

Burden of Proof - Variance

To: The Office of Zoning
The District of Columbia
41 4th St NW #200,
Washington, DC 20001
(202) 727-6311

From: Dana Miller and Jeff Sank
1816 Vermont Avenue NW
Washington DC, 20001
310-770-0412 (Miller cell phone)
310-428-4068 (Sank cell phone)

Subject: 1816 Vermont Avenue NW lots 0803 and 0802, square 0334

Date: October 18, 2015

We, the owners of 1816 Vermont Avenue, Lots 0803 and 0802 (which should have been merged into one lot) and Square 0334 are applying for a variance to demolish our current backend addition and replace it with a two story addition. The footprint of the addition would take the land used from 58% to 68%. Additionally, the requested addition would take the current distance between the addition and the property line on the south-side of the house from six feet to three and half feet.

Currently, the house's first floor addition has only a small kitchen, bath, and utility closet. The proposed addition would enable the owners to upgrade the kitchen as well as add a second bathroom and a third bedroom.

The house is a row house and is located between 1814 and 1818 Vermont. There is a shared outdoor alley walk-through on the first story, south-side, of the house. The second story is connected on both sides of the house. The proposed addition would maintain access to this walkway.

The property's backyard faces 11th Street northwest and there is no neighbor located directly behind the property. There is a small parking area between the sidewalk and the house so the backyard itself is set back and fenced making the proposed work almost unnoticeable to foot traffic.

Reasons for request of a Variance

As per the **Summary of Zone Districts for R-4:**

R-4 Permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats), churches and public schools with a minimum lot width of 18 feet, a minimum lot area of 1,800 square feet and a maximum lot occupancy of 60% for row dwellings, churches and flats, a minimum lot width of 30 feet and a minimum lot area of 3,000 square feet for semi-detached structures, a minimum lot width of 40 feet and a minimum lot area of 4,000 square feet and 40% lot occupancy for all other structures (20% lot occupancy for public recreation and community centers); and a maximum height of three (3) stories/forty (40) feet for new construction of three (3) or more immediately adjoining residential row dwellings built concurrently on separate lots and three (3) stories/thirty-five (35) feet for all other structures (60 feet for churches and schools and 45 feet for public recreation and community centers). See §§ 330.7, 336.2 through 336.11, and 337 for conversion of an existing non-residential or residential building or structure to a residential building or structure or apartment house.

We are a single family with two children and a dog. We would very much like to stay in our house and community. If our house met the minimum requirement of 18 feet and a minimum lot area of 1,800 feet, we would not need this variance. However, our house has a width of 14 feet and a lot area of 920 feet. Therefore nearly any improvement to our property that would meet standard norms would require us to go over the 60% allotment for usage.

Furthermore, to move to another house in the neighborhood that has three bedrooms and two bathrooms would cost at least \$750,000. This is not a viable solution for us. We moved into our house nearly eight years ago before the housing market skyrocketed. We have put a great amount of time and energy into the community school, community playground, and surrounding area. If this addition is not allowed, we will be forced to look outside of the area for a new home.

Additionally, the back addition is in significant disrepair. There are numerous rats entering via our utility closet and there is a significant mold problem in the adjacent bathroom. The back addition roof has also had several leaks that have only been temporarily patched. We would have to demolish the back addition even if we were to rebuild it to its current size and dimensions.

By not building to the property line on the south-side of the addition, both property owners of 1816 and 1814 will be able to easily access the alley walk-through. If we were to build up-to the property line of the walk-through, this would be a hinderance to both owners.

223.2 the addition shall not have a substantial adverse effect on any abutting dwelling or property

a. The change will not unduly affect the light nor air of the neighboring properties

Both adjoining neighbors have fully endorsed the proposed plan.

The immediate neighbors of 1814 and 1818 have backyards facing directly onto 11th Street which allows for plenty of natural light and air to flow to the property. This addition will not affect the light or air circulation.

Homes on the West side of 11th Street (across from our backyard) will not be affected either. There is a large street, sidewalks, plus aforementioned parking area between the properties and for the most part the trees in neighboring properties completely obscure the work we are proposing.

b. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

Again, both adjoining neighbors have fully endorsed the proposed plan.

Currently, the property of 1818 has a window on the back of the second story that looks onto both properties' backyards. There is also a window on the first floor that looks directly onto 1818's backyard.

1814 has two windows on the North side of their property as well as a large glass door on the West/rear of the house.

The proposed addition will maintain the same level of privacy. There is no window proposed that is north facing on the addition on the second floor (so there is no window that would look into 1818's backyard). There will be additional windows facing South (toward 1814's backyard) but these offer the same view as our existing second floor window.

c. The addition, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale or pattern of the subject street frontage.

The addition will be seamless when viewing the home as part of the neighborhood. The front will remain unchanged and the rear is barely visible from the sidewalk/street.

The property of 1814 has a two story addition, as well as, the property of 1820. Because the house design keeps with the current siding and window design, at the angles from

which it can be seen, it will seem like a natural addition. Furthermore, many of the properties within 200 feet of 1816 have added two story additions. There are numerous examples of houses with the same basic shape that have very similar, if not, identical additions.