

January 30, 2014

Testimony before the Zoning Commission for the Zoning Rules Rewrite Case 08-06

Good evening Chairman Hood and the rest of the Zoning Commission, my name is Gregori Stewart and I am the Chairman of Advisory Neighborhood Commission 7C and am testifying this evening to request a delay in implementation of the Zoning Rules Rewrite until such time as the Office of Planning is able to customize the new Zoning Rules for the specific neighborhoods. This customized zoning was utilized quite effectively in the Georgetown neighborhood and recognized the inherent zoning challenges such as historic areas, and the University. It would be equally as effective in eliminating blight and reducing potential for criminal activity and spurring an increase in quality housing.

Before you as handouts are the following items.

- 1) A List of nearly 300 vacant lots and properties within the boundaries of ANC 7C
- 2) Photographs of some of the trash and debris as accumulated upon one of the vacant lots
- 3) BZA request for a Variance from a Homebuilder to build upon one of the lots
- 4) Zoning Commission Order 07-30 for the rezoning of multiple lots in Marshall Heights

The 2006 Comprehensive Plan Small Area Plan for the Deanwood area outlined as a major problem the numerous non-conforming vacant and abandoned lots located within the neighborhood. They were irregular shaped or too small to be developed for most of the lots. Now Seven years later many of them still sit vacant and as evidenced by item 2 are eyesores and blight upon the community. The ANC has been successful in increasing the efforts of both the DCRA and DPW to issue violations for the properties and clean them up but unfortunately that is not a sustainable strategy .

In order to make any useful and lasting impact to the area ANC 7C wants to work with the Office of Planning to rezone most of the lots so developers are able to "By Right" begin construction of a significant number simultaneously. It was accomplished in the Marshall Heights neighborhood item 4 and has successfully led to the construction of homes in the place of vacant lots. A vacant lot is better served by having a homeowner in it's place as it stabilizes the neighborhood, reduces crime, increases property values and has overall so many more positive impacts on the area as to make the argument in simplest terms a "no brainer".

Unfortunately the large number of parcels and cost of going through the BZA process are prohibitive to any single developer or even a team to even consider undertaking of such a task. However by partnering with the ANC and Customizing the area there is significant interest in the development of the small lots and a market for the properties as well. It is an opportunity that the ANC sees as a benefit and option to greatly reduce a large number of problems and cost to the city from repeatedly cleaning up illegal dumping or other criminal activities taking place on the vacant lots.

This same can be accomplished with a commitment of resources and outreach from the Office of Planning, the ANC is able to provide sufficient community members to ensure the neighborhood reflects the values and concerns of the residents. It will also be within the framework of the 2006 Comprehensive plan which went through significant community input and engagement and the ANC respects the decisions and outcomes but would like to fast track the elimination of the Vacant lots to provide for a clean, safe and better community.

I can be reached for comments at 7C02@ANC.DC.GOV or 202-398-5100 Office.

Thank you,



Gregori Stewart

ANC 7C Chairman

1

Column1	Column2	Column3
1010 49TH ST NE	Blight/ Class 4 Unregistered	7
1059 48TH ST NE	Blight/ Class 4 Unregistered	7
1103 51ST PL NE	Blight/ Class 4 Unregistered	7
1107 50TH PL NE	Blight/ Class 4 Unregistered	7
1436 EASTERN AVE NE	Blight/ Class 4 Unregistered	7
301 47TH ST NE	Blight/ Class 4 Unregistered	7
302 EASTERN AVE NE	Blight/ Class 4 Unregistered	7
311 56TH ST NE	Blight/ Class 4 Unregistered	7
331 56TH ST NE	Blight/ Class 4 Unregistered	7
332 62ND ST NE	Blight/ Class 4 Unregistered	7
4106 GAULT PL NE	Blight/ Class 4 Unregistered	7
4206 EDSON PL NE	Blight/ Class 4 Unregistered	7
4211 EADS ST NE	Blight/ Class 4 Unregistered	7
4257 DIX ST NE	Blight/ Class 4 Unregistered	7
4319 HUNT PL NE	Blight/ Class 4 Unregistered	7
4406 EADS ST NE	Blight/ Class 4 Unregistered	7
4406 KANE PL NE	Blight/ Class 4 Unregistered	7
4422 ORD ST NE	Blight/ Class 4 Unregistered	7
4437 DOUGLAS ST NE	Blight/ Class 4 Unregistered	7
4712 BLAINE ST NE	Blight/ Class 4 Unregistered	7
4907 SHERIFF RD NE	Blight/ Class 4 Unregistered	7
4911 FOOTE ST NE	Blight/ Class 4 Unregistered	7
4920 SHERIFF RD NE	Blight/ Class 4 Unregistered	7
4934 JUST ST NE	Blight/ Class 4 Unregistered	7
5019 HAYES ST NE	Blight/ Class 4 Unregistered	7
5040 LEE ST NE	Blight/ Class 4 Unregistered	7
5219 EADS ST NE	Blight/ Class 4 Unregistered	7
5316 GAY ST NE	Blight/ Class 4 Unregistered	7
5341 JAY ST NE	Blight/ Class 4 Unregistered	7
5501 JAY ST NE	Blight/ Class 4 Unregistered	7
5810 DIX ST NE	Blight/ Class 4 Unregistered	7
5907 EADS ST NE	Blight/ Class 4 Unregistered	7
620 58TH ST NE	Blight/ Class 4 Unregistered	7
714 55TH ST NE	Blight/ Class 4 Unregistered	7
808 51ST ST NE	Blight/ Class 4 Unregistered	7
819 50TH PL NE	Blight/ Class 4 Unregistered	7
849 51ST ST NE	Blight/ Class 4 Unregistered	7
926 48TH PL NE	Blight/ Class 4 Unregistered	7
309 54TH ST NE	Exempt-Construction	7
317 54TH ST NE	Exempt-Construction	7
4207 FOOTE ST NE	Exempt-Construction	7
4254 BROOKS ST NE	Exempt-Construction	7
4719 EADS ST NE	Exempt-Construction	7
4720 MEADE ST NE	Exempt-Construction	7

