

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

Application of Winston Ireland.

2906 Viste Street NE

APPLICANT'S PRELIMINARY STATEMENT OF BURDEN OF PROOF

AUGUST 2026

This Preliminary Statement of Burden of Proof (“Statement”) outlines the existing and proposed use of the property that is the subject of this application and the manner in which the application (“Application”) complies with the specific tests and burden of proof for the area variance sought before the Board of Zoning Adjustment (“Board” or “BZA”).

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR Subtitle X, Chapter 10, § 1000.1, more specifically § 1001.2, for area variance relief to allow the construction of a new single-family detached dwelling on a lot that does not meet the minimum lot area and minimum lot width requirements set forth under Subtitle D, Chapter 2, § 202.1 (Table D § 202.1) for the R-1-B zone district within which the subject property is located.

SUMMARY OF APPLICATION

The Applicant seeks the above area variance pursuant to 11 DCMR Subtitle X, Chapter 10, § 1000.1, as set forth under Subtitle D, Chapter , § 202.1, to allow construction of a new single-family detached dwelling on a lot that is less than both the five thousand square feet (5,000 ft²) minimum lot area and the fifty feet (50 ft.) minimum lot width prescribed for a detached dwelling in the underlying R-1-B zone district.

The subject property, Lot 0823 in Square 4339, is approximately four thousand three hundred seventy-nine and ten hundredths square feet (4,379.10 ft²) in area — a deficiency of approximately six hundred twenty and ninety hundredths square feet (620.90 ft²), or roughly twelve and four-tenths percent (12.4%), below the required minimum — and approximately forty-seven and three-tenths feet (47.3 ft.) in width, a deficiency of approximately two and seven-tenths feet (2.7 ft.) below the required minimum fifty feet (50 ft.).

The foregoing condition has and continues to foreclose the opportunity to expand the subject property by acquisition of any adjoining property, as every lot immediately surrounding Lot 0823 is already improved with an existing building, leaving no vacant or land available to cure the lot’s area and width deficiencies.

The Applicant proposes to construct a new single-family detached dwelling of three (3) stories and a maximum height of approximately thirty-seven and nine-tenths feet (37.9 ft.), which otherwise complies

with all remaining development standards applicable to the R-1-B zone district, including height, number of stories, lot occupancy, side yard, rear yard, front yard, and pervious surface, as detailed below.

Hence, the only relief sought in this Application is from the minimum lot area and minimum lot width requirements of Subtitle D § 202.1 (Table D § 202.1). The proposed project complies with all other applicable provisions of the Zoning Regulations.

JURISDICTION OF THE BOARD

The Application is properly before the BZA. The Board is authorized to grant the requested area variance under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (2001), as further set forth in 11 DCMR, Subtitle X, Chapter 10, §§ 1000.1 and 1002.1.

PROPERTY LOCATION AND PROJECT DESCRIPTION

The property is located at 2906 Vista Street NE, Washington, DC 20018, in the Northeast quadrant, and is legally described as Square 4339, Lot 0823, according to the records of the D.C. Office of the Surveyor (Plat No. SR-26-01433(2026)). The subject property is currently unimproved and vacant.

The subject property is bounded by Vista Street, N.E. to the east and is surrounded on its remaining sides by lots that are already developed with existing residential buildings. Because every abutting and surrounding lot is improved, there is no reasonable possibility of consolidating or acquiring adjoining land to bring the subject property into strict conformance with the minimum lot area and lot width requirements of the R-1-B zone.

The Applicant seeks to construct a new single-family detached dwelling consisting of three (3) floors totaling approximately three thousand seven hundred eighty-one and twenty-five hundredths square feet (3,781.25 ft²) of gross floor area, comprised of a first floor of approximately one thousand four hundred sixty square feet (1,460.00 ft²), a second floor of approximately one thousand one hundred ninety-seven and nine hundredths square feet (1,197.09 ft²), and a third floor of approximately one thousand one hundred twenty-four and sixteen hundredths square feet (1,124.16 ft²).

The proposed use — a one-family detached dwelling — is permitted as a matter of right in the R-1-B zone district. The subject property otherwise complies with all other provisions of the Zoning Regulations applicable to the proposed new construction, as summarized in the following table:

SITE & ZONING DATA SUMMARY — SQUARE 4339, LOT 0823 (ZONE R-1-B)

1. Lot Area: 5,000 ft² required (Subtitle D § 302.1); 4,379.10 ft² provided — subject to this variance.
2. Lot Width: 50 ft. required (Subtitle D § 302.1); 47.3 ft. provided — subject to this variance.
3. Height: 40 ft. maximum permitted (Subtitle D § 303.1); 37.9 ft. proposed — complies.
4. Number of Stories: 3 stories maximum permitted (Subtitle D § 303.1); 3 stories proposed — complies.
5. Lot Occupancy: 40% maximum permitted (Subtitle D § 304.1); 33.27% proposed — complies.

