Preliminary Statement Outlining How The Applicant Meets The Required Burden of Proof

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The Applicant is seeking a variance to the architectural plans and drawings submitted to the Board of Zoning Adjustment (BZA). The relief respectfully requested from the BZA is as follows:

1. A variance from the permitted lot occupancy (Section 403.2)
2. A variance from the rear yard requirement (Section 404.1) and
3. A variance from the addition requirements (Section 2001.3).

In addition to the relief previously requested, this application also includes a request for a special exception pursuant to Section 411.

The Applicant will establish through its Statement that the subject application meets the burden of proof for granting the requested variances. A preliminary summary of how the application meets the required burden of proof follows.

Burden of Proof for Variances pursuant to Section 3103.2

In order to obtain approval of the requested area variances, the Applicant must show that:

1. The physical characteristics of the property makes it difficult for the owner to use the property in compliance with the Zoning Regulations (area variance) – i.e. shape and size of the property, etc.

2. Granting the application will not create a substantial detriment to the public good – i.e. traffic, noise, lighting, etc. and

3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map

The physical characteristics of the property make it difficult for the owner to use the property in compliance with the Zoning Regulations

The Applicant will provide evidence that the extremely narrow and unusual shape of the property creates exceptional conditions for this site. The proposed site is extremely narrow, fourteen feet; the design of the site has two narrowly angled walls that substantially affect the area for the intended use; and because the site was constructed during the Victorian era, the intended use has changed substantially in the new millennium.

BZA
Case No. 16962
Exhibit No. 19

Board of Zoning Adjustment
District of Columbia
CASE NO.16962
EXHIBIT NO.19

Granting the application will not be of substantial detriment to the public good – i.e. traffic, noise, lighting, etc.

The Applicant will show that the requested variance relief is not a detriment to the public good and will not create a substantial detriment to the public good. Rebuilding the garage is compatible with the surrounding structures and is consistent with the integrity of the zone plan. Moreover, the kitchen, bedroom, and office additions will not create a substantial detriment to the public good. The proposed additions are in the rear facing an alley; hence, the exposure and opportunity for disturbance is minimal at best. Moreover, the additions will continue to be used for the purpose of which the area is currently zoned, i.e. as a single-family dwelling. The proposed additions will not create any additional noise or traffic that is inconsistent with current zoning plan.

Granting the Application will not be inconsistent with the General Intent and Purpose of the Zoning Regulations and Map

The Applicant will show that the requested variance is not inconsistent with the general intent and purpose of the Zoning Regulations and Map. Currently, the property is used as a single-family dwelling. The additions are requested to enhance the use of the single-family dwelling and in no means deters from this general intent. As previously mentioned, the extensions are a kitchen, bedroom and office addition. These uses are within the confines of a single family dwelling as proposed by the Zoning Regulations and Map

Relief From Regulations 2001.3

Regulations 2001.3 was promulgated in the year of 1958. Our home was constructed in the late 1800s. Thus, currently, our home is a nonconforming structure devoted to a conforming use. Because of the ostensible difference between the promulgation and construction date, we are respectfully requesting relief from Section 2001.3.