

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of 1347 G St SE, LLC**

**1347 G Street, SE; Square 1044, Lot 19.**

**I. INTRODUCTION**

This Statement is submitted on behalf of 1347 G St SE, LLC (the “Applicant”), owner of the property located at 1347 G Street, SE (Square 1044, Lot 19) (the “Subject Property”). The Subject Property is improved with an existing two-story, attached, one-family dwelling (the “Building”). The Applicant is proposing to construct a third story addition (the “Addition”) on top of the existing Building footprint and convert the Subject Property to two (2) units.

In the RF-1 Zone, the maximum permitted lot occupancy is sixty percent (60%) as a matter-of-right, and seventy percent (70%) by special exception. The Subject Property has an existing lot occupancy of seventy-seven percent (77%). As the existing Building footprint exceeds the permitted lot occupancy, the Applicant is requesting variance relief from the lot occupancy requirements of E § 304.1 and from the prohibition against extending an existing, nonconforming aspect of the structure of C § 202.2.

**II. BACKGROUND**

**A. Description of the Subject Property and Proposed Project.**

The Subject Property, 1347 G Street, SE, is located in the RF-1 Zone. The Building was constructed in 1918 and the building was subsequently expanded to its current footprint in 1938. The lot is a small interior lot, measuring only 1,014 square feet of land area. At seventy-seven percent (77%) lot occupancy, the existing Building footprint exceeds the permitted lot occupancy

in the RF-1 Zone. The Applicant is proposing to construct an Addition on top of the existing Building footprint and convert the Building to two (2) units. The Applicant is not proposing to remove the existing cornice structure; accordingly, the Applicant does not need relief from the prohibition against altering architectural elements.

The minimum required rear yard is twenty feet (20 ft.); the existing and proposed rear yard varies between six feet eight inches (6 ft. 8 in.) and seventeen feet and one inch (17 ft. 1 in.), as the rear of the Subject Property is intersected by an alley. Subtitle E § 205.3 states: "In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958." As demonstrated by the historic plat submitted with this Application, the current Building footprint existed as early as 1938. Accordingly, the Applicant does not need rear yard relief.

#### B. Surrounding Area

The Subject Property is surrounded by a mix of one-family row dwellings, flats, and commercial properties. It is located one block from the Potomac Ave Metro Station. Abutting the Subject Property to the north is G Street; to the east and west, other row dwellings; and to the south, a public alley. The alley to the south serves as the border between the RF-1 Zone and MU-4 Zone.

### **III. THE APPLICATION SATISFIES THE STANDARD FOR VARIANCE RELIEF.**

The burden of proof for an area variance is well established. The Board of Zoning Adjustment may grant an area variance if it finds that "(1) there is an extraordinary or exceptional condition affecting the property; (2) practical difficulties will occur if the zoning regulations are strictly enforced; and (3) the requested relief can be granted without substantial

detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan.” *Dupont Circle Citizens Ass'n v. D.C. Bd. of Zoning Adjustment*, No. 16-AA-932, 2018 WL 1748313, at \*2 (D.C. Apr. 12, 2018); *Ait-Ghezala v. District of Columbia Bd. of Zoning Adjustment*, 148 A.3d 1211, 1216 (D.C. 2016) (quoting *Washington Canoe Club v. District of Columbia Zoning Comm'n*, 889 A.2d 995, 1000 (D.C. 2005)) (internal quotation marks omitted). As set forth below, the Applicant meets the three-part test for the requested variance for the side yard.

A. Extraordinary or Exceptional Condition affecting the Property.

To prove an extraordinary or exceptional condition, or uniqueness, the Applicant must show that the property has a peculiar physical aspect or other extraordinary situation or condition. *Monaco v. D.C. Board of Zoning Adjustment*, 407 A.25 1091, 1096 (D.C. 1979). Moreover, the unique or exceptional situation or condition may arise from a confluence of factors which affect a single property. *Gilmartin v. D.C. Board of Zoning Adjustment*, 579A.2<sup>nd</sup> 1164, 1168 (D.C. 1990).

The existing Building was constructed in 1918, which pre-dates the 1958 Zoning Regulations, and has an existing nonconforming lot occupancy of seventy-seven percent (77%). The same size structure, if located on an 1,800 square foot lot, would have a lot occupancy of only forty-three percent (43%). The existing nonconforming lot occupancy coupled with the small lot size (1,014 square feet), creates an exceptional condition which limits the Applicant's ability to update or expand the existing Building in a conforming manner.

B. Practical Difficulties will occur if the Zoning Regulations are Strictly Enforced.

The second prong of the variance test is whether a strict application of the Zoning Regulations would result in a practical difficulty. It is well settled that the BZA may consider “a

wide range of factors in determining whether there is an 'unnecessary burden' or 'practical difficulty'... Increased expense and inconvenience to an applicant for a variance are among the factors for the BZA's consideration." Gilmartin, 579 A.2d at 1711. Other factors to be considered by the BZA include: "the severity of the variance(s) requested"; "the weight of the burden of strict compliance"; and "the effect the proposed variance(s) would have on the overall zone plan." Thus, to demonstrate practical difficulty, an applicant must show that strict compliance with the regulations is burdensome, not impossible.

The Applicant is proposing to renovate and convert the existing one-family dwelling to a flat. The renovation includes an Addition on top of the existing Building footprint that would provide additional living space. If the Addition were limited to sixty percent (60%) lot occupancy it would create significant issues with the internal configuration. Because the lot is so small, a loss of seventeen percent (17%) lot occupancy would result in a loss of 172 square feet. As demonstrated by the plans, this would significantly impact the internal configuration of the third story as it would result in a loss of two bedrooms at the rear of the addition (bedrooms would no longer be code compliant.) Further, a reduced third-floor would require the Applicant to introduce load bearing points one-third (1/3) of the way into the second-floor layout. The load points would need to be supported by columns and load bearing walls, creating additional cost, and impacting the open floor design of the lower levels.

Were the Applicant to reduce the proposed footprint to only seventy percent lot occupancy (70%), it would be permitted via special exception. However, the same issues with internal configuration and load bearing walls arise under the special exception scenario.

C. Relief Can be Granted without Substantial Detriment to the Public Good and without Impairing the Intent, Purpose, and Integrity of the Zone Plan.

Relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zone Plan, as the proposed Addition is within the height and story limit of the RF-1 Zone and would not extend beyond the footprint of the existing Building.

**IV. CONCLUSION.**

For the reasons outlined in this Applicant's Statement, the Applicant respectfully requests the variance relief as detailed above.

Respectfully Submitted,

/S/Martin P. Sullivan

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