

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement in Support of Area Variance Relief

434 3rd Street N.E.; Square 755, Lot 816

I. Introduction.

This Statement is submitted on behalf of Bellview Development Inc. (the “Applicant”), owner of the property located at 434 3rd Street, N.E., Square 755, Lot 816 (the “Property”). The Property is currently unimproved. The Property is located in the RF-3 zone district, and fronts on 3rd Street to the east. The Property is surrounded by row dwelling properties to the north and west, and unimproved lots to the south. To the west, the Property abuts the rear of 229 E Street NE, which is also owned by the Applicant.

The Applicant is proposing to construct a three (3) story plus cellar row structure, to be used as a flat. Subtitle E § 504.1 limits lot occupancy of a row dwelling or flat in an RF-3 zone to sixty percent (60%) and E § 506.1 requires a twenty foot (20 ft.) rear yard. The Applicant is proposing to utilize the entirety of the small lot and is therefore requesting variance relief pursuant to X § 1002 from the lot occupancy requirements of E § 504 and the rear yard requirements of E § 506.

The Property is currently a tax lot only, without an underlying record lot. Pursuant to E § 201.1, in order to create a record lot for a row dwelling or flat, a lot must have a minimum width of eighteen feet (18 ft.) and a minimum land area of 1,800 square feet. The subject Property measures twenty-four feet (24 ft.) in width but only has 816 square feet of land area. Therefore, the Applicant is also requesting a variance from the minimum lot area requirements of E § 201.1 to create a record lot on the existing tax lot for the purpose of building a flat on the Property, as proposed herein.

II. Burden of Proof

The burden of proof for an area variance is well established. 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 variances.

A. The Property is Uniquely Affected by an Exceptional Situation/Condition and Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Owner.

The Property is unique, as it is extremely small and shallow. The four lots to the north of the subject Property are all well over the maximum lot occupancy in this zone. The row dwelling directly north of the Property maintains a lot occupancy of one hundred percent (100%), and the three lots to the north of that lot are as well, save for small courts on two of the three lots. The Property is shallow, with a length of only thirty-four feet (34 ft.). A strict application of the lot occupancy and rear yard requirements would result in an extremely small and inadequate dwelling with a building footprint of only 344 square feet, and one which would not be compatible with the surrounding buildings.

This Property is unique for the block as well, as it is one of the only lots that is not a record lot. The lot is wide enough to create a record lot for a row dwelling or flat, but does not have enough land area. The shallowness of the lot, in comparison to its width, contributes to the uniqueness of the lot. If the minimum lot area regulations were strictly applied, then this lot would remain idle.

B. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan.

Granting an area variance from the lot occupancy requirements, rear yard requirements, and minimum lot area requirements would result in no substantial detriment to the public good, nor substantial impairment to the intent, purpose and integrity of the Zone Plan. The Applicant is providing quality flats in place of an unimproved lot. As required by the Historic Preservation Review Board, the dwelling will be in character with the neighborhood. Granting relief from the lot occupancy and rear yard requirements will not harm the integrity of the Zone Plan, as the properties to the north are all well over the lot occupancy requirements and have no rear yards. The Building footprint will not extend past the buildings on the adjacent properties or the properties to the north, and the proposed bulk will be comparable to the surrounding properties. Granting relief from the minimum lot area requirements will also preserve the character of the neighborhood, as nine of the thirteen residential properties in this square do not meet the minimum lot dimension requirements.

III. Conclusion.

For the above reasons, the Application meets the three-prong test for variance relief.

Respectfully Submitted,



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