

**Board of Zoning Adjustment  
Wednesday, May 16, 2018  
BZA No. 19747  
445 15<sup>th</sup> St SE**

**Testimony by  
Nicholas Burger, ANC 6B06  
on behalf ANC 6B**

Chairman Hill and members of the Board,

I am here today representing ANC 6B to testify in support of the application, including all relief sought. ANC 6B has heard this case on numerous occasions as the applicant has worked through the various approval processes, and we most recently heard this case in April 2018. At our full meeting, ANC 6B voted 8 to 0, with one abstention, to support the application.

ANC 6B supports this application because we believe the applicant has met the standards for relief sought for all relief components, including the variance for lot occupancy.

The applicant has lived in the house for approximately two years, and she purchased it with the garage in its existing condition. I moved to Capitol Hill 10 years ago and live one block from the applicant's property. I walk by the house frequently, and I have observed its condition over the past 10 years. For a long time, the garage was a shell with CMU walls and no roof. Prior to Ms. Van Buskirk purchasing the property the previous owner improved the garage to its current—and much enhanced—state. Based on her statements to the ANC, we believe Ms. Van Buskirk purchased the property in good faith in its existing condition.

Regarding the most stringent relief sought, the lot occupancy variance, ANC 6B believes the applicant has met the variance test. ANC 6B regularly sees cases where an applicant is attempting to improve a structure that is currently nonconforming with respect to zoning rules. For example, we have seen many households looking to add a third story to a house that exceeds 70% lot occupancy, triggering variance relief. The ANC consistently supports such requests, since to bring a house into compliance with lot occupancy would require removing part of the structure, something that we view as untenable.

In this case, the ANC believes it would pose an undue hardship to penalize Ms. Van Buskirk for making modest improvements to an existing nonconforming structure. Similarly, it would be unreasonable to ask the applicant to reduce the width of the garage to allow access off the alley, as suggested by some comments on this case.

Finally, there has been no neighbor opposition to this case, an important consideration for ANC 6B in all zoning cases.

To conclude, ANC 6B fully supports the relief requested for what is a relatively simple modification to an existing, nonconforming structure. Our support is consistent with many previous cases ANC 6B has

considered. In addition, the ANC often considers whether cases are reasonable and compatible with the neighborhood architectural form, and we are satisfied that this “project” meets those requirements—and that alternative solutions would not be reasonable.

Thank you.