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STATEMENT REQUESTING RELIEF
(Applications Burden of Proof for Variance and Special Exception)

Based on a preliminary review by the Zoning division in January of 2005, I was told that the current facility would not allow for vertical separation of two separate uses in this building. I then requested of Ms. Ogunoneye (Zoning Supervisior, BLRA) the particular sections of the zone that deals with this "supposed violation". On several occasions request have been made to have this information supplied and it has not been supplied. As was mentioned in the Statement of Existing and Intended Use, there will be no two separate uses in this facility. The existing SFD as is allowed by Section 3 in the zoning regulations 330.5 (c), "THE following uses shall be permitted as a matter of right in an R-4 District; (c) "The conversion of a building or other structure existing before May 12, 1958, to an apartment house as limited 350.4 (c) and 401.3;

350.4 (c) states: "Multi-dwellings, subject to the requirements of 353 and 410; Provided, that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one month"

401.3 states: "Except as prescribed in the other provisions of this chapter, the minimum dimensions of a lot in a residence district shall be as set forth in the following table: Conversion to an apartment house with a minimum lot area requirement of 900 s.f. per unit and a minimum lot width of "None prescribed"

Another issue that was mentioned by Ms. Ogunoneye, has occurred is in the area of Lot Coverage. She states that there is a 40% maximum lot coverage for this area of use (R-4). According to Section 4 (Percentage of Lot Occupancy) 403.2 states: "No structure, including its accessory building, shall occupy its lot in excess of the percentage of lot occupancy set forth in the following table; The table for R-4 Conversion to Multi-dwelling, under Maximum Percentage of Lot Occupancy has none prescribed (See attached supplied Table). If I read this correctly, there is again no violation to this section of the Zoning requirements. If my interpretation of the definition of the word "None Prescribed", is mis-understood, then the current lot size minus the new building addition only is 45% of the current Lot Occupancy. The lot percentage moves closer to 60% when you add the required 2 rear parking spaces.

After meeting with the Zoning Authorities for a preliminary review of the proposed project, Architectural and Engineering services and expenses have been incurred by the Owner to add the additional building space that the R-4 Zoning will allow. To make minor modification to Certified and Approved plans in order to allow the proposed Area Variance and Special Exception to be granted would be a plauseble alternative, but to deny without possible modifications would be a major financial hardship to the Owner. Granting the Application will not be of substantial detriment to the public's good and granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map. R-4 Zoning allows for each unit to have adequate lot size (900 s.f./unit). My current lost is over 3100 s.f. thus the general intent of the code is being complied with. In regards to traffic, by allowing a special exception to the Lot

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Coverage, this additional street traffic will be brought on to the private lot of the Owner. Also, it would be fair to mention that even though the code requires these two additional spaces, they could very well not be used by the proposed future tenants. Most residence in the District of Columbia use the well structured and located public transit system. The reality in this case is that the street traffic situation would be made better. No additional building lighting other than what is prescribed by code (exterior door light) will be added to this facility.

Based on these provisions of Title 11 "District of Columbia Municipal Regulations it is my understanding that this added building addition is consistent with the general intent and purpose of the Zoning Regulations for "Vertical Separation and "Lot Coverage".

ZONE DISTRICT AND STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
R-1-A, R-1-B, R-2 Church or public school	60%
R-1-A, R-1-B, R-2 All other structures	40%
R-3 Row dwelling, church, or public school	60%
R-3 All other structures	40%
R-4 Row dwelling, flat, church, or public school	60%
R-4 Conversion to multiple dwelling	None Prescribed
R-4 All other structures	40%
R-5-A Church or public school	60%
R-5-A All other structures	40%
R-5-B All other structures	60%
R-5-C, R-5-D, R-5-E All other structures	75%

SOURCE: § 3303 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 39 DCR 8305, 8307 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8368 (October 20, 2000).

404 REAR YARDS (R)

404.1 A rear yard shall be provided for each structure located in a Residence District, the minimum depth of which shall be as set forth in the following table: