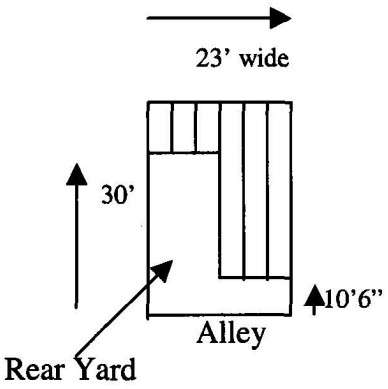
Part D. Specific Tests Identified in the Zoning Regulations for Variance (Ref Form 121 – Applicant's Burden of Proof for Variance and Special Exception Applications).

1. The physical characteristics of the property make it difficult for me, the owner, to use the property in compliance with the Zoning Regulations. The rear yard is 10'6" from the house (indicated by lines) to the alley at the shortest point. The rear yard is 30' from the house (indicated by lines) to the alley at the longest point. The width is 23'.



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The rear yard is already nonconforming to the code since it is supposed to be a minimum of 15 feet according to the code (copy attached). The house is 200 years old so it is grandfathered. In other words it was built before May 1958 as specified in the code.

I park my car in the rear yard and must walk from the alley ¼ block to 14th Street turn left and walk ¼ block to Q Street turn left again and walk ¼ block to the entrance of my house. This is a safety hardship for me since there are many homeless people sleeping in the alley. I have seen needles from drug users in the alley. I have seen men defecate in the alley. I have had homeless people using my water spicket in the back of my house and my neighbors bike stolen by coming through my back yard. I would like to park my car, close the garage and be able to go upstairs into my house through the back without having to walk around the block. I would like to build a rear entrance with deck and stairwell down to my parking space. My neighbors have the same deck and I am attaching pictures of what I would like to do.

2. The application will not be of substantial detriment to the public good since the deck will be enclosed to prevent noise or lighting disturbance. There are no traffic issues. In fact, the deck will add value to the property. It benefits my neighbors by having property next door worth a higher retail value. For resale, their properties will assess higher. Most of my neighbors with whom I have spoken support the idea. And I'm using the same type of deck design as one of my neighbors, and everyone likes his deck.

3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map. There will be no change to the zoning regulations and map for the proposed variation (deck and entrance).

BZA
Case No. 17084
Exhibit No. 9

Board of Zoning Adjustment
District of Columbia
CASE NO. 17084
EXHIBIT NO. 9

222 [RESERVED]

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

223.5 This section may not be used to permit the introduction or expansion of a nonconforming use.

SOURCE: Final Rulemaking published at 45 DCR 1146, 1447 (March 13, 1998); as amended by Final Rulemaking published at 48 DCR 8979, 8983 (September 28, 2001).

403.1 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in § 403.2; provided, that the portion of the building excluding closed courts exceeding the permitted lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and provided further, that direct pedestrian access not less than ten feet (10 ft.) in width from at least two (2) public right-of-ways shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level.

403.2 No structure, including its accessory building, shall occupy its lot in excess of the percentage of lot occupancy set forth in the following table:

ZONE DISTRICT AND STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
R-l-A, R-l-B, R-2 Church or public school	60%
R-l-A, R-l-B, R-2 All other structures	40%
R-3 Row dwelling, church, or public school	60%
R-3 All other structures	40%
R-4 Row dwelling, flat, church, or public school	60%
R-4 Conversion to multiple dwelling	None Prescribed
R-4 All other structures	40%
R-5-A Church or public school	60%
R-5-A All other structures	40%
R-5-B All other structures	60%
R-5-C, R-5-D, R-5-E All other structures	75%

SOURCE: § 3303 of the Zoning Regulations effective May 12, 1958; as amended by Final Rulemaking published at 39 DCR 8305, 8307 (November 13, 1992).

404 REAR YARDS (R)

404.1 A rear yard shall be provided for each structure located in a Residence District, the minimum depth of which shall be as set forth in the following table:

ZONE DISTRICT	MINIMUM DEPTH OF REAR YARD
R-1-A, R-1-B	25 feet
R-2, R-3, R-4, R-5-A	20 feet
R-5-B, R-5-C, R-5-D	4 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet.
R-5-E	3 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet.

404.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

404.3 In the case of a lot proposed to be used by a public school that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, the required rear yard may be reduced or omitted.

404.4 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

SOURCE: § 3304 of the Zoning Regulations effective May 12, 1958; as amended by Final Rulemaking, 39 DCR 8305, 8307 (November 13, 1992).

405 SIDE YARDS (R)

405.1 In an R-2, R-3, R-4, or R-5 District, a one-family detached dwelling shall be subject to the side yard requirements of an R-1 District.

405.2 In an R-3, R-4, or R-5 District, a one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.