

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

APPLICATION OF

MS. REBECCA LATORRACA

2302 ONTARIO RD NW

ANC 1C

BURDEN OF PROOF STATEMENT FOR USE VARIANCE

This statement is submitted by Ms. Rebecca Latorraca (the “Applicant”), owner of the property located at 2302 Ontario Road NW (the “Property”), identified as Square 2562, Lot 0076. The Applicant seeks a use variance to convert the existing single-family dwelling into a flat, two-family dwelling unit in the RA-2 District (the “Project”). The Property is currently improved by a two-story plus basement single-family dwelling. The Applicant purchased the Property in 1996, at which time the basement already contained a kitchen and was being used as an accessory apartment. The Applicant intends to undertake interior renovations to update the property, necessitating the requested use variance under Section U-401.1 and X-1000.1 of the D.C. Zoning Regulations because the proposed use is not permitted as a matter of right in the RA-2 Zone.

****JURISDICTION OF THE BOARD****

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the use variance requested herein pursuant to 11 DCMR Subtitle X-§1000.1 of the 2016 Zoning Regulations.

****BACKGROUND INFORMATION OF THE PROPERTY****

The Property is located at 2302 Ontario Road NW, in the middle of the block, within the RA-2 zoned lot of 1,920 square feet. The Property is currently improved by a two-story plus basement brick, attached dwelling originally constructed circa 1908. The dwelling contains 1,400 sq. ft. of livable area. The Property is surrounded by similar residential structures, all consistent with the residential character of the RA-2 Zone. The Property is within ANC 1C and is neither located in a Historic District nor listed on the D.C. Inventory of Historic Sites.

DESCRIPTION OF IMPROVEMENTS IN THE SURROUNDING AREA

The Property is within Square 2562, which is bounded by Kalorama Road NW to the north, Ontario Road NW to the east, Florida Ave NW to the south, and Champlain St NW to the west. The surrounding area consists primarily of residential structures, including single-family, attached homes. The Marie Reed Elementary School occupies a substantial portion of the square, while large-scale commercial and multi-family buildings are located in the southern area of the square.

DESCRIPTION OF THE PROJECT

The Applicant purchased the Property in 1996, with the accessory apartment already constructed in the basement. The Applicant proposes to carry out interior renovations to the building without altering the exterior or adding to the existing structure. Given that the RA-2 zoning does not permit two-family flats as a matter of right, the Applicant is requesting a use variance to allow the continued use of the basement as an independent dwelling unit, thereby converting the property into a two-family dwelling.

General Variance Requirements of Subtitle X § 1000.1

The Board is authorized to grant variances where, in the judgment of the Board, the applicant demonstrates:

- (a) The property is affected by exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situations or conditions;
- (b) The strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property;
- (c) The variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

- (a) The Property's basement has been used as an accessory apartment since at least 1996, predating the Applicant's ownership. The RA-2 Zone is characterized by moderate-density residential development. The existing configuration of the Property creates an exceptional situation where the strict application of the Zoning Regulations would require the removal of a long-standing use.
- (b) Denial of the use variance would impose an undue hardship on the Applicant by forcing the elimination of the basement apartment, which has been a functional part of the Property for nearly three decades. This would also result in unnecessary financial loss due to the required reconfiguration of the interior space.
- (c) Granting the variance will not result in any substantial detriment to the public good nor impair the integrity of the zone plan. The Property will continue to maintain its residential character and blend with the surrounding properties, and there are no proposed changes to the exterior of the building.

CONCLUSION

The RA-2 Zone is intended to accommodate moderate-density residential development, and the Applicant's request for a use variance is consistent with the long-standing use of the Property. Granting the variance will allow the Applicant to make necessary interior improvements without causing any detriment to the public good or impairing the integrity of the zoning plan.

For the reasons stated above, the requested variance meets the applicable standards under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the variance.

Respectfully submitted,

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for
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