6. Side Yards: 8 ft. minimum each required (Subtitle D § 206.2); 9.9 ft. (West) and 8 ft. (East) proposed — complies.
7. Rear Yard: 25 ft. minimum required (Subtitle D § 306.1); 25.5 ft. proposed — complies.
8. Front Setback: within the range of existing front setbacks on the block (Subtitle D § 305.1); 15 ft. proposed — complies.
9. Pervious Surface: 50% minimum required (Subtitle D § 308.1); 61.72% proposed — complies.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

The Applicant, by a preponderance of the materials submitted with this Application, facts to be presented in the course of the public hearing, and further evidence to be submitted twenty-one (21) days prior to the hearing date, will prove compliance with the three-prong test necessary for the granting of the area variance sought, as outlined below.

Pursuant to 11 DCMR Subtitle X §§ 1000.1 and 1002.1(a), the Board is authorized to grant an area variance where a property demonstrates the following three characteristic elements:

1. The subject property must demonstrate a unique physical characteristic of shape or size, exceptional narrowness or shallowness which existed as of the time of the original adoption of the Zoning Regulations, or that there exist exceptional topographical conditions or other extraordinary or exceptional situation or condition of property;
2. That the physical characteristic(s), or extraordinary or exceptional situation or condition of the property, makes the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties to the owner of the property; and
3. That the Board is able to grant the variance without substantial detriment to the public good and without substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

EXCEPTIONAL SITUATION OR CONDITION OF PROPERTY

The subject property is deficient in both lot area and lot width relative to the minimum standards prescribed for the R-1-B zone district. At 4,379.10 ft², the lot is approximately 620.90 ft², or roughly 12.4%, smaller than the 5,000 ft² minimum lot area required under Subtitle D § 302.1. At 47.3 ft. of width, the lot is approximately 2.7 ft. narrower than the 50 ft. minimum lot width required for the same zone.

Critically, this condition cannot be cured by the ordinary means available to an undersized lot — namely, the acquisition and consolidation of adjoining land — because Lot 0823 is entirely surrounded by lots that are already improved with existing buildings. There is no vacant, unimproved, or otherwise assemblable parcel adjacent to the subject property that could be acquired to bring the lot into conformance with the minimum area and width requirements of the R-1-B zone.

The Applicant contends that this circumstance — a lot that is substandard in both area and width, situated in a fully built-out block where every surrounding lot is already improved and therefore permanently unavailable for consolidation — constitutes an extraordinary or exceptional situation or condition of the property within the meaning of 11 DCMR Subtitle X § 1000.1. Unlike a deficiency that might, in theory, be resolved over time through the acquisition of a neighboring vacant lot, the complete built-out condition of the surrounding block forecloses that possibility now and for the foreseeable future.

PECULIAR AND EXCEPTIONAL PRACTICAL DIFFICULTIES TO OWNER OF PROPERTY

The exceptional and foreclosed condition of the property described above imposes peculiar and exceptional practical difficulties upon the owner because the strict application of the minimum lot area and lot width requirements of Subtitle D § 202.1 would effectively preclude any matter-of-right development of the lot as a single-family detached dwelling, notwithstanding that such use is otherwise permitted as of right in the R-1-B zone district.

Because the subject property cannot be enlarged by acquisition of adjoining land — every surrounding lot being already improved — the owner has no means of curing the lot's area and width deficiencies other than through the variance relief requested. The practical difficulty is thus a direct and unavoidable consequence of the lot's substandard dimensions coupled with the fully developed condition of the surrounding block, a condition entirely outside the owner's control.

The proposed dwelling otherwise complies with all remaining development standards of the R-1-B zone — including height, number of stories, lot occupancy, side yard, rear yard, front setback, and pervious surface — demonstrating that the relief requested is limited to the minimum necessary to afford the owner reasonable use of the property consistent with the matter-of-right use permitted in the zone.

SUBSTANTIAL DETRIMENT TO PUBLIC GOOD AND SUBSTANTIAL IMPAIRMENT OF INTENT, PURPOSE AND INTEGRITY OF THE ZONE PLAN

The Applicant seeks to construct a new single-family detached dwelling that will otherwise remain vacant and unimproved absent the grant of the relief sought in the instant Application. The proposed use is permitted as a matter of right in the underlying R-1-B zone district within which the subject property is located, and the proposed project complies with all other applicable provisions of the Zoning Regulations, including height, number of stories, lot occupancy, side yard, rear yard, front setback, and pervious surface, as detailed above.

The proposed dwelling is consistent in scale, use, and character with the predominantly detached single-family development pattern that Subtitle D § 101.2 (a) through (f) identifies as the purpose of the R-1-B zone — areas developed with detached houses on moderately sized lots.

Subtitle D, § 101.2 (e) specifically is intended to allow the creation of new lots of record, which the instant application specifically seeks to accomplish

The modest deficiencies in lot area (approximately 12.4%) and lot width (approximately 2.7 ft.) are proportionate and will not result in a building that is out of character with the surrounding neighborhood.

Applicant submits that, for all the foregoing reasons, the granting of the relief sought in the instant Application will not result in substantial detriment to the public good and will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map.

WITNESS

1. Winston Ireland, Property Owner.

CONCLUSION

For the reasons stated above, the Applicant submits that this Application satisfies all requirements for the requested area variance, as will be further supported by testimony and evidence at the public hearing, and respectfully requests that the Board grant the requested relief.