4832 JAY ST NE	Exempt-Construction	7
4920 MINNESOTA AVE NE	Exempt-Construction	7
4924 MEADE ST NE	Exempt-Construction	7
4925 LEE ST NE	Exempt-Construction	7
518 45TH ST NE	Exempt-Construction	7
542 48TH PL NE	Exempt-Construction	7
5509 HUNT PL NE	Exempt-Construction	7
820 52ND ST NE	Exempt-Construction	7
831 52ND ST NE	Exempt-Construction	7
833 52ND ST NE	Exempt-Construction	7
1038 45TH ST NE	Exempt-Listing	7
214 56TH ST NE	Exempt-Listing	7
2405 E ST NE	Exempt-Listing	7
327 56TH ST NE	Exempt-Listing	7
4525 EDSON PL NE	Exempt-Listing	7
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4718 QUARLES ST NE	Exempt-Listing	7
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5036 JAY ST NE	Exempt-Listing	7
5110 HAYES ST NE	Exempt-Listing	7
5533 JAY ST NE	Exempt-Listing	7
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800 DIVISION AVE NE	Exempt-Listing	7
824 52ND ST NE	Exempt-Listing	7
903 52ND ST NE	Exempt-Listing	7
907 47TH PL NE	Exempt-Listing	7
4212 LANE PL NE	In blight appeal	7
4519 FOOTE ST NE	In blight appeal	7
4854 NANNIE HELEN BURROUGHS AVE NE	In blight appeal	7
4917 MINNESOTA AVE NE	In blight appeal	7
811 48TH PL NE	In blight appeal	7
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1018 45TH ST NE	Pending	7
1021 50TH ST NE	Pending	7
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1025 49TH ST NE	Pending	7
1036 45TH ST NE	Pending	7
104 55TH ST NE	Pending	7
1044 45TH ST NE	Pending	7
1109 50TH PL NE	Pending	7
1119 45TH ST NE	Pending	7
120 53RD ST NE	Pending	7
122 46TH PL NE	Pending	7
1227 47TH PL NE	Pending	7
127 47TH ST NE	Pending	7
1322 45TH PL NE	Pending	7
1323 49TH ST NE	Pending	7

