions of this chapter, the minimum dimensions of a lot in Residents District shall be as set forth in the following table:

	Zoning District and Structure	Minimum Lot Area (Square Feet)	Minimum Width of Lot (Feet)
Existing	R4 Conversion to apartment house	900/apartment or bachelor apartment	None prescribed

403.2
No structure, including its accessory building, shall occupy its lot in excess of the Percentage of lot occupancy set forth in the following table:

	Zoning District and Structure Maximum	Percentage of Lot Coverage
Existing	R4 All Other Structures	40%

405.8
In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet wide, an extension or addition may be made to the building; Provided, that the width of the existing side yard shall not be decreased; and Provided further, that the width of the existing side yard shall be a minimum of five feet.

2100.7
Parking spaces shall not be required for the addition of additions unless the addition or additions increase the intensity of use of the building or structure by more than twenty-five percent of the aggregate.

1). *The physical characteristics of the property:*
a. Make it difficult for the owner to use the property in compliance with the Zoning Regulations (area variance) - i.e. Shape and size of the property, unusual topographic or slope, soil problems, etc.

Lot Occupancy

The existing lot has an area of 3,735 SF; it supports 4 condominium units and meets the required minimum lot area of 3,600 SF. The proposed addition of 2 condominium units would require an additional 1,800 SF, a total minimum lot area of 5,400 SF, as prescribed by DC regulation 401.3. The existing lot supports a building of up to 3 stories with a maximum height of 40 feet, by DC regulation 400.1. The maximum floor area ratio set forth in DC regulation 402.4 lists the existing lot with no prescribed maximum floor area ratio. These regulations allow for a third floor addition of two condominium units, however there is an inherent contradiction within the code that maintains the minimum lot area to be 5,400 SF.

Due to the limitations of the size of the existing lot, full compliance with zoning regulation 401.3, the minimum lot area, may not be met.

Lot Occupancy

The existing lot has an area of 3,735 SF, and existing lot occupancy of 45.1%. Our understanding is that the maximum allowable lot occupancy is 40%. Due to the existing size and configuration of the building and site, and the existing location of the building on the lot, full compliance with the maximum lot occupancy cannot be achieved without demolitions of portions of the existing building. A minimal addition is proposed to the front of the building. This addition is necessary because the existing stairway does not meet modern egress requirements, so the existing stairs will need to be enlarged. The stair enlargement has been created as condensed as practical and is resulting in an additional 1.6% lot coverage for a total of 46.6%.

Therefore, due to the lot size and the size and location of the existing structures, strict accordance with the zoning regulation may not be met for 403.2 exceeding the percentage of lot coverage.

Side Yards

The existing buildings side yards are 2'-10" on the west and 3'-0" on the east. Based on 405.8 an addition may be made to an existing building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet. Due to the existing location of the building on the lot, full compliance with the side yard requirements cannot be achieved without demolitions of portions of the existing building. The third floor addition proposes to maintain existing side yards as a practical building construction.

Due to the lot size and the size and location of the existing structures, strict accordance with side yard requirements may not be met. The addition is

planned to increase the site density with an effective and affordable structure built on the existing structure.

Parking
The existing 4 unit apartment building has no parking spaces located on the lot. The proposed 2 unit addition increases the intensity of use of the building by more than 25%, requiring the creation of one parking space. Parking is to be located on an open area of a lot: within a rear yard or within a side yard, as defined by DC regulation 2116.2. The existing condition of the lot does not allow for rear yard access and existing side yards are less than 9 feet minimum width of a parking spot. Additionally, directly adjacent to the site there are 4 street parking spots that could be utilized.

Therefore, due to the lot size and the size and location of the existing structures and current site accessibility, strict accordance with parking requirements may not be met.

b. Creates financial hardship for the owner in using the property consistent with the Zoning Regulations.

Lot Area
The existing lot has an area of 3,735 SF and supports the existing 4 unit apartment building. The proposed 2 unit addition would require a 5,400 SF lot. To meet Lot Area Regulations the addition would either: 1) reduce the existing apartment area, resulting in extensive cost for renovation and reduction of value; or 2) would not allow the construction of 6 units, causing a reduction in value. Within the current economy, the strict adherence to the lot area regulations would create an impractical economic investment and undue hardship for the owner.

Lot Occupancy
The existing structure has been an apartment building since, its original construction in the late 1960's or early 1970's. The strict adherence to the minimum lot size is a given condition, which should be grandfathered within the zoning regulations. Strict adherence to minimum lot coverage will result in two conditions; 1) the reduction of the existing buildings foot print, which will result in extensive cost for renovation and reduction of value, and 2) the renovation of the existing stairway within the existing building which will make the apartments dysfunctional without major renovation to the entire floor layout.

In order to make this building meet the required percentage of lot coverage, the renovation cost and reduction in the building's size to meet the lot occupancy requirement would create an impractical structure will create undue hardship for the owner.

