

Statement of intended use and burden of proof

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Gigi Mathews
1000 Kenyon Street NW
Washington, DC, 20010

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

Re: BZA Application for Deck at 1000 Kenyon St NW (Square 2846, Lot 104, Zone R-4)

Gigi Mathews, owner of 1000 Kenyon St 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, and a lot area of less than 1800 sf.

Summary

- A. The proposed deck occupies the rear yard will bring the lot occupancy to 97.8%.
- B. Under section 3103.2 the property owner is burdened by a lot that is exceptionally small, corner location and a rear yard that abuts the adjacent property wall.
- 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.
- 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.

Statement of Existing and Intended Use

This property is a single family end-unit row house, circa 1913, consisting of a basement and two stories. It is bounded on the north by Kenyon Street, on the east by Sherman Avenue NW, on the south by its rear yard measuring 13-feet deep and adjoins the north sidewall of the adjacent row house at 3128 Sherman Avenue NW., and on the west by an adjacent row house at 1002 Kenyon Street NW. The house faces north; its main entrance is at the approximate center of the east face. The south 13 feet of the property are used as a paved parking area for owner and guest vehicles. The south face of the house includes an existing exterior door from the kitchen on the main story leading to the stairs to the rear yard.

The intended project would add a 20x12 open deck at the main level of the house, accessible from the kitchen through the existing door. The ground level will continued to be used as a parking area. There would be no direct access from the parking area to the deck. Intended use of the deck is for an additional safe outdoor casual living space as part of the present residential use of the property. The addition does not change the use of the property from a single-family residence

Basis for Grant of Variance

The intended addition would increase the residence's coverage of the lot by 240 square feet (20X12), while still maintaining all of the existing paved parking area and sacrificing none of the existing owner-maintained, well-landscaped area. The north wall of the adjacent house to the south adjoins the property line, which compresses the applicant's rear yard to 13-feet, resulting in a nonconforming rear yard. The intended use would leave a space of 1.1 feet between the deck and the vertical plane of the property line bordering the south face. At the surface, the 13-foot space from the property line to the house would remain.

The property is 1000 square feet (50X20). The present structure has a footprint of 738.2 square feet covering 73.8 percent of the property. Because the property is on a corner, it visually includes an additional 425 square feet of public space between (but not including) the sidewalk on the north side, and the north face of the structure. This public space is four times the public space associated with each of the adjacent interior row houses that face only one street (Kenyon Street NW). The property area plus this public



space area, which is fenced, well landscaped and maintained by the property owner, constitutes what can be called the "visual" area of the property. The visual area totals 1425 square feet. The present structure's lot occupancy covers 51.8 percent of the visual area. The present structure plus intended addition would cover 68.4 percent of the visual area. Adjacent townhouses cover approximately 97 percent of their Visual area

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 condition:

The applicants property sits on corner of Kenyon Street and Sherman Avenue and the rear yard abuts the adjacent house to the south. The property also has a public space that is four times the public space associated with each of the adjacent interior row houses facing Kenyon Street. These unique circumstances, when considered together with the lot's relatively small size and corner location, affect the Subject Property and amount to an exceptional condition.

Proposed Structure

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 contribute to lot occupancy and no relief would be needed.

Precedent within square

There are numerous decks along the alley behind Kenyon Street 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 further encourages the stability of this improving neighborhood and its land values. As the proposed deck is only on the main level, it will not inhibit neighbors' access to light and air

Conclusion

Applicant respectfully asks the Board to exercise Its discretion to approve the requested variances.