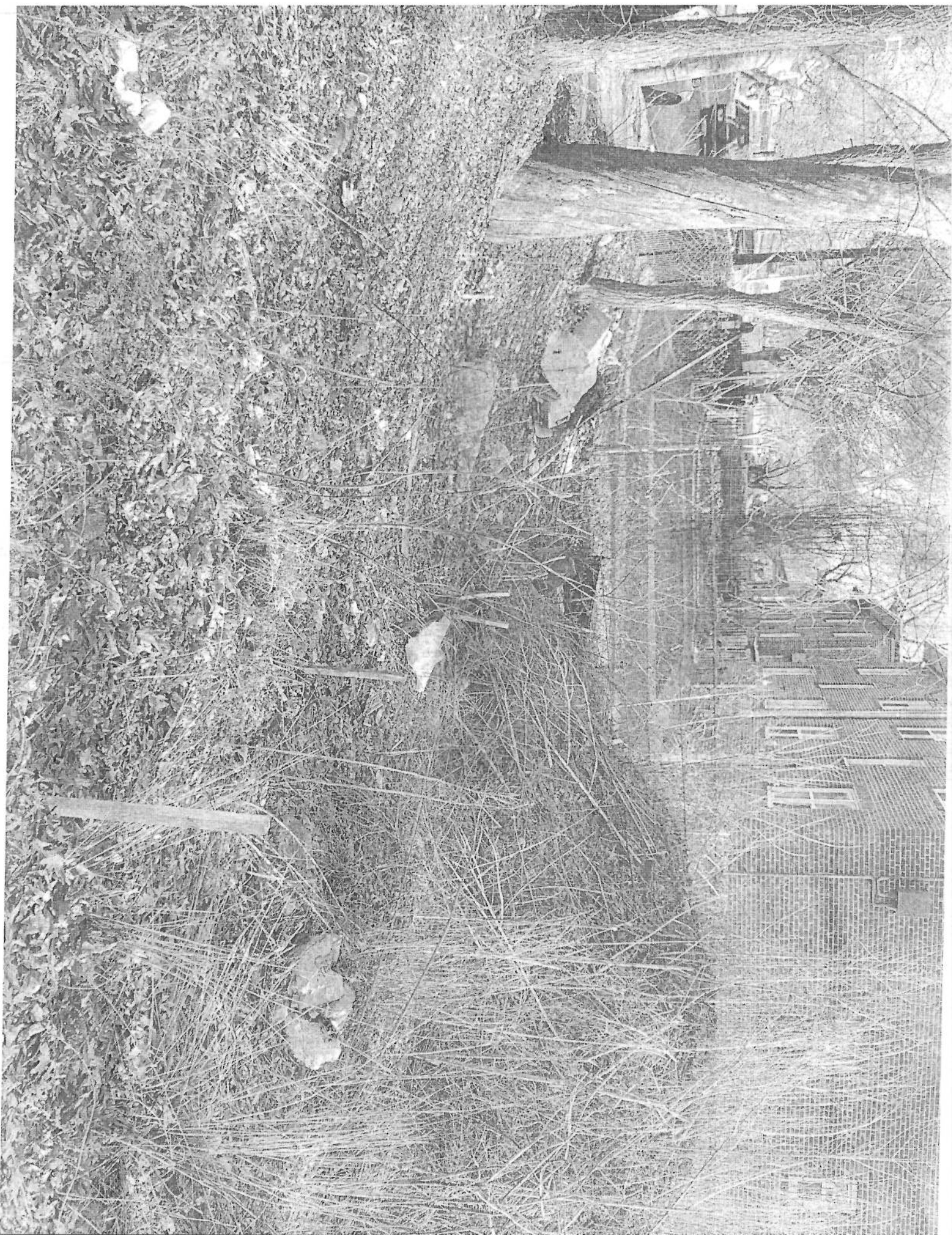
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4256 FOOTE ST NE	Pending	7
4265 EDSON PL NE	Pending	7
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4407 SHERIFF RD NE	Pending	7
4408 GAULT PL NE	Pending	7
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4435 HAYES ST NE	Pending	7
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4504 FOOTE ST NE	Pending	7
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4534 EADS ST NE	Pending	7
4601 HUNT PL NE	Pending	7
4604 KANE PL NE	Pending	7
4608 JAY ST NE	Pending	7
4623 MINNESOTA AVE NE	Pending	7
4627 JAY ST NE	Pending	7
4702 JAY ST NE	Pending	7
4710 EADS ST NE	Pending	7
4811 JAY ST NE	Pending	7
4913 CENTRAL AVE NE	Pending	7
4915 JUST ST NE	Pending	7
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1021 51ST ST NE	Registered Vacant	7
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4065 GRANT ST NE	Registered Vacant	7
413 60TH ST NE	Registered Vacant	7
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5038 MEADE ST NE	Vacant/ Class 3 Unregistered	7
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5520 HUNT PL NE	Vacant/ Class 3 Unregistered	7
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5702 NANNIE HELEN BURROUGHS AVE NE	Vacant/ Class 3 Unregistered	7
5716 BLAINE ST NE	Vacant/ Class 3 Unregistered	7
6033 DIX ST NE	Vacant/ Class 3 Unregistered	7
817 46TH ST NE	Vacant/ Class 3 Unregistered	7
914 46TH ST NE	Vacant/ Class 3 Unregistered	7
922 52ND ST NE	Vacant/ Class 3 Unregistered	7
945 DIVISION AVE NE		7

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5

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DATE OF SERVICE: 11/14/2013

ZIP CODE: 20012-1224

D.C. CODE AND/OR REGULATION VIOLATED:

[illegible]

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bulk/trash/deb-
located: riv

SAME VIOLATION WITHIN

FINE: \$600

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PLEASE
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GOVERNMENT OF THE DISTRICT OF COLUMBIA
NIGHT VIOLATION

DEPARTMENT OF PUBLIC WORKS (DEPT. OF PUBLIC WORKS)
RESPONDENT'S NAME: [illegible] RESTORATION GROUP LLC
ADDRESS: 1428 PRIMROSE ST. NW
CITY: WASHINGTON

RESPONDENT IS:

DATE OF VIOLATION: 02/01/01
TIME OF VIOLATION: 7:00 AM

VIOLATION LOCATION: 1428 EAST
WASHINGTON
20019
SQUARE: 5171

VIOLATION: GENERAL

NATURE OF VIOLATION: Nuisance Vacant Lot

INSPECTOR NOTES: Vacant lot is adjacent right of 1428 East Ave. NE.

SAME VIOLATION WITHIN 60 DAYS? NO
FINE: \$300

IF ABATEMENT IS REQUIRED, A FINE MUST BE PAID WITHIN 10 DAYS OF THE DATE OF THE VIOLATION. IF ABATEMENT IS REQUIRED, THE RESPONDENT MUST, IN ADDITION TO PAYING APPLICABLE FINES, ABATE THE VIOLATION. Cut All Vegetation/Overgrowth From The Entire Property And Properly Dispose

IF YOU DO NOT ABATE THE VIOLATION, YOU MAY BE REQUIRED TO PAY A FINE OR OTHER PENALTY. FOR QUESTIONS, CALL (202) 442-3000. DEPARTMENT OF PUBLIC WORKS. I am unable to determine when the respondent is not in the property to determine when the violation occurred.

T. J. Jones

Inspector's Signature: Nathaniel
Print Name: Nathaniel

Important Info: If you DENY the violation, you must come to a hearing date. If you ADMIT the violation, you must come to a hearing date. If you DENY the violation, you must come to a hearing date. If you ADMIT the violation, you must come to a hearing date.

