

June 9, 2016

Via IZIS

Marnique Y. Heath, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Application No. 19300 of Capitol Holdings II LLC (“Applicant”); 1121 G Street N.E. (the “Property”); Amendment to Include a Request for an Area Variance from the Lot Occupancy Requirements

Dear Madam Chair and Members of the Board,

I am writing on behalf of the Applicant to amend Application No. 19298 (the “Application”), which is currently a special exception application pursuant to 11 DCMR §336 to do a conversion of an existing dwelling into a three (3) unit apartment building. The Applicant is requesting that the Application be amended to include lot occupancy relief from §403.2, to 64.6%, in order to allow for the inclusion of a covered porch at the front of the building. This change was specifically requested by community members and the ANC 6A Economic Development and Zoning Committee.

The Applicant believes that these neighborhood design considerations, combined with the current appearance of the building and its architectural context within the surrounding neighborhood contribute to the building's consistency with the character of this block, and provide a unique condition resulting in a practical difficulty in complying with the lot occupancy requirement. The amount of relief requested is relatively minor, and only results in the addition of a covered porch at the front of the building.

The Applicant met with the ANC 6A Economic Development and Zoning Committee on May 18. During this meeting, and in prior meetings and other discussions with neighbors, neighbors and committee members expressed a strong preference for the retention or replication of the existing covered porch. Specifically, one community member urged the Applicant to request variance relief to allow for the covered porch. The ANC 6A EDZ Committee supported such a request and such an amendment to the application and voted unanimously to recommend approval to the full ANC.

Area Variance Requirements

In order to satisfy the area variance test, the Applicant must demonstrate three elements: (1) unique physical aspect or other extraordinary or exceptional situation or condition of the property; (2) practical difficulty from strict application of the Zoning Regulations; and (3) no substantial detriment to the public good or the zone plan. *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). As set forth below, the Applicant meets the three-part test for the requested variance from the strict lot occupancy requirements of 11 DCMR § 403.2.

Section 336.9(c) of the Zoning Regulations provides that the conversion and associated addition not substantially visually intrude upon the character, scale and pattern of houses along the subject street. The ANC and neighbors asserted that the retention or replication of the covered porch was a key aspect in satisfying this condition. The community also acknowledged the fact that this property was not in the historic district, although the buildings on this block and surrounding area have a historical quality that should be preserved as part of compliance with the special exception requirement. The Applicant redesigned the front façade to include the covered porch attached in the revised plans and agreed to request lot occupancy relief.

Granting the requested relief will not have a substantial detriment to the public good or the integrity of the zone plan. The porch would more closely match the character of the properties to the west of the Property and would be in character with the neighborhood. Also, the relief requested is minor, and uniquely related to the property and its architectural context within the surrounding neighborhood.

Sincerely,
Sullivan & Barros, LLP



By: Martin P. Sullivan