

Form 120 – Item E

Applicant's Burden of Proof for Special Exception

1020 F St NE – Square 0960 Lot 0043

1. The Applicant has submitted plans for permit approval to perform the addition as described in Item D. The Applicant received the following review comment as part of the permit review process :

BZA approval is required for expansion of a nonconforming structure that does not comply with maximum lot occupancy in r-4. 2. additional comments may follow.

A follow-up discussion with the reviewer noted the following

- The existing house is over the maximum allowed with regard to lot coverage. This makes it a non-conforming lot.
 - We are required to request a special exception because it is an existing condition, specifically related to District Code DCMR 11 section 223, sub-sections 403.2, 404.11 and 2001.3.
2. The existing physical conditions of the property make it difficult for the owner to comply with Zoning Regulation 11-403.2. Lot 0043 is 990 square feet and has had an existing structure on this lot since it was built prior to 1900. The required lot size under 11-401.3 is 1,800 sf. All of the adjoining lots are owned and occupied and there is no possibility to enlarge the lot through purchase. Due to the non-conforming size of the existing lot, there is little option or opportunity for the Applicants to renovate or expand the existing structure.
 3. The current livable structure and existing raised rear deck occupies 74.8 % of the lot, which is greater than the allowed lot occupancy percentage of 70% under 11-403.2. The proposed permit for an addition would not change the lot occupancy of the livable structure. The proposed permit includes adding a third floor on the existing livable structure and repairing and expanding the existing raised deck.
 4. Adding the third floor will not impact the public good. It will be constructed to match the existing look and feel of the current and neighboring structures. It will not obstruct or impede on neighboring structures.
 5. The dimension of the rear yard from the house, including the existing raised deck is 15 feet and 11-404.1 requires 20 feet, which is not in compliance. The proposed permit would result in the dimension of the rear yard of 9 feet – the reduction being driven solely by the expansion of the existing raised rear deck.
 6. The proposed permit and application seeks relief from 11-2001.3, in regards only to the repair and expansion of the raised, open deck as it does extend the existing non-conforming structure.
 7. Expanding the deck will not impact the public good. It will not impact the existing off-street parking space. The Applicant currently parks under the existing raised rear deck and the proposed renovated deck has been designed to retain this parking space.
 8. All other adjoining structures on the 1000 block of F Street have raised decks that expand to their respective full lot (see photos). The proposed deck expansion will not be extended to the full lot like the rest of the block.
 9. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map. The relief sought is consistent with existing neighboring structures.