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 All Other Structures	4000	40

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%

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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, 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 the 401.3 minimum lot size as well as 403.2 for exceeding the percentage of lot coverage.

BZA
Case No. 17298
Exhibit No. 7

Board of Zoning Adjustment
District of Columbia
CASE NO. 17298
EXHIBIT NO. 7

Side Yards
The existing buildings side yards are 2'-8" on the west and 3'-0" on the east. Based on 405.6 a side yard shall not be required in an R-3, R-4, R-5-B, 1R-5-C, R-5-D, or R-5-E District. However, if the yard is provided, it shall be at least three inches (3 in.) wide per foot of height of building, but not less than eight feet (8 ft.) wide. The existing building height is 25' high which results in a 6'-3" side yard requirement. The proposed third floor addition will result in a height of 37'-9" which will result in a 9'-6" side yard requirement.

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.

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

Lot Occupancy
The existing structure has been an apartment building since, what appears to be, 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 with , will create undue I 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. Speak further to the traffic and noise. Maybe light and air as well... would the additional height be detrimental.

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 more 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 4,000 square feet and an Area Variance to permit 46.6% Lot Coverage and a pursuant to Sections 403.2 respectively.

1507 4th Street Condominiums NW proposes to renovate the existing apartment structure at 1507 4th Street NW for use as private condominiums. 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.

An Area Variance to be less than the required side yard as defined by Section 405.6

1507 4th Street Condominiums NW is proposing an addition on the existing structure, which is not in compliance with required side yards.