

3/12/2016

Marnique Y. Heath

Chairperson

Board Of Zoning Adjustment

441 4th Street NW,

Suite 210

Washington DC 20002

Re: 1771 Street & 2001 18th Street NW. BZA 19201.

SUPPLEMENT TO HEARING STATEMENT

This statement is filed to supplement applicant's burden of proof or Hearing Statement ("Statement") by incorporating Office of Planning's (OP) analysis for the establishment of extraordinary or exceptional situation or condition of property upon which its recommendation of unconditional approval is predicated and with which the applicant does not disagree.

The subject property demonstrates extraordinary or exceptional situation or condition of property in the following ways:

Extraordinary or Exceptional situation or condition of property

- The northernmost building is exceptionally narrow and already intrudes the rear yard of the two lots of application thereby constituting nonconformity of rear yard.

- The situation of the existing buildings on both lots are configured in such manner as to form an existing nonconforming closed court
- The building is left with no choice but to expand into the closed court, thereby eliminating a nonconforming element of structure, in order to provide access to a proposed roof deck
- The specified area within which building envelope is allowed to expand in bulk and/or volume is constrained or dictated by Historic Preservation Review Board (HPRB) concept approval

Practical Difficulties Upon the Owner

- The strict application of the applicable provisions of the Zoning Regulations when viewed through the prism of the enumerated exceptional situation or condition of property above result in the following practical difficulties upon the owner:
- To comply with the required rear yard, all of the northernmost portion of the building and portions of the southernmost buildings would have to be demolished.
- The HPRB is unlikely to approve demolition of a portion of a contributing building in its Historic District (HD) of location
- The location of the proposed addition is dictated by a dual HPRB's objective of minimizing the structural and visual intrusions upon the contributing building and the surrounding fabric of the historic neighborhood
- Without the relief sought access to any outdoor space, in this instance a roof deck is precluded. The use of the subject property as a restaurant is exposed to a competitive disadvantage in the market of location

In deference to OP's determination that additional relief under § 2001.3 of the Nonconforming Structures Provisions of Chapter 20 of the DC Zoning Regulations, applicant has revised Form 135, the Self-Certification form to include relief from that pertinent section and paid associated additional filing fees

Applicant concurs with OP that although nonconformities of structure with respect to closed court and rear yard exist, the proposed addition eliminates the nonconformity of closed court and the

nonconformity of rear yard from which relief is sought does not extend the existing nonconforming rear yard beyond the point occupied by the existing building.

The applicant presented the proposed project to the affected Advisory Neighborhood Commission (ANC 1C) on February 3, 2016 wherein the ANC voted unanimously not to object to the relief sought by the applicant.

For all the foregoing reasons, the applicant respectfully requests that the Board grant the relief sought as further recommended by report filed by OP