**BEFORE THE DISTRICT OF COLUMBIA**
**BOARD OF ZONING ADJUSTMENT**

**Application of Benjamin and Louise Goddard**
**1310 Rhode Island Avenue. NW**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

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## I. Background

The Subject Property includes Lot 79 in Square 242 and is currently improved with a four story building originally constructed in 1885. Square 208 is bounded by Rhode Island Avenue, N.W., on the northwest, 14th Street on the west, N Street on the south, Vermont Avenue on the southeast and Logan Circle on the northeast. The Subject Property is located on the northwest side of Square 242 and is included in an R-5-B zone district.

The Applicants, Benjamin and Louise Goddard, own the building and occupy the unit which comprises the top three floors of the building. The lowest level contains two studio apartments.

The Applicants propose to remove a one story pantry at the rear of the building, as well as an existing roofed and screened porch and an open existing deck. In their place, the Applicants propose to construct a new one story addition which would relocate and expand the kitchen located in the adjacent portion of the house. The new addition would not extend as far to the rear as the existing porch but would cover a portion of an existing areaway which is next to the existing pantry. In order to proceed with these changes to the existing building, the Applicants seek approval by the Board of Zoning Adjustment (hereinafter "Board") of variance relief from the floor area ratio requirements (§402.4), the lot occupancy requirements (§403.2), the court requirements (§406.1) and the prohibition against constructing an addition to a nonconforming structure (§2001.3).

As required by the Board's application process, following is a summary statement indicating how the Applicants will meet the burden of proof.

## II. Burden of Proof

The test for variance relief is three-part: (1) demonstration that a particular piece of property is confronted with some exceptional or extraordinary condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owners; and (3) that the relief

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requested can be granted without substantial detriment to the public good or zone plan.

**(A) Exceptional Condition or Situation:**

The Applicants will demonstrate that the Subject Property is affected by a combination of factors which are exceptional or extraordinary, including the width of the lot (only seventeen feet), the presence of the existing building which predates the adoption of the Zoning Regulations and the physical condition of the existing structure, which provides insufficient space to meet modern residential requirements.

**(B) Resulting Practical Difficulty:**

The Applicant will demonstrate that the strict interpretation of the Zoning Regulations will result in a practical difficulty upon the Applicant. The existing building already exceeds the maximum permitted 1.8 FAR. The existing FAR is 2.70; after the proposed construction, the FAR would be 2.74, an increase of only 0.04 FAR

The existing building already exceeds the maximum permitted lot occupancy of sixty percent. The existing lot occupancy is sixty-five percent; after the proposed construction, the lot occupancy would be sixty-nine percent, an increase of only four percent.

The proposed kitchen addition is 12 feet, 4.25 inches wide, leaving a court of four feet on the northeast side. The minimum width of an open court is four inches per foot of height but not less than ten feet. A variance of six feet is required.

The effect of the proposed construction is to create a more square configuration (twelve feet by fifteen feet), replacing the longer and narrower existing configuration (eight feet by eighteen feet). Strict conformance with the requirements of the Regulations would mean that the proposed kitchen could be less than seven feet wide (seventeen foot lot, less ten feet for the court, less the thickness of the walls). This would create an impractical configuration for an essential feature of the house.

**(C) No Harm to Public Good or Zone Plan:**

The Applicants will demonstrate that requested relief can be granted without harm to the public good and without threat to the integrity of the zone plan. The variances from the floor area ratio and lot occupancy requirements are minimal. The variance from the court is essential to provide a suitably sized kitchen.

The Applicants have discussed the proposed construction with all of their immediate surrounding neighbors. All have signed letters, submitted with the application, supporting the proposed construction and the variances to allow it to proceed. The length and height of the proposed addition does not adversely affect any of the adjoining properties.