ANSWER: I ADMIT (Pay Fine) I DENY (Pay Fine) I ADMIT (Pay Fine) I DENY (Pay Fine)

Respondent's Signature: [illegible]

4 CALENDAR DAYS
the below whether you
the address of the Office

receive an order from
[illegible]

ADMIT WITH
NOT completed the

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STATEMENT OF EXPLANATIONS AND REASONS

**SUPPORTING AN APPLICATION
TO THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

**FOR A VARIANCE
FROM MINIMUM LOT AREA, MINIMUM LOT WIDTH, AND SIDE YARD
REQUIREMENTS OF R-2 ZONE
PERSUANT TO 11 DCMR §3103.2 SECTION 401 & 405**

Address of the property:

1019 49th Place NE

(SQ. 5175, LOT 4)

BZA CASE NO.

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

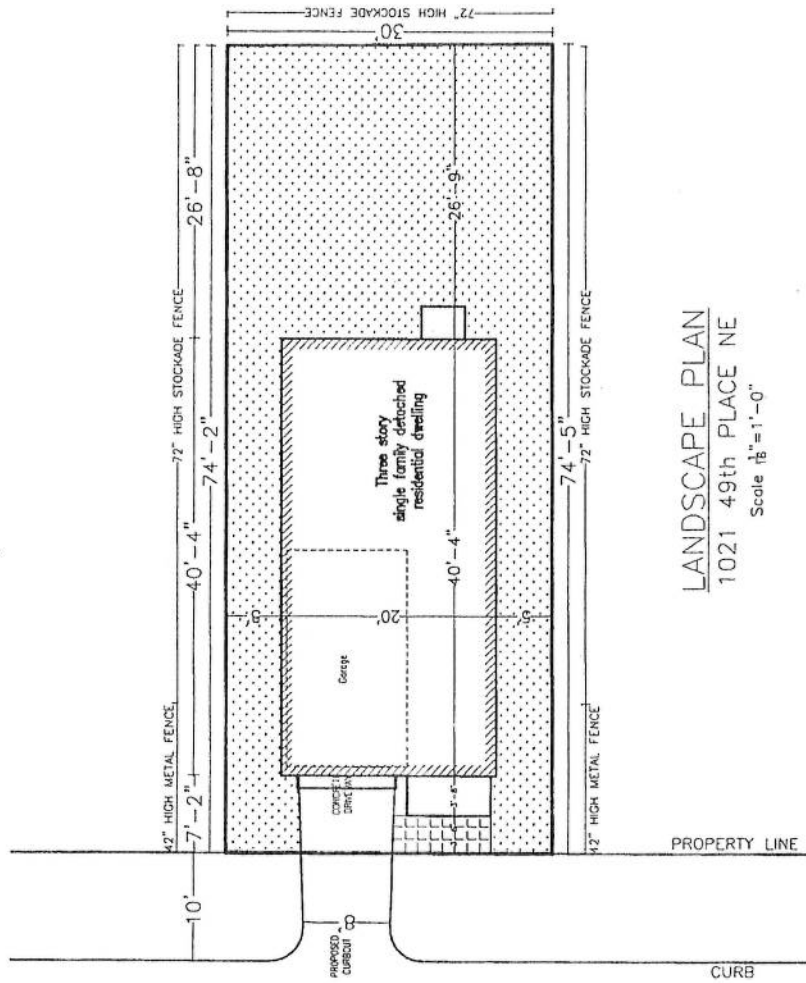
1. All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8 1/2" x 11" paper to complete the form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. (All applications must be submitted before 3:00 p.m.)

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	2228 sf	4000 sf	-	2228 sf	1772/44.3%
Lot Width (ft. to the tenth)	30 ft	40 ft	-	30 ft	10 ft/25%
Lot Occupancy (building area/lot area)	0%	-	40%	37.84%	-
Floor Area Ratio (FAR) (floor area/lot area)	-	-	-	-	-
Parking Spaces (number)	0	-	-	1	-
Loading Berths (number and size in ft.)	-	-	-	-	-
Front Yard (ft. to the tenth)	-	-	-	-	-
Rear Yard (ft. to the tenth)	0	20 ft	-	26'-9"	-
Side Yard (ft. to the tenth)	0	8 ft	-	5 ft	3 ft/ 37.5%
Court, Open (width by depth in ft.)	-	-	-	-	-
Court, Closed (width by depth in ft.)	-	-	-	-	-
Height (ft. to the tenth)	0	-	40 ft	39'-2"	-



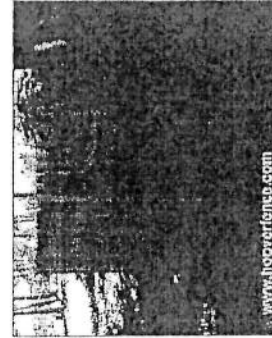
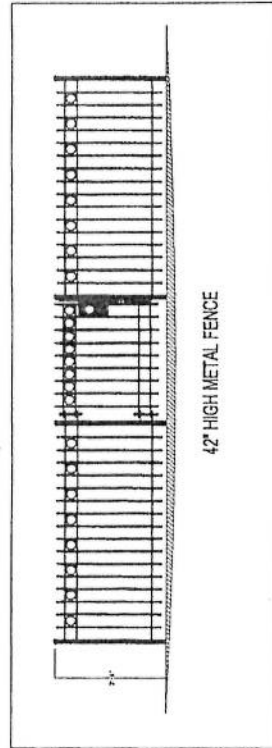
If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

