2005 MAY 23 PM 4:14

Case # 17321, Darcy Flynn

Revised Hearing Notice Summary and Burden of Proof

The owner wants to construct a house on Lot 117, Square 3890. The lot predates the 1958 institution of the zoning regulations and is 39.0' wide X 57.5' deep totaling 2,242.5 square feet in area. As such, it does not meet the present zoning requirements of the 4,000 square feet minimum area, 40' lot width minimum, and lot depth for construction. It is understood that there is a matter of right to construct a house on this lot; however, the owner wishes to seek variances.

The requested 4 variances are: side setback, rear setback, lot occupancy, and off-street parking variance. The owner wishes to work with both the neighbors and the board in order to construct a house that will both conform to existing houses on the block and increase the overall value to the neighborhood. In order to do this, the owner has considered the other houses in the neighborhood and has presented a design consistent with other houses on the block (including the fact that there are many houses that would not conform to today's zoning requirements).

Side Setback

Due to the narrowness of the lot and the fact that the owner would like to build something that is comparable in size to neighboring houses, a side setback variance is requested. On the east side of the house a .5ft variance is requested. On the west side of the house, a 4.5 ft. variance is requested. The larger request on the west side is to accommodate a side stoop that would provide access to the kitchen. Without this entrance the owner would have to carry trash and groceries through the living area into the kitchen. The owner believes that this will not detract from the overall "look" of the house and will actually increase the value of the house. The house will be no bigger than other houses on the block and will conform to the intended use of the land on the block. In addition, the plans chosen by the owner consist of a house that is 24 ft. wide (the same width as another house on a similar size lot). The plans were set to 24 ft wide and any changes to the plans would result in an increase in overall cost to the owner, creating a burden on the owner.

Lot Occupancy

Due to the shallowness and narrowness of the lot, the owner would like to request a variance from the lot occupancy. Again, the owner only wishes to build a house that is similar in size and design to others on the street. Because of the size of the lot, a lot occupancy variance would be needed to construct a house comparable to others on the block. Other parts of the construction of the house that make an impact on the lot occupancy are the front and rear porches. The owner wants to create a house that will keep the same "look" that currently exists on the block with other houses. The front and rear porches are very similar to another house on the block and will not only increase the enjoyability of the house for the owner but will make for a better looking house, something that is of great importance to the neighborhood. All 3 existing frame houses on the block have a covered front porch.

BZA
Case No. 17321
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17321
EXHIBIT NO. 27

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Rear Set Back

The owner requests a variance for the rear set back. He wishes to have a 12.5 ft rear setback in order to construct a back porch which will add to the enjoyment of the homeowner as well as increase the beauty of the house which will be beneficial to the neighborhood. A rear porch is consistent with what the neighboring house has as well as others on the block.

Off-street Parking

After discussions with Mr. John Moore of the DC Planning office, the owner continues to request a variance from having off-street parking. Mr. Moore agrees that there is more than ample space in the street for parking and that most neighbors either don't have off-street parking or do not currently use it. In addition, the narrowness of the alley would make off-street parking difficult for use. Not providing off-street parking will not create additional burden for the neighborhood.

Since the owner is asking for these variances for the construction of a detached single family home, a use & configuration consistent with the homes & lots already on the block, the granting of these variances should have no adverse impact on the neighborhood with regard to traffic, noise, lighting, etc. In addition, the owner has obtained 14 letters of support from surrounding neighbors. All of these neighbors support and welcome the construction of the proposed house.

Attached is an updated Form 135 that has correct numbers in relation to the requested variances.. The owner hopes that by his wiliness to work with the neighbors and the city, his variances will be granted.

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Burden of Proof

1. The physical characteristics of the property: Since the lot is shallow and narrow, using today's zoning regulations would prevent the construction of a home similar to other on the block. The owner wishes to build a home consistent with the neighborhood.

2. Granting the application will not be of substantial detriment to the public good – traffic, noise, and lighting on the block will not be negatively impacted by the addition of a new home. The street currently has limited traffic and amply street space for parking – this will not change by adding a new residence.

3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map due to the fact that it will be a single family dwelling, consistent with the intended use of the neighborhood.

Form 135 — Side 1
(Revised 03/15/02)

Case No.

ZONING SELF-CERTIFICATION FORM

Project Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	ANC(s)/Single Member District(s)*
Lot between 1019 and	3890	117	R2	5A05
and 1041 Taussig Pl.	3890	117	R2	5A05
NE, 20017	3890	117	R2	5A05

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought*	☐ §3103.2 - Use Variance	☑ §3103.2 - Area Variance	☐ §3104.1-Special Exception
Pursuant to Subsections		401, 403, 404, 405	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that: pkg 2101.1

1. **the agent is duly licensed to practice law or architecture in the District of Columbia;**
2. **the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and**
3. **the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.**

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owners Signature	Darcy Flynn				**Owner's Name**	**Darcy Flynn**
Agent Signature					**Agent Name**	**Jacob Abbott**
Date*	05/23/2005	**DC Bar No.**		**or**	**Architect Registration No.**	**Jerald Clark A-2061**

OFFICE OF ZONING DETERMINATION
(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐ **Accepted for filing.**

☐ **Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.**

☐ **Rejected for failure to comply with the provisions of**

- ☐ **DCMR Title 11 §3113.2; or**
- ☐ **DCMR Title 11 Zoning Regulations.**

Explanation

Signature:		**Date**	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Form 135 — Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	2242.5	4000	NA	2242.5	1757.4/44%
Lot Width (ft. to the tenth)	39	40	NA	39	1/2.5%
Lot Occupancy (building area/lot	0/0%	NA	897/40%	992	95/10.6
Floor Area Ratio (floor area/lot area)	NA	NA	NA	NA	NA
Parking Spaces (number)	0	1	NA	0	1
Loading Berths (number and size	NA	NA	NA	NA	NA
Front Yard (ft. to the tenth)	NA	NA	5	5	0
Rear Yard (ft. to the tenth)	NA	20	NA	12.5	7.5/37.5%
Side Yard (ft. to the tenth)	NA	8	NA	7.5 W & 3.5 E	.5/6% & 4.5/56%
Court, Open (width by depth	NA	NA	NA	NA	NA
Court, Closed (width by depth	NA	NA	NA	NA	NA
Height (ft. to the tenth)	NA	NA	40	40+/-	0/0

Darcy Flynn

Fax

To:	DCOZ	**From:**	Darcy Flynn (202) 431-4971
Fax:	202-727-6072	**Pages:**	5
Phone:		**Date:**	5/23/2005
Re:		**CC:**	ANC 5, fax 202-635-6565

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

To Whom It May Concern:

I recently presented a case before the board of zoning on May 17, 2005. After the hearing, they requested further information regarding the requested variances and an updated sheet that contains all the numbers related to the requested variances. I have attached all that was requested and hope this will be sufficient to address their concerns. Please feel free to contact me or my agent, Jacob Abbott, with any questions that come up. I have also faxed this information, as requested, to ANC 5, Joseph Bowser.

Sincerely,

Darcy Flynn

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