

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
KAMI QUINN AND MAURION KNIGHT**

**510 INDEPENDENCE AVENUE SE
ANC 6B**

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Kami Quinn and Maurion Knight (the “Applicant”), the owners of property located at 510 Independence Avenue SE, Lot 800 in Square 842 (the “Property”), in support of their application for area variance relief, pursuant to 11 DCMR §3103.2, from the requirements regarding nonconforming structures (§2001.3), lot occupancy (§403), and rear yard (§404) to allow the Applicant to construct a small rear addition to a single-family home in the CAP/R-4 District at the Property.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the variance relief requested herein pursuant to §3103.2 of the Zoning Regulations.

III. BACKGROUND

A. Background Information Regarding the Property

The Property, also known as Lot 800 in Square 842, contains approximately 1,296 square feet of land area and is located in northwest Washington D.C. *See* Baist Atlas Map at **Tab 9**. The Property is located within the CAP/R-4 District. *See* Zoning Map at **Tab 10**. The Applicant seeks variance relief so it may construct a rear addition to a single-family home. The Quinn-Knight family has lived in Washington, DC for several years. Their four-year-old daughter attends a local Capitol Hill school. The proposed renovation seeks to address awkward and inefficient layouts at the house. Adjacent to the Property, to the east and west, are rowhouses. The Property is located in the Capitol Hill Historic District and the address is listed on the D.C. Inventory of Historic Sites.

B. Description of the Improvements in the Surrounding Area

Square 824 is in the R-4 Zone District. Square 524 is bounded by Independence Avenue SE to the south, 5th Street to the west, A Street to the north, and 6th Street to the east. *See* **Tab 10**. The surrounding area is characterized mostly rowdwellings. The Property is in the Capitol Interest (CAP) Overlay, which is intended to protect the U.S. Capitol and the historic residential district to the east of the U.S Capitol with “particular controls adjacent to properties having an obvious and well-recognized general public interest.”

C. Description of the Proposed Development

As shown on the Architectural Plans, *see* **Tab 11**, the Applicant proposes to construct a small rear addition to a single-family rowhouse. The ground level will contain a living room, dining room, and kitchen. The second level will add one bedroom previously located on the first floor behind the kitchen. The addition will fill in an existing nonconforming open court.

IV. NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

Variance relief is required from the requirements regarding nonconforming structures (§2001.3), lot occupancy (§403), and rear yard (§404). Under D.C. Code §6-641.07(g)(3) and 11 DCMR §3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

- (1) The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) The owner would encounter practical difficulties if the zoning regulations were strictly applied;
and
- (3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Bd. of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); see also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

Applicants for an area variance need to demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. See *Palmer v. District of Columbia Bd. Of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972)(noting that “area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden”). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” See *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990). As discussed below, and as will be further explained in the Prehearing Statement and at the public hearing, all three prongs of the area variance test are met in this Application.

V. THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCE RELIEF

A. The Property is Unusual Because of its Size, Shape or Topography and is Affected by an Exception Situation or Condition

The phrase “exceptional situation or condition” in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. See *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

The Property is unusual and affected by an exceptional situation and condition as a result of a confluence of the following factors: (1) the windows in the open court have been bricked over and the wall at the rear of the Property has no windows; (2) the Property suffers from an awkward interior layout; and (3) the Property has several existing nonconforming aspects.

A court is normally an opportunity to provide light and air to the interior of a long, narrow structure at the expense of interior square footage. In this instance, however, the interior square footage of the existing structure

has been decreased to provide an open court but the windows have been bricked up. Furthermore, the wall at the rear of the Property has no windows. Because of the unique lack of windows in the open court and along the rear wall, the existing structure is severely lacking in access to light and air.

The structure is also unique due to the awkward interior layout of the existing house. First, the bedroom at the rear of the first story is accessed through the kitchen. Second, the narrow kitchen suffers from an awkward layout with a bathroom off of the kitchen and no natural light. Third, the second floor has only a small bathroom at the front of the building.

Finally, the Property is unique as a result of several existing nonconforming aspects at the Property, including an existing nonconforming lot occupancy, open court, rear yard, lot area, and lot width. The maximum permitted lot occupancy is 60% and the existing lot occupancy is 68%. The minimum permitted width of an open court is 4 in/1 foot of height but not less than 6 feet. The existing court width is just over 5 feet. The rear yard requirement is 20 feet. The existing rear yard is roughly 14 feet. The lot area requirement is 1800 square feet and the lot width requirement is 18 feet. The Property has 1,296 square feet of lot area and is 17.6 feet wide. Due to the existing nonconforming aspects of the Property, any addition would require relief.

B. Strict Application of the Zoning Regulations Results in Practical Difficulty to the Owner

1. Nonconforming Structures (§2001.3)

Under §2001.3, an enlargement or addition may be made to a nonconforming structure so long as the structure conforms to the lot occupancy requirement and the addition does not increase or extend any nonconforming aspect. In this instance the existing lot occupancy is nonconforming at 68% and the rear yard is nonconforming at roughly 14 feet. Thus, any addition the existing nonconforming structure would require relief from §2001.3. The existing nonconforming open court will be remedied by the Applicant by filling in that space with a small rear addition.

2. Lot occupancy (§403)

Under §403, the maximum permitted lot occupancy in the R-4 Zone District is 60%. The Applicant proposes to fill in the existing nonconforming open court, thereby increasing the lot occupancy to 81%. While an open court less than 5 feet contribute to lot occupancy, open courts greater than 5 feet in width do not.¹ The existing court at the Property is just over 5 feet wide. Therefore, filling in the open court increases the lot occupancy at the Property and relief is requested.

An open court is normally an opportunity to provide light and air to the interior of a long, narrow structure at the expense of interior square footage. In this instance, the interior square footage of the existing structure has been decreased to provide an open court but the windows have been bricked over. It is not known why or when a prior owner bricked over the windows but this was the condition when the Applicant acquired the house. From a structural engineering perspective, removing the bricks where the original windows appear to have been located risks compromising the structural integrity of this historic rowhouse. Strict application of the zoning regulations with respect to lot occupancy at the Property would result in a practical difficulty to the Applicant.

3. Rear yard (§404)

Under §404, the minimum rear yard required is 20 feet. The rear yard provided is roughly 14 feet. While the rear yard will remain 14 feet, rear yard relief is required as a result of the rear addition. Strict application of the rear yard requirement prevents filling in the existing open court and thus would result in a practical difficulty to the Applicant.

C. No Substantial Detriment to the Intent, Purpose and Integrity of the Zoning Plan

The requested variance is in furtherance of the public good and zoning regulations. The single-family home is modest in nature and not out of scale with the surrounding pattern of development on this stretch of Independence Avenue SE. The proposed project will not have a negative impact on the character of the

¹ Under 11 DCMR §199.1, building area for purposes of calculating lot occupancy “shall include all side yards and open courts less than five feet (5 ft.) in width . . .”

neighborhood. The zoning relief requested will permit renovation of an awkward historic rowhouse. As the addition will occur only at the rear of the Property, as required by the Historic Preservation Office, the height and number of stories at the Property will remain unchanged and the addition will not be visible from the street. For these reasons, approval of the zoning relief requested will not cause a detriment to the public good or zone plan.

VI. CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for variance relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted,

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