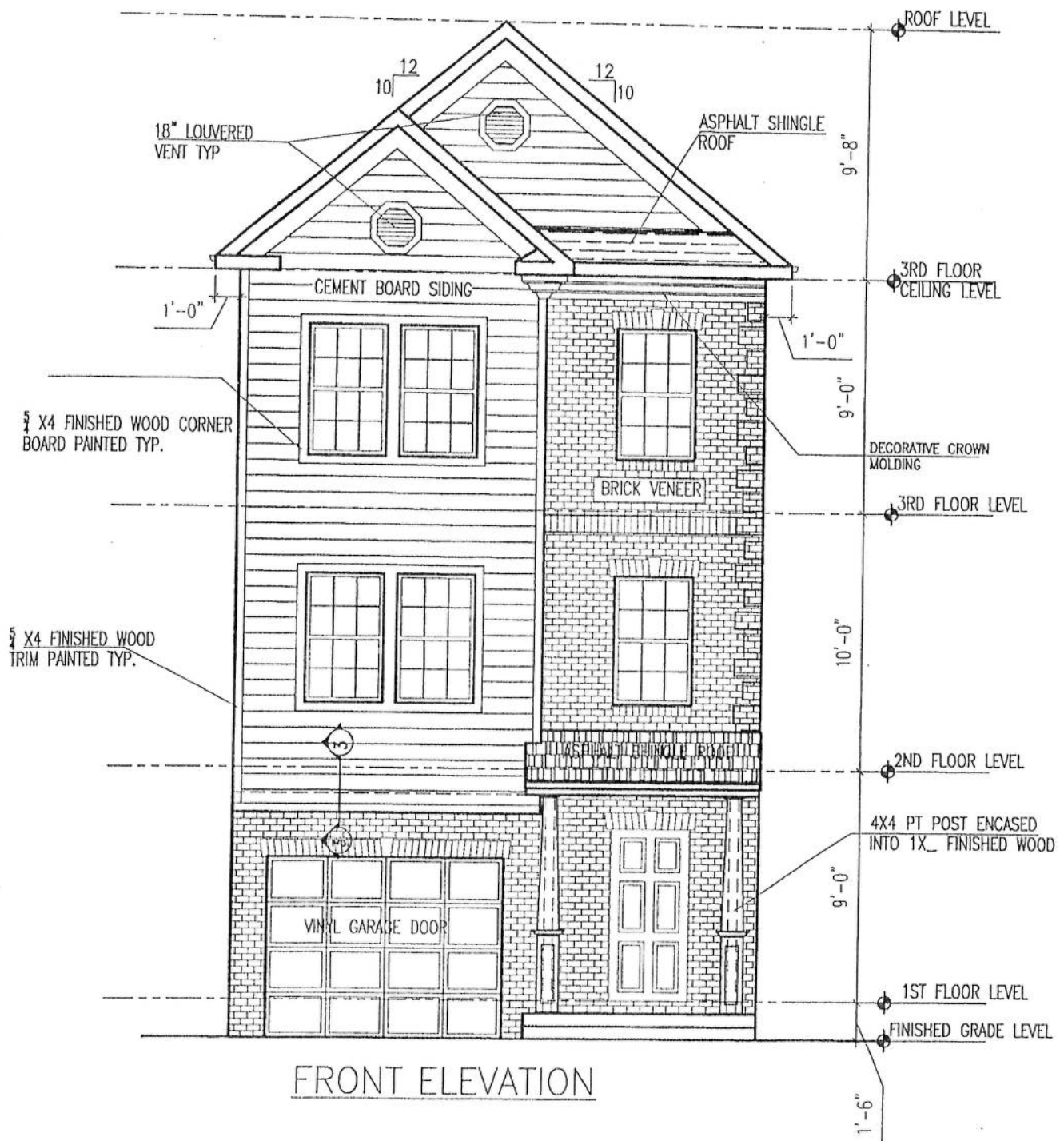
District of Columbia Office of Zoning - 441 4th Street, N.W. Ste. 200-S, Washington, D.C. 20001
 (202) 727-6311 • (202) 727-6072 fax • www.dcoz.dc.gov • dcoz@dc.gov



49th PLACE NE

LANDSCAPE PLAN
1021 49th PLACE NE
Scale 1/8" = 1'-0"





Scale $\frac{3}{16}" = 1'-0"$

APPLICANT'S STATEMENT

We own this vacant lot which has 30' lot width and 2228 SFT lot area, and which is located at 1019 49th Street NE, square # 5175, lot # 4, and R-2 zone of the District. This lot does not meet the criteria to build a detached house as a matter of right, because it does not conform to the minimum lot width (40') and lot area (4000 sf) requirements for this zone. Additionally, due to the narrow lot width it is difficult to maintain the minimum required side yard (8') on each side of the proposed building. Therefore, we seek BZA variance on those non-conforming requirements (lot width, lot area, and side yard) in order to build a single family detached house on this lot.

PROJECT DESCRIPTION

The proposed single family house will have a foot print of 800 sft and gross floor area of 2400 sf in three floors. First floor is primarily occupied by a one car garage, recreation room, and utility rooms. Most of the habitable areas are in second and third floor that consist 3 bedrooms, 3½ bathrooms, kitchen, and living room.

