

18556

In continuing to prepare for the hearing on September 10, 2013, I have found four additional BZA decisions that I believe are relevant to my case. I request permission to supplement the pre-hearing statement I submitted earlier today as follows.

BZA No. 12565, 4/5/78 (2009 Q Street NW). The applicant asked for lot occupancy and rear yard variances to finish a rear deck which had been partially constructed without permits.

The Board noted that "the contractor had the responsibility to secure proper permits, and the applicant believed that such permits had been secured." In granting relief, the Board found that "the existing building on the lot already occupies very close to the maximum permitted occupancy. If the Board were to allow any reasonable deck on the rear of the house, a lot occupancy variance would be required." The Board further stated that "the deck is required for the applicant to have some reasonable use of the rear of the property in relation to the main floor which is one story above grade at the rear of the house." The Board found that "the applicants have demonstrated that strict compliance with the regulations would create such [practical] difficulties for them, in that they would have no reasonable method for using the rear yard from the main floor of the building." The Board also noted that "to require the applicant to remove the support posts and set the rear edge of the deck back less than two feet would be so minimal as to be unreasonable and unnecessary."

Respectfully submitted,

BZA No. 12480, 11/2/77 (1112 Park Street NE). The applicant sought the Board's permission for lot occupancy and open court variances for a rear addition that had already been built. The Capitol Hill Restoration Society approved the application "in view of the exceptional difficulties and undue hardship which would result were the applicant required to essentially raze portions of his home and rebuild it." The Board found that the lot occupancy relief sought is "a minimum variance and to require strict adherence to the Regulations would impose a hardship upon the owner were he to have to modify a structure which is already completed."

BZA No. 12536, 12/21/77 (1303 31st Place SE). The applicant requested rear yard and side yard variances after construction had commenced on a rear addition. The Board granted relief, stating that "The variances sought are minimal in relation to the difficulty faced by the applicant should he be requested to tear down portion of the existing addition,"

BZA No. 12104, 3/31/76 (3720 Nash Street SE). The applicant sought a side yard variance for a carport that had already been built by a contractor without a building permit or variance.

The Board granted the application, stating that "the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the applicant would suffer such a difficulty were he required to tear down the addition, which the contractor has already erected in violation of the regulations."

DEREK MATTIOLI

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18556

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