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 2001.3 (c) 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 · 7957

Address:*	1622 New Jersey Ave NW Unit #1	**City:***	Washington	**State:***	District of Columbia	**Zip:***	20001-2471

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BZA
Case No. 17298
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17298
EXHIBIT NO. 26

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 4000 square feet, 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 building.

An Area Variance to permit 59% 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 4.2% lot coverage. Existing Lot Occupancy is 54.8% the proposed lot occupancy will be 59%

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 Area Variance to provide an extension or enlargement from 2001.3 (c) .
1507 4th Street Condominiums is proposing an extension of a third floor onto the existing structure. The existing structure is nonconforming because the sideyards are less than the required 5'-0".

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.

Estimated Construction Cost:	$412,330.00	**Advisory Neighborhood Commission Single-Member District(s):***	5C01
Date:*	3/21/05	**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

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VARIANCE

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	4000 SF	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.

2001.3

Enlargements or additions may be made to the structure; provided:
(a) The structure shall conform to percentage of lot occupancy requirements;
(b) The addition or enlargement itself shall:
(1) Conform to use and structure requirements; and
(2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

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.

VARIANCE

Lot Occupancy

The existing lot has an area of 3,735 SF; the Minimum Lot Area for All other structures within R-4 Zoning is 4,000 square feet. The existing lot area will remain unchanged and should be grandfathered based on these existing conditions.

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 54.8%. 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 4.2% lot coverage for a total of 59%.

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'-8" 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.

Nonconforming Structure

Due to the existing 1930's building location on the site there exist extraordinary or exceptional situation or condition of a specific piece of property. The existing buildings is 2'-8" from the west property line and 3'-0" from the east property line both of which are nonconforming setback conditions. Strict adherence to the regulation would create a unusable structure at the upper levels. The required setback for this construction would require a 5'-0" setback on each side. The upper level units, proposed to be identical to the lower units, would be approximately 2'-0" thinner have a resultant floor plan incompatible with occupancy based on standard building regulations related to hallways and occupiable room sizes based on International Residential Code 2000. Therefore, the strict application of this regulation will result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property.

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.

1). *The physical characteristics of the property:*
b. Creates financial hardship for the owner in using the property consistent with the Zoning Regulations.

VARIANCE

Lot Area
The existing lot has an area of 3,735 SF and the required area is 4,000 SF. To meet Lot Area Regulations option would either: 1) demolish portions of the exterior walls and thus 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.

Nonconforming Building

Due to current real estate cost within the Capitol Area region, the value of all properties is increasing. Construction cost have followed suit making any construction project a distinct financial undertaking. This property owner lives within this neighborhood and is attempting to revitalize his community by his personal investment. Adding an additional floor to this structure is the only means of creating a viable development model with a minimum (very minimum) return on the investment. The primary aspiration of this project is to revitalize.

Constructing the addition in compliance with the regulations will require significant building restructuring. The addition is currently planned to align with the existing sidewalls to provide the load bearing capacity for the walls and roof. If constructed with the zoning setback requirements, new midspan beams and columns will need to be constructed to transfer the structural loading down through the building. This will result in significantly more construction cost and an undue burden on the owner.

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. In addition, the proposed structure will have no detrimental effects of blocking natural daylight from the adjunct building as they has no windows along the sidewalls and they share the same solar orientation as the proposed addition. In summary, the additional housing units and redevelopment would create an entry facade that will be well lit, and consistent with neighborhood development and building lines. It will 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

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Variance to provide an extension or enlargement from 2001.3 (c .

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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.

LEASE WITH OWNERS

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

There are no current leases for this building.