DESCRIPTION OF THE SITE AND SURROUNDING AREA

The subject property is located in Ward 7, ANC 7C, Deanwood neighborhood, cluster 31, and in the vicinity north of Sherrif Road, west of Eastern Avenue, and east of Kelinworth Avenue. It is served by adequate number of educational facilities, such as Houston Elementary School, Ron Brown Middle School, and Spingam Senior High School.

ZONING

The proposed site is in R-2 zoning district. The table below shows a comparison between the single family detached dwelling development standards of the R-2 zone and the proposed development.

Section	Description	Minimum Required	Maximum Allowed	Provided	Remarks
400	Building Height	-	40' 3 stories	39'-2" 3 stories	
401	Lot Area	4,000 sft	-	2,228 sft	Variance
401	Lot Width	40'	-	30'	Variance
403	Lot Occupancy	-	40%	37.84%	
404	Rear Yard	20'	-	26'-9"	
405	Side Yard	8'	-	5'	Variance
2101	Parking Space	1	-	1	

The proposed construction of a single family detached structure on the subject lot will be non conforming because the lot is smaller than the minimum lot area and width permitted in the R-2 zone, and the side-yard requirement is not met.

Section 401.3 - Lot Area

The minimum lot area required for a detached dwelling in R-2 zone is 4,000 square feet. The subject lot is only 2,228 square feet. Therefore the lot requires a variance of 1772 square feet of the requirement.

Section 401.3 - Lot Width

The minimum lot width required for a detached dwelling in R-2 zone is 40 feet. The subject property has a lot width of only 30 feet. Therefore the lot requires a variance of 10 ft of the requirement.

Section 405 -- Side Yard

The side-yard required for a detached dwelling in R-2 zone is 8 feet each. The proposed side yards on both the sides are 5 feet each. Therefore the proposed development requires side-yard variance of 3 ft on both the sides.

ANALYSIS

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition.

The subject property is unique and in exceptional situation because adjacent properties are already developed and in separate ownerships, so there is no opportunity to combine lots to create a conforming lot.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

Because of these unique and exceptional situations we have a practical difficulty to build a house. Without BZA relief the property would be incapable of being developed.

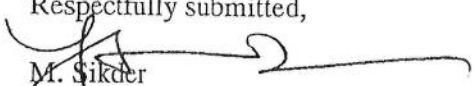
The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Variance to build proposed three-story structure would not limit the light and air to adjacent properties or to other dwellings in the neighborhood. We will also provide one car garage inside the building and thus will not be any burden of street parking.

CONCLUSION

Proposed building will contribute to the continued improvement of the surrounding area by developing one of many vacant infill lots. The improvement of this infill lot would be for the public good as it would remove a vacant property and prevent the use of the property for negative purposes. As demonstrated in the analysis, the proposal adequately meets 3 prong requirements of the requested variances under Sections 3103.2. Variances for the lot area, lot width, and side-yard will not have any negative impact on the zoning regulations and would allow the property to be developed with a single-family structure that will be consistent with the development pattern in the area. The requested variances could be granted without substantial impact to the Zoning Regulations and public good.

