

Burden of Proof Statement for Board of Zoning Adjustments

I. SUMMARY RECOMMENDATION

The DOB Office of the Zoning Administrator requires approval of an Area Variance by the Board of Zoning Adjustment for the proposed two, single family dwellings that will be created by renovating and expanding an existing building on one lot and constructing a new dwelling on the lot that currently has an existing attached garage by adding to the front and rear of the garage. The Lot Conversion (Subdivision) on this property from tax lots to recorded lots has been completed and a new address was given to the new subdivided lot. This has resulted in one additional dwelling unit becoming available. The application meets the three-pronged Area Variance test pursuant to Subtitle C305. The proposed subdivision, renovation, and addition are intended to provide updated units and an additional new single-family residential unit compatible with the newly constructed residences in the neighborhood. This project will not impact to the substantial detriment, the public good and will not substantially impair the intent, purpose, and integrity of the zone plan of the Zoning Regulations if the relief can be granted.

II. APPLICATION - IN - BRIEF

Applicants:	Yosef Asmelash (Mery LLC) 43569 Bessemer Lane, Chantilly, VA 20152-3699
Address:	1756 W Street SE and 1754 W Street SE, Washington, DC 20020
Lot Designation:	Square 5778, Lots 0836 and 0837
Description of Occupancy:	Single Family Dwelling (SFD)
Proposal:	Renovation and construction of a rear addition
Zoning Classification:	R-3
Historic District:	Not in a Historic District
Ward / ANC District:	8 / 8A
Lot Characteristics:	Existing 2-Story with Basement Rowhouse Home in two recorded lots (1756 W Street SE – Lot 0836) and 1754 W Street SE – Lot 0837 with an attached Garage).

Relief Sought:

1. Lot Width Area Variance pursuant to D § 202.1 for an expansion of the minimum lot width requirement that does not meet the minimum allowed as a matter of right that does not comply with D § 202.1 (X § 1000.1.)

2. Area Variance pursuant to C § 301.1 for an expansion of the minimum lot width requirement that does not meet the minimum for the proposed sub division that will not meet the provision of the minimum lot width requirement that does not comply with C § 301.1 (X § 1000.1.)
3. Area Variance pursuant to X § 1000.1 (a) for the proposed subdivision by reason of exceptional narrowness of the proposed lot width that does not comply with D § 202.1 and C § 301.1 (X § 1000.1.)

III. SITE & AREA DESCRIPTION

The subject property was a single-family dwelling located at 1756 W Street SE and sitting on two tax lots. The property consists of a 2-story framed structure plus a basement on one lot (Lot 0836) and an attached garage with a bedroom above on another lot (Lot 0837). The garage is not connected to the main building but the bedroom above the garage is accessible from the second floor of the main building.

A recent subdivision request was approved and two recorded were established with their own addresses: 1756 W Street SE – Lot 0836 and 1754 W Street SE – Lot 0837. These lots are 17.41 feet wide by 180 feet long for Lot 0836 and 17.75 feet wide by 180 feet long for Lot 0837. The total areas for the two lots are 3,134 square feet for Lot 0836 and 3,195 square feet for Lot 0837. The current lot width is 17.41 feet for Lot 0836 and 17.75 feet for Lot 0837. The minimum lot width for this zoning district is 20 feet. If approved by the BZA, the new lot width of the proposed subdivision would be less than the minimum width by 2.59 feet for Lot 0836 and 2.25 feet for Lot 0837.

The neighborhood area along the north side of 1756 W Street is lined by single family rowhouse dwellings on the block of consistent architectural character while the south side of 1756 W Street is lined with entirely new townhomes. The home is also located very close to newly constructed multifamily apartment buildings on the southwest side.

IV. PROJECT DESCRIPTION

The applicant proposes to construct two, single family dwellings by renovating and expanding an existing building on one lot and constructing another dwelling on an existing attached garage by adding to the front and rear on the other lot. The project will renovate and build a two-story addition with a basement on 1756 W Street SE – Lot 0836. It will also convert the garage and bedroom on 1754 W Street SE – Lot 0837 to another single-family dwelling unit by constructing a two-story plus basement addition. Therefore, the renovation and expansion of the existing house on one lot and the addition on the second lot will result in creating two, single family dwellings. The proposed plan also includes adding surface parking in the rear for one car in each lot to accommodate a total of two vehicles.

