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Burden of Proof for Variance and Special Exception Application
Address: 978 Florida Ave NW Washington DC 20001
Lot: 100 **Square:** 357 **Zone:** R-5-B **Ward:** 1 **ANC:** 1B
Owner/Applicant: Nicholas Baker III, Assoc. AIA **Phone:** 917-843-2422
Proposal: Construct a third story addition to an existing non-conforming row house dwelling.
Relief Sought: Variances from § 2001.3 to permit an addition to an existing non-conforming structure and § 402.4, floor area ratio, pursuant to § 3103.2.

I am proposing to construct a third story addition to an existing row house on a very small lot (460.16 sq. ft). Due to lot size and dimensions, the existing dwelling (built in 1890) is non-conforming for lot occupancy and rear yard setback. The addition would increase the house size from 600 sq. ft. to about 900 sq.ft. I am respectfully requesting relief from § 2001.3 to allow an addition to an existing non-conforming structure, and §402, floor area ratio.

The property is located in the triangularly shaped square 0357, bound by 10th Street NW to the west, Florida Ave NW to the east, and W Street NW to the south. The remainder of the square is developed with row house dwellings. The subject site is located mid-block facing Florida Ave NW. The deeded lot size is only 460.16 sq.ft. The site is surrounded by 2 story row houses, all of which appear to be constructed over 100 years ago. There is access to the rear yard via a 10 feet wide rear alley.

I am proposing to construct a third story addition, as well as renovate the existing two floors. All the mechanical equipment will be mounted on top of the new third story roof and there will be a small roof deck in the rear part of the roof for access to the mechanical equipment.

The property and remainder of the square are zoned R-5-B, which permits row dwellings to a maximum height of 50 feet.

The proposed addition and alterations will not leave the existing footprint of the original row house. There will be no need for new footings or retaining walls.
The proposed addition will not change the existing intended use of the single family row house dwelling; it will remain the same intended use.

At only 460.16 sq.ft. in lot area, this property is exceptionally and uniquely small. Most of the lots on this square are larger, many of them considerably so. The average lot size in this square is 724 sq.ft. allowing a dwelling of my proposed size without the need for a variance or special exception. 1903 historical maps show the lot developed with a

BZA
Case No. 17307
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17307
EXHIBIT NO. 4

row house in the same configuration of the existing one, so it appears the the house significantly predates the current zoning regulations.

This extraordinary or exceptional situation imposes a practical difficulty that is unnecessarily burdensome to my family. The small lot only permits a row house of 828.29 sq.ft. As such, essentially no practical addition to the existing one bedroom row house would be possible without a variance.

Relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map. The lot is unusually small and could not be created under current regulations. However, it is a legal lot and is developed with a small row house. The proposed third story addition to create a house of 900 sq.ft. in size would not be out of character with reasonable expectations for a row house dwelling, or with a rowhouse on the block. In fact, even with the addition, the house would be smaller than the permitted square footage on an average lot on this square. The addition is designed to compliment the existing dwelling and the streetscape, is well within the height limits of 50 feet, and does not increase lot occupancy. Furthermore, a neighbor of mine in the same square just received approval for a variance to construct a third story addition to his row house.

The existing one bedroom, one bathroom row house is not functional to my family needs. I recently got married and plan to have children. My wife's family lives overseas and when they come to visit, stay for extended periods of time. We also have a pet that requires space.

I have consulted with a structural engineer who verifies that a third story addition can be constructed safely and soundly. I have informed both sides neighbors of my intention to construct a third story addition, and both are in support of my proposal.

I thank you for your time and consideration for my request for Variance and Special Exception.

Respectfully.



Nicholas Baker III, Capt, USAF, BSC, Assoc. AIA