Respectfully submitted,



M. Sikder

District properties
6500 Chillum Place NW
Washington DC 20012

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., November 10, 2010

Plat for Building Permit of SQUARE 5175 LOT 4

Scale: 1 inch = 10 feet

Recorded in Book 36 Page 39

Receipt No. 11-00645

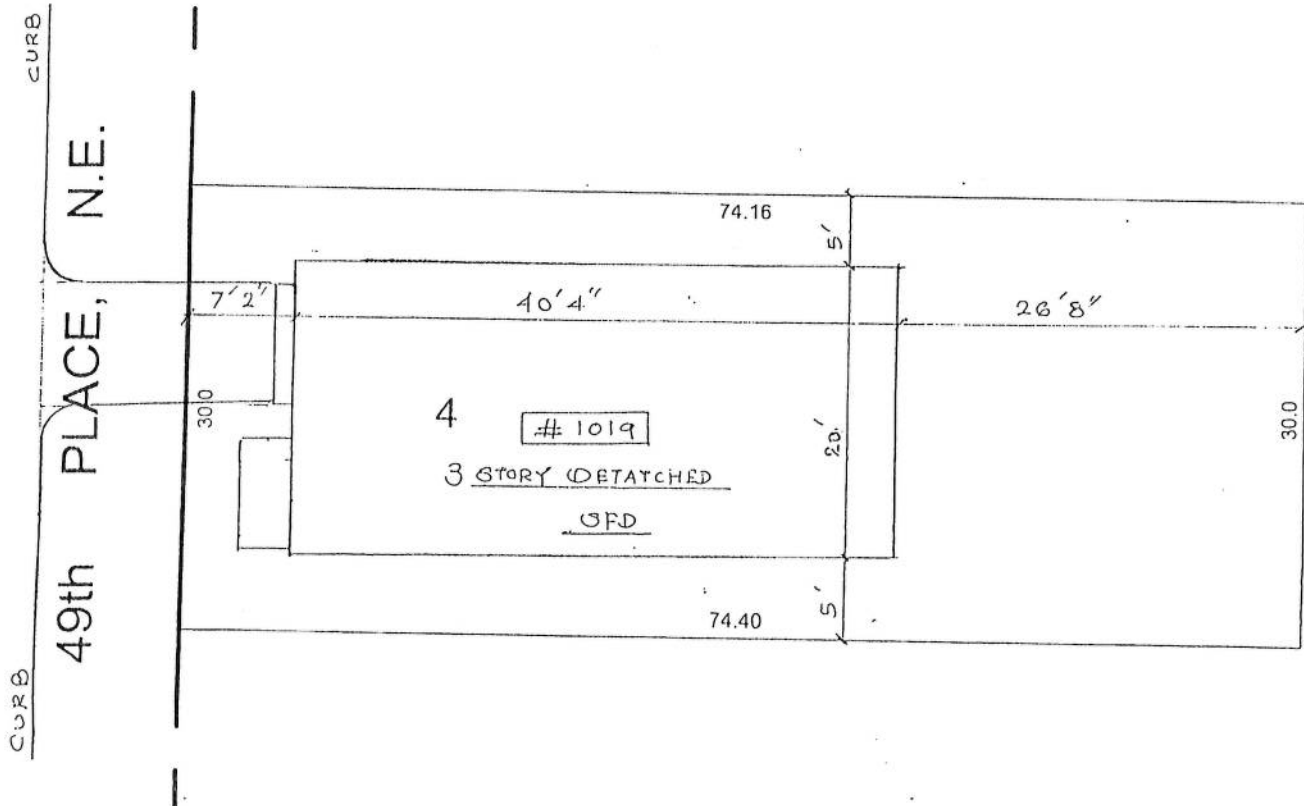
Furnished to: DISTRICT PROPERTIES

I hereby certify that all existing improvements shown hereon, are completely dimensioned and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for lot area and ventilation; and it is further certified and agreed that accessible parking area which is required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. I further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or 10% or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 4 / 4 / 2013

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 07-30
Z.C. Case No. 07-30
(Map Amendment – 11 DCMR)
(Marshall Heights rezoning from R-5-A to the R-2 or R-3 Zone Districts)
July 14, 2008

The Zoning Commission for the District of Columbia (the "Commission"), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01); having held a public hearing and referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to § 492 of the District Charter, hereby gives notice of the adoption of the following amendment to the Zoning Map of the District of Columbia (11 DCMR).

The Zoning Map of the District of Columbia is amended to rezone the following lots presently zoned R-5-A to the following Zone Districts:

Square:	Lots:	Zone District
5341 (all)	Lots 9-14, 29-34, 36-39, 42-45, 805-807, and 810-813.	R-2
5341 E (all)	Lots 1-40 and 802.	R-2
5342 (all)	Lots 1-11, 14-19, and parcel 193/0065.	R-2
5342 E (all)	Lots 3-14, 801, and 802.	R-2
5350 (part)	Lots 2-8, 11, 12, 17-24, 38, 39, 64-67, 72, 102-108, 111, 113, 114, 117-120, 125, 126, 850, 852, 855, 857, 861, and 862.	R-2
5351 (part)	Lots 64, 74, 75, 85, 90, and 866.	R-2
5352 (part)	Lots 31, 41, and 42.	R-2
5359 (part)	Lots 309-318.	R-2
5362 (part)	Lots 61-63, 175-190, 198-205, 816, and 817.	R-2
5287 (all)	Lots 801, 803, and 805.	R-3
5293 (part)	20-33, 47, 48, 803, 805, and 807.	R-3
5294 (all)	Lots 9-11, 13, 23-31, 39-44, 807, 809, and 2001-2036.	R-3
5295 (all)	Lots 1, 2, 20, 21, 39, 812, and 813.	R-3
5296 (all)	Lots 1-4, 20-22, 803, 805, 807, 809, and 810.	R-3
5297 (all)	Lots 801, 803, 805, and 807.	R-3

