

# BEFORE THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

## Preliminary Statement of Compliance with Burden of Proof

### **I. Background Information Regarding the Property**

This statement is submitted by Mr. Justin Kitsch and Mrs. Margaret Kitsch, the "Applicants" here and owners of the subject property located at 1330 5<sup>th</sup> Street NW, Washington DC 20001 (the "Property"). The Applicants seek a Special Exception from the lot coverage (§403.2) and rear yard (§404.1) requirements in the Zoning Regulations.

### **II. Description of the Development Proposal and Zoning Relief**

The Applicants propose to construct a small back deck at the rear of the property off the rear of the building on the 2nd floor. The proposal will not increase the internal square footage of the property. In order to facilitate the proposed deck, the Applicant seeks a Special Exception from the Lot Coverage and Rear Yard Requirements.

### **III. Project meets the standard for approving a Special Exception**

*The proposed deck will be consistent with the general intent and purpose of the Zoning Regulations.* Conversely, there will be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the Zone Plan if the Board grants the requested Special Exception. The proposed work minimizes and/or does not change to the existing conditions of light and air for the Property and neighboring properties. Furthermore, the work in no way alters use of the existing rear yard or the adjacent 10' public alley.

*The proposed deck will not adversely affect the use of the neighboring properties.* The proposed deck addition will measure 11'6" in depth and shall not extend beyond the end of the adjacent building to the south along which the deck will be constructed. The deck will measure 13'8" in width, equal in dimension to the rear portion of the row dwelling and maintaining separation from the adjacent property to the north.

*The proposed deck will not adversely affect lighting, noise, or traffic for the neighboring properties.* The proposed deck will have a height of 14'4" (top of guardrail) above the adjacent grade. The rear deck guardrail will remain lower than the buildings on adjacent properties and will not encumber existing sight lines or lighting. Design of the deck will not alter or compromise the two existing parking spaces in the rear yard of the Property. Nor will the deck have effects on the use of the public 10' alley, maintaining a setback of 15'6" from the rear property line. The construction of the deck will fit the character of the neighborhood and will seek to make visual improvements to the rear of the Property. The work does not result in additional dwellings or units; rather only to create a usable outdoor space that will not interfere with the existing use and functions of the rear yard of the Property.