If approved, the project would bring renovated dwellings consistent with new developments in the neighborhood and increase single family housing in the zoning district which has a high demand for reasonably priced rental units. The proposed structure requires zoning relief for minimum lot width in a subdivided property as identified in § 202.1, § 301.1 and X § 1000.1.

V. ANALYSIS & AREA VARIANCE TEST

Zoning

The subject property is zoned R-3.

In order to be granted an Area Variance, the applicant must show that they meet the three-part test described in the Zoning Regulations for Area Variances. The Project:

1. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Yes. the proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The property is similar to the properties on the neighborhood with respect to size, topography, and location. The lots are close to meeting typical Rowhouse SFD standards. The property is situated on a typical and slightly sloping lot and the subdivision will be consistent with adjacent six neighbors' lot width sizes if relief was granted.

The Six Adjacent Neighbors on W Street have the following Lot Widths:

Address	Lot Number	Lot Width
1758 W Street	0816	17.42 feet
1760 W Street	0822	17.42 feet
1762 W Street	0824	17.42 feet
1764 W Street	0825	17.42 feet
1766 W Street	0819	17.41 feet
1768 W Street	0816	17.75 feet

2. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

Yes. The proposed project would not adversely affect the use of neighboring properties. A practical difficulty exists, which is unnecessarily burdensome to the applicant and if relief was granted, it would not adversely affect the neighbors' use of their property. The practical difficulty that exists is that the narrowness of the lot width size (from 20 feet to 17.41 feet and 17.75 feet) limits the ability of bringing moderately priced rental units to the neighborhood. As demonstrated above the adjacent six neighbors have exactly the same lot width sizes. In addition, the proposed project will add vehicle parking in the rear to each lot to accommodate a total of two vehicles and remove competition for parking along W Street.

The property was damaged by fire, and the new owner is currently performing repairs to restore this vacant single-family dwelling for use as a rental property. The owner has also converted the tax lots into recorded lots with their own addresses (1756 W Street SE and 1754 W Street SE). However, construction is not allowed on recorded lots that do not comply with current zoning regulations, except for restoration projects such as repair of fire damages. The limit on construction on recorded lots is a tremendous burden to the applicant, especially when it comes to bringing a new dwelling unit to the neighborhood. As the applicant contemplates matching the character of the newly constructed residential units, relief from the minimum lot width requirements will also assist with the financial burden of the renovation and addition costs. The neighbors' use of their property is not affected by the construction of similarly designed dwelling units on existing two recorded lots.

3. Will meet such special conditions as may be specified in this title.

Yes. The proposed project will meet such special conditions as may be specified in this title. The applicant will renovate and construct the additions to the dwelling units consistent with architecture of the neighborhood and are not desirous of developing it contrary to any other current zoning requirements. As mentioned above, the lot is typical to the rowhouse SFD standards and matches the adjacent six properties in lot width. The property currently contains surface parking for a single car in a garage and a car in the paved surface. The proposed construction will have two surface parking in the rear. In addition, a number of neighbors currently have similar surface parking in the rear. Therefore, this relief, if granted, will in no way negatively affect our neighborhood, but instead will improve the overall look of the neighborhood and be consistent with the new developments in the neighborhood. The proposed relief can be granted without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

VI. OTHER DISTRICT AGENCY REPORTS

The property is not in a Historic District. Pending BZA approval, the applicants stand ready to resubmit their application under current DOB permit building number (B2502520) for the Renovation and Addition project at 1756 W Street SE – Lot 0836 that has been put on hold until an Area Variance is granted by the BZA.

VII. COMMUNITY COMMENTS

The project as proposed enjoys support from adjacent neighbors. The applicant has shared the drawings for the current application with DOB (Building Permit Number – B2502520) for the Renovation and Addition project at 1756 W Street SE to the adjacent property owners at 1750 W Street SE and 1758 W Street SE. The applicant has also discussed and reviewed plans and drawings for the proposed construction with the adjacent neighbor and property owners at 1750 W Street SE and 1758 W Street but was unable to obtain written support from them in a timely manner. To date, there have been no objections raised by any of these neighbors.

VIII. CONCLUSIONS & RECOMMENDATIONS

The application meets the three-part variance and Area Variance test. The proposed subdivision, Renovation and Addition project will not impact the public good and will not impair the intent of the Zoning Regulations.

We respectfully request that the BZA grant our Lot Width Area Variance request.

Respectfully Submitted,



Dawit Zena, P.E.