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Square:	Lots:	Zone District
5298 (all)	Lots 3, 13-17, 31, 32, 801, 803, and 805.	R-3
5299 (all)	Lots 3, 4, 7-13, 16-18, and 28-38.	R-3
5300 (all)	Lots 1-8, 12-23, and 25-31.	R-3
5301 (all)	Lots 13-15, 25-27, 31-35, 803, 807, and 809.	R-3
5302 (part)	Lots 10, 25, and 29-32.	R-3
5303 (part)	Lots 4, 5, 13, 16-19, 28, 35-39, and 809.	R-3
5304 (part)	Lots 22 and 31-34.	R-3
5308 (part)	Lots 35-37.	R-3
5309 (part)	Lots 1, 7-9, 13, 20, 28, 39-43, and 800-803.	R-3
5310 (part)	Lots 1-5, 11, 18-21, 25-30, and 35-39.	R-3
5311 (all)	Lots 1-7, 12-18, 22-27, 31-33, 800, and 801.	R-3
5312 (all)	Lots 2, 7-14, 16, 17, 22-27, and 31-36.	R-3
5313 (all)	Lots 1-6, 8, 11-18, 26, 31, and 33-49.	R-3
5314 (all)	Lots 3-8, 11-17, 21-25, 27, 28, 31-33, 800-802, 805, and 806.	R-3
5315 (all)	Lots 3, 6, 8-10, 18-21, 24, 25, 30-33, and 35-39.	R-3
5316 (all)	Lots 1, 2, 5, 6, 11-14, 22, 25, 26, 32-35, 805, 807-810, and 2001-2024.	R-3
5317 (all)	Lots 1, 6, 8, 9, 13, 31-35, 801, 835, and 837.	R-3
5321 (all)	Lots 9, 10, 15, 23-30, 32, 33, 35, and 2001-2054.	R-3
5322 (all)	Lots 6, 7, 22-24, 29, 30, 32-37, and 2001-2024.	R-3
5323 (all)	Lots 5, 6, 9-15, 27-34, 800, and 2001-2032.	R-3
5324 (all)	Lots 6, 16, 20-24, 31-37, 39, 801, and 802.	R-3
5325 (all)	Lots 1, 10-13, 16-19, 24-26, 31, 33, 34, and 802-805.	R-3
5326 (all)	Lots 3-9 and 16-32.	R-3
5327 (all)	Lots 1-5, 8-15, 18, 25, 26, 31, 32, 35-38, and 800.	R-3
5328 (part)	Lots 21-27, 31, and 32.	R-3
5330 (part)	Lots 24, part of 31, and 32.	R-3
5331 (all)	Lots 2, 8-10, 18-23, 32, 33, 800, 801, 803, 804, and 2001-2073.	R-3
5332 (all)	Lots 1-11, 20, 23-26, 30, 33-35, 801, and 802.	R-3
5333 (all)	Lots 1, 2, 18-21, 31-33, 36, and 802.	R-3
5334 (all)	Lots 801 and 802.	R-3
5336 (all)	Lots 36-44.	R-3
5337 (all)	Lots 1-4, 7, 10-14, 17, 18, 800, and 801.	R-3

Square:	Lots:	Zone District
5338 (all)	Lots 2-7 and 800	R-3

Hereafter, these properties shall be referred to as the "Subject Properties." They are located in the Marshall Heights Neighborhood, generally south of East Capitol Street and Central Avenue, S.E.; west of Southern Avenue, S.E.; and on or east of Benning Road, S.E. in Ward 7.

The purpose of this rezoning is to adopt a zoning designation for the Subject Properties that is not inconsistent with the District Elements of the Comprehensive Plan for the National Capital ("Comprehensive Plan") and more consistent with prevailing neighborhood character.

A Notice of Proposed Rulemaking was published in the *D.C. Register* ("DCR") on May 16, 2008, at 55 DCR 5791. The Commission took final action to adopt the amendments at a public meeting on July 14, 2008. This final rulemaking is effective upon publication in the *D.C. Register*.

Setdown Proceeding

The Office of Planning ("OP") initiated this rulemaking by filing a report dated November 9, 2007 with the Commission. The OP report recommended that, consistent with the 2006 Comprehensive Plan, certain properties in the Marshall Heights Neighborhood of Ward 7 be rezoned from R-5-A to R-2 or R-3, to better ensure that any new development is more consistent in form and character with the surrounding neighborhood.

At its regularly scheduled public meeting on November 19, 2007, the Commission considered the petition, and set the case down for a public hearing as a rulemaking case.

Public Hearing

The Commission held a properly noticed public hearing on March 3, 2008 to consider the case.

OP testified in support of the map amendments, noting that the current R-5-A zoning could result in development that is inconsistent with Comprehensive Plan policies and different from the prevailing character of the surrounding neighborhoods. The current R-5-A zoning permits, with Board of Zoning Adjustment approval, multiple dwellings. Infill development sites in the Marshall Heights area have recently been targeted for multiple dwellings within areas that are currently predominantly developed with detached, semi-detached, and row dwellings.

At the public hearing, the Vice-Chair of Advisory Neighborhood Commission ("ANC") 7E testified that the ANC had passed a resolution recommending that the Commission approve this application to rezone properties within their ANC boundaries from R-5-A to R-2 or R-3, noting that the changes are necessary to reduce the number of apartment structures in areas where they are not compatible with the low density character that typifies most of the community.

Relationship to the Comprehensive Plan

The 2006 Comprehensive Plan for the District of Columbia includes specific references to changing the R-5-A zoning in Wards 7 and 8, including Marshall Heights, where that zone would permit new development that is inconsistent with prevailing development patterns. The Future Land-Use Map of the Comprehensive Plan designates the subject lots as low-to-moderate density residential, and the proposed map amendments from R-5-A to R-2 or R-3 would not be inconsistent with those designations.

Great Weight to the ANC

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the affected ANC's written recommendation. No written recommendation was received into the record.

Proposed Action

Immediately following the public hearing on March 3, 2008, the Commission unanimously took proposed action to approve the map amendment.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on May 16, 2008, at 55 DCR 5791 for a 30-day notice and comment period. No comments were received.

The proposed rulemaking also was referred to the National Capital Planning Commission ("NCPC") under the terms of § 492 of the District of Columbia Charter. NCPC, by report dated February 28, 2008, commented that the proposed text amendment would not adversely affect the identified federal interests.

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency.

Final Action

At its regularly scheduled public meeting of July 14, 2008, the Commission took final action to approve this amendment to the Zoning Map.

Based on the above, the Commission finds that the proposed amendment to the Zoning Map is in the best interests of the District of Columbia, consistent with the intent and purpose of the Zoning Act and Zoning Regulations, and not inconsistent with the Comprehensive Plan.