APPLICANT'S BURDEN OF PROOF FOR VARIANCE AND SPECIAL EXCEPTION APPLICATIONS

STATEMENT EXPLAINING ZONING TEST COMPLIANCE

A detailed statement explaining how the application meets the specific tests identified in the Zoning Regulations for variance (area and/or use) being sought.

Form 120, Instructions, **Item 4D**
Form 121, Applicant's Burden of Proof for Variance

Variance Application Number One: (lot area for three-unit apartment house)

Background:

In an R-4 Zone, conversion of a building existing before 12 May 1958 to an apartment house is permitted by right, if in compliance with Sections 350.4 and 401.3. Section 350.4 does not apply to this petition. Section 401.3 requires 900 square feet per apartment, thus allowing two apartments to be developed by right on this lot.

Request:

It is requested that the requirement for 900 square feet of lot area per apartment (2,700 SF for three) be waived in this case, where the existing lot is 2,500 SF total.

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Subsection 3103.2 Variance Tests:

1. Physical characteristics of the property:

1a. Lot size:

The existing property is located in an array of row houses built around the start of the 20th Century. It is not possible to add 200 square feet to the existing lot size.

1b. Financial hardship:

The Owner, who plans to live in the house, cannot afford to renovate the building without the improved value of three apartments over two.

2. No detriment to public good:

The pubic welfare will not be harmed by granting the variance. It will have no effect on noise, lighting or traffic. One parking space is required and space is available for three vehicles in the rear yard.

BZA
Case No. 17354
Exhibit No. 4

1201 Harvard Street, NW
Washington, DC 20009

Board of Zoning Adjustment
District of Columbia
CASE NO. 17354
EXHIBIT NO. 4

ORIGINAL

3. Consistency with Zoning Regulations:

Granting the variance will permit the existing row structure to be useful in a manner more in compliance with the economic trends of the neighborhood and, therefore, make it much more likely to be preserved.

This will accomplish the objectives of the R-4 Zone to include existing row houses (330.1), including a "substantial number of conversions of the dwellings into dwellings for two or more families." Because the existing structure occupies less than fifty percent of the lot, it will exceed the minimum objective of preserving "little vacant land." (330.2)

The variance will permit conversion to an apartment house, but it will remain well below the density of an R-5 Zone. (330.3) The conversion to an apartment house is permitted. (330.4 and 330.5)

APPLICANT'S BURDEN OF PROOF FOR VARIANCE AND SPECIAL EXCEPTION APPLICATIONS

Variance Application Number Two: (minimum open court dimension)

Background:

In an R-4 Zone, no side-yard or open court, is required. If an open court is provided, it must be six feet for a one-family dwelling, or 10 feet for all other structures.

Request:

It is requested that the requirement for a 10-foot wide open court be reduced to the size of the existing open court, for a third floor rear addition, in order to preserve the existing light, ventilation and egress of the property and the adjacent house.

Subsection 3103.2 Variance Tests:

1. Physical characteristics of the property:

1a. Lot size:

The existing lot size and zoning regulations permit significant area to be added to the house. However, the existing lot width, at 16.66 feet, will not result in a useful addition to be made with an adjacent open court of 10 feet.

1b. Financial hardship:

Whether the property is developed as two apartments or three, the third floor addition will result in a useful suite of rooms on that floor. It is an important improvement in the financial viability of the use of the existing structure. If the variance is not granted, and an addition is required to be built on the property line, the required modifications to the lower floors will add a significant cost to the renovations.

2. No detriment to public good:

The pubic welfare will only be affected as the variance relates to the house that abuts (shares) the open court. That property owner will benefit from the variance, and supports the variance application, because the existing open court will be preserved, rather than obstructed by an addition built on the property line.

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3. Consistency with Zoning Regulations:

Granting the variance will permit an addition consistent with the existing row structure and with efforts to preserve the nature of the existing array of houses.

This will accomplish the objectives of the R-4 Zone to include existing row houses. (330.1) Because the existing structure occupies less than fifty percent of the lot, it will exceed the minimum objective of preserving "little vacant land." (330.2)

The side yard variance will not affect the Zoning Ordinance limitations on Use. (330.3, 330.4 and 330.5)