

STATEMENT OF HOW THIS APPLICATION MEETS SPECIFIC TESTS FOR VARIANCES

There are two aspects of this project which require variances. First, there is the roof deck, its access and the storage unit adjacent to it on the roof. And second is a 2'x8' protrusion on the second floor into an open court.

The first, the roof deck, its access and its adjoining storage unit, requires variances from the regulations 2001.3 (a.) (b) and (c) of the DC Zoning Ordinance which forbids additions to structures which exceed the percent of lot occupancy, forbids additions which do not conform to structure requirements and forbids additions which extend or increase any nonconformity of the structure.

The existing structure at present occupies 100% of the lot, in violation of section 403.2. This condition triggers violations of the above referenced regulations of section 2001.3 in addition to section 403.2.

The roof deck, its access and its adjoining storage unit also requires a variance from section 402.4 which limits the FAR to 1.8. The FAR of the present structure is 3.54. With the proposed additions to the roof, the FAR would be 3.57. In addition, the violation of section 402.4 triggers regulations 2001.3 (b) and (c) from which variances are required.

This addition will cause no negative effects to the immediate neighbor, the neighborhood or the unit itself. It is not blocking any light or air to the immediate neighbor or neighborhood and, in fact, neither the immediate neighbor nor the street neighborhood will see or otherwise be aware of this addition, as can be seen in sections A and B on sheet 3.

Furthermore, this addition will not increase the percent of lot occupancy, the height of the structure, or the number of stories. The subject residential unit is an exceptionally small structure on an exceptionally small lot. A review of the aerial photograph of the properties around this property, labeled *Area Plan*, can confirm this. This structure, as can be ascertained by examining the aerial photograph, is not much larger than the garages of some of the neighboring residences and the lot is no larger than the structure. Because the lot is abnormally small, it does not have a rear, front or side yard. Consequently, the Owners have no exterior space. This is a distinct hardship. Virtually all other single family houses in DC have their own exterior space which they can enjoy.

The only way to rectify this hardship is to use the roof for a deck, including access and some modest storage for outside equipment such as a grill. It would impose an unreasonable penalty on the owners to have to haul a grill or other such equipment from the floor below to the roof deck. This would be a hardship which all other Owners of property in the District, with direct access to their outdoor spaces, do not have.

It should be noted that by extending a stair to the roof with an adequate roof access, the structure would have a second means of egress up through the roof. This is a four story structure with wood floor/ceiling and roof/ceiling construction. It has no sprinkler system. Because of these negative fire related conditions, the structure could significantly benefit from a second means of egress through to the roof. This exit to the roof would increase the fire safety of this house substantially.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18523

EXHIBIT NO. 4

The second proposed construction to this unit to require variances is the 2' x 8 protrusion "bump" on the second floor over an open court. The proposed construction requires a variance from section 2001.3 (a) because it is an addition to a structure which exceeds the percent of lot occupancy as required by section 403.2.

It also requires a variance from section 406.1, which requires a minimum 6' width for an open court. This condition also triggers section 2001.3 (b) and (c,) from which variances are also required.

Finally, it requires a variance from section 402.4, for the reasons stated above. The present FAR of 3.54 would be increased to 3.56. This condition also triggers section 2001.3 (b) and (c) from which variances are also required.

The additions to the proposed structure of both the roof deck with its storage space and roof access and the second story protrusion would increase the FAR from the present 3.54 to 3.59.

Because this "bump" is so small and because air and light can easily circulate around, over and indeed under it, it will not meaningfully affect the light and air to the immediate neighbor, the neighborhood or the unit itself.

The second floor bathroom in this unit is constricted. Although this tightness was acceptable to the Owners when they were in their youth, as they are becoming older, such minimal dimensions become onerous.

As noted above, the unit has a constricted footprint on an abnormally small lot. This causes the tightness of the existing bathroom on the second floor.

In a normal house such as exists throughout DC, if a bathroom is too small, it can generally be made larger by expanding into an adjacent yard.

This is not possible in this unit. The structure already occupies 100% of the lot. The diminutive size of the lot and tightness of the footprint prevent even a modest two foot addition from being constructed and consequently presents a hardship. This hardship could be relieved by permitting a very modest "bump". This more generous bathroom would permit the unit to be more easily used by all age groups and categories of people, particularly the elderly and the physically challenged.

Because of the geometry of such a "bump", a non conforming open court would necessarily be created. The hardship discussed above would also apply to relief from this section of the DC zoning Ordinance.

Again, it should be noted that the construction of this "bump" would not increase the percentage of lot occupancy, the height of the building or the number of stories.

RECEIVED
OFFICE OF ZONING
JAN 10 2012