Side Yards

The existing building is currently not in conformance with the side yard setback requirements. In order to create a conforming structure the following items would need to occur: 1) demolition of the exterior side walls and a. move walls further from the existing property lines or b. add onto the width of the structure to have a party wall condition. Given the market versus replacement value of this property neither of the above options is economically feasible. 2) if the variance is permitted the addition to the existing structure will create the economic feasibility for the redevelopment of this property; if the variance is not permitted a four unit property within this market area does not have economic viability.

2). *Granting the application will not be of substantial detriment to the public good - i.e. Traffic noise, lighting, etc.*

Granting this application will not be detrimental to the public good, on the contrary it will add additional housing units to the District, and will be redeveloping an existing run-down building within a neighborhood that is in need of this type of investment. Granting this application would only add a small amount of extra vehicular traffic, for the two new housing units, it would not of substantial detriment to the public good. However, the additional housing units and redevelopment would create an entry facade that was well lit, consistent with neighborhood development. It will also fill the current physical and human void within the overall block.

3). *Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulation and Map.*

1507 4th Street is a two story building within a block containing many three-story structures all zoned R4. Most of the adjacent structures fill the existing sites from side property lines with party walls, and exceed the allowable lot coverage. The renovation of this structure and the addition of a third floor will begin to integrate this structure within the overall block fabric.

It is our contention that the building will make great strides toward being consistent with the general intent and purpose of the Zoning Regulations and Map for this area.

HEARING NOTICE

RE: 1507 4th Street NW Condominiums
1507 4th Street, NW
Washington, DC

An Area Variance to be less than the Minimum Lot Area of 5400 square feet, 900 square feet per apartment, pursuant to Section 401.3.

1507 4th Street Condominiums proposes to renovate the existing apartment structure at 1507 4th Street NW for use as private condominiums. An additional two apartment units will be added to the roof of the existing building, creating a 6 unit apartment building.

An Area Variance to permit 46.6% Lot Occupancy pursuant to Section 403.2.

1507 4th Street Condominiums proposes additions will be made to create an enclosed interior egress at the front facade and an exterior fire stair will be added to the rear of the existing building, resulting in an additional 1.6% lot coverage.

An Area Variance to be less than the required side yard as defined by Section 405.8.

1507 4th Street Condominiums is proposing an addition of a third floor on to the existing structure maintaining existing side yards, due to practical building construction.

A Parking Variance to be less than the required additional parking as defined by Section 2100.7.

1507 4th Street Condominiums is proposing not to add the additional one parking spot required, due to the availability of adjacent street parking and the lack of accessibility of the site.

DETAILED STATMENT

RE: 1507 4th Street NW Condominiums
1507 4th Street, NW
Washington, DC

1507 4th Street Condominiums proposes to renovate the existing four unit apartment structure at 1507 4th Street NW for use as private condominiums. Additions will create two new condominium units on a third floor, an enclosed interior egress stair at the front façade and an exterior fire stair will be added to the rear of the existing building.

LEASE WITH OWNERS

RE: 1507 4th Street NW Condominiums
1507 4th Street, NW
Washington, DC

There are no current leases for this building.



1507 4th Street Front Facade.



1507 4th Street, view from across 4th Street.



1507 4th Street, view from across New Jersey Ave.

RECEIVED
D.C. OFFICE OF ZONING
2005 FEB -2 AM 9:14



1507 4th Street, view from front stoop across 4th Street and New Jersey Ave.



1507 4th Street, view of rear facade.

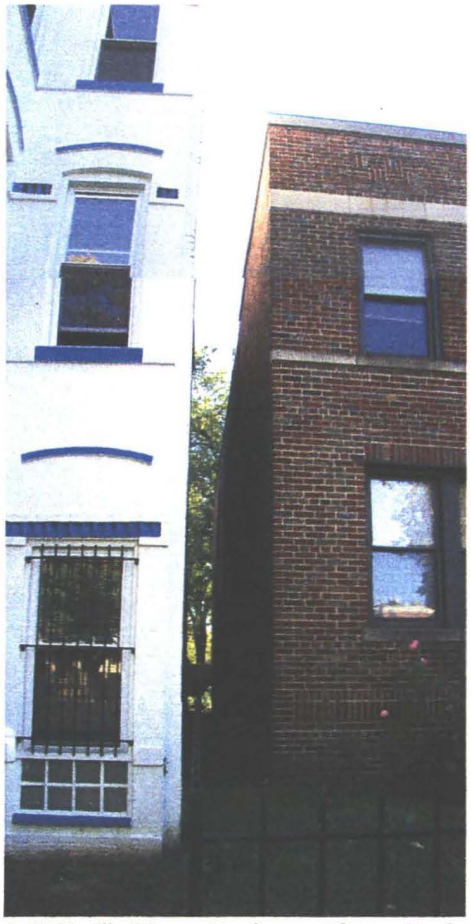


1507 4th Street, view from back porch to rear yard.





1507 4th Street, views of south facade from front and rear yards.



1507 4th Street, view of north facade from front yard.