



1711 CONNECTICUT AVE. NW, 204B
WASHINGTON, D.C. 20009

202 758 5518

**Burden of Proof
Special Exception Application**

2771 Woodley Place, Northwest

To: Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW

From: Peter Choharis
Owner/Applicants
2771 Woodley Place NW
Washington DC 20008

Date: August 9, 2014

**Re: BZA Application for Deck at 2771 Woodley NW
(Square 2206, Lot 87)**

Peter Choharis, owner of 2771 Woodley Place NW, hereby apply for a variance to build a rear deck off the back of the house.

The aspects of the proposal that fall outside the current zoning regulation are as follows:

The proposed building maintains a lot occupancy greater than 60%, a rear yard setback of less than 20 feet, a lot width of less than 18' and a lot area of less than 1800 sf.

I Summary

- A.** The proposed deck occupies 90% of the rear yard, eliminating the rear yard setback and bring the lot occupancy to 87%.
- B.** Under 11 DCMR 3101 the property owners are burdened by a lot that is exceptionally small due to the aberrant nature of the converging streets on either side of it.
- C.** The proposed deck is on the main level only and will have a minimal impact on neighboring houses.
- D.** There is precedent within the square for same relief sought in this application.

Board of Zoning Adjustment
District of Columbia
CASE NO.18849
EXHIBIT NO.12

E. Because of exceptional conditions that existed at the time of the original adoption of the current regulations, and because the proposed deck causes no detriment to public good and does not impair the intent purpose and integrity of the zone plan, and because of the precedent within the square, the applicant should be considered for a variance.

F. Other nonconforming aspects of the project are unchanged by the proposal.

II Statement of Existing and Intended Use

The existing use is a two-unit residential building. There is no use change sought.

III Basis for Grant of Variance

The following section will describe the unique characteristics of the property which lead to practical difficulties and undue hardship for the owners. It will also describe why the relief sought causes no adverse effect on the neighbors.

EXCEPTIONAL SHALLOWNESS

The applicants property sits on Woodley Place, close to its intersection with Cathedral Ave. The two streets run parallel to each other until Cathedral Ave bends toward Woodley Pl and eventually converges with it. This convergence occurs three properties over from the applicant. As Woodley and Cathedral converge, the properties between them get squeezed, until the properties become through-lots, with frontage on both Cathedral and Woodley. This convergence of streets compresses the applicant's rear yard resulting in a nonconforming rear yard, lot size and lot occupancy.

If the applicant's rear yard was not truncated by Cathedral Ave behind it, a rear deck would not require the relief sought.

PROPOSED STRUCTURE AND GRADE CHANGE

The applicant seeks to construct only a deck, continuous with the main level of the house. It will have no walls nor roof structure. It will exist only at the main level and will have no volume above the horizontal plane of the floor.

Because the main level of the house is a full story above ground in the rear of the house, the proposed deck will be more than 4 feet above grade. In a more conventional condition where the main level was closer to grade, such a deck would not be contribute to lot occupancy and no relief would be needed.

PRECEDENT WITHIN SQUARE

There are numerous decks along the alley behind Woodley Place that cover the entirety their back yards. The applicant's property is more burdened by the street configuration than all of them.

EFFECT ON NEIGHBORING PROPERTIES

The proposed work improves the property and the general environs.

As the proposed deck is only on the main level, it will not inhibit neighbors' access to light and air.

The applicants are in the process of seeking letters of support from neighbors and will submit them to the record as soon as possible.

Along with this application we have included the following items:

1. Photos of the existing house
2. Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
3. Official Plat from the DC Office of the Surveyor
4. Letters from neighbors in support of the project

Please do not hesitate to contact the authorized agent VW Fowlkes, and owner Brandon Webster with any questions.

Thank you.

A handwritten signature in dark ink, appearing to read "V.W. Fowlkes". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

VW Fowlkes
202 / 758-5518