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BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of JPI Development, Inc.
Contract Purchaser
1229 E Street, S.E., Washington, D.C.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction

JPI Development, Inc. ("JPI" or the "Applicant")[1] seeks special exception relief under section 223 of the Zoning Regulations to renovate and construct an addition to the existing building at Square 1019, Lot 816, premises address 1229 E Street, S.E., Washington, D.C. (the "Subject Property"). Specifically, the Applicant seeks relief from the minimum width requirements for a side yard under section 405.3, the minimum width requirements for an open court under section 406.1, and the requirements for non-conforming structures under section 2001.3(a) of the Zoning Regulations to accomplish the proposed renovations. The Subject Property is located in the R-4 District.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested special exception. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet its burden of proof.

II. Property Description and Proposed Improvements

Located in the Capitol Hill Historic District, the Subject Property is improved with an existing one-story "shotgun" house that contributes to the character of the historic area. The rectangular lot is approximately 31.8 feet wide and contains 3,680 square feet of land area. The Applicant proposes to construct a three-story addition that is connected to the main house by a trellis-covered porch. The proposed addition would create a new closed court at the western side of the property.

As a result of the addition, the property would become non-compliant with respect to width of a side yard and open court. The new addition at the rear of the property would be constructed across the full width of the lot, with each wall located at the property line, but not sharing a common division wall. Under section 405.3 of the Zoning Regulations, when a flat is erected that does not share a common division wall with an existing building, it is required to

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[1]JPI is the contract purchaser of the property. Larry D. and Carol K. Quillian, the property owners, have authorized JPI to process this application on their behalf. *See* Owner's Authorization Letter submitted as part of this application.

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have a side yard on each resulting free-standing side. Second, based on the height of the building, the minimum width of the new open court should be 10 feet wide, whereas a width of only 4 feet is provided. Finally, the proposed addition will create non-conformities to a structure that is already non-conforming, thus requiring relief under section 2001.3 of the Zoning Regulations.

II. Compliance with Burden of Proof

A. Section 223 Requirements

Section 223.1 of the Zoning Regulations provides that an addition to a one-family dwelling or flat that does not comply with all the applicable area requirements for side yards (section 405.3) and courts (section 406.1), even where the building is already non-conforming, shall be permitted as a special exception if approved by the Board of Zoning Adjustment, provided the Applicant meets the following requirements:

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.

B. Compliance with Seciton 223.2

Consistent with section 223.2(a), the proposed addition at the rear of the lot will not unduly affect the light and air of the abutting property. The owner of Subject Property also owns several abutting parcels to the south that are being redeveloped by JPI. Given the nature of redevelopment on these abutting parcels, the proposed addition will not affect the

light and air of the property to the rear. Similarly, the Applicant will demonstrate that the light and air of adjacent properties to the east and west is likewise not unduly affected.

The proposed addition has also been carefully designed so that the privacy of adjacent properties will not be compromised, in compliance with Section 223.2(b). The Applicant will demonstrate through evidence submitted to the record and testimony at the hearing that privacy concerns have been adequately addressed.

The design of the proposed addition, together with the original building as viewed from the street, alley and other public way, does not substantially intrude upon the character, scale and pattern of houses along the street frontage, in accordance with section 223.2(c). The architects have developed an innovative design that respects the surrounding buildings and development pattern of the street. Because the property is located in the Capitol Hill Historic District, the project has been reviewed by the D.C. Historic Preservation Review Board ("HPRB") for compatibility with the character, scale and pattern of houses in the historic area. The HPRB reviewed initial concept plans for the project at its February 24, 2005, meeting, and the Applicant will return to the HPRB with further design development plans. This additional level of design review will ensure that the addition complies with section 223.2(c) of the Zoning Regulations.

Architectural drawings and photographs are submitted with this application to illustrate compliance with section 223. The Applicant will submit further documentation with its prehearing statement and at the hearing to further demonstrate compliance with the standards of the Zoning Regulations.

C. **Compliance with Section 223.3**

As set forth above, the lot occupancy of the flat and addition will not exceed sixty percent, as permitted in the R-4 District.

D. **Compliance with Section 223.4**

The proposed addition residence has been professionally designed, with appropriate input from the HPRB staff, in order to protect adjacent properties. The Applicant will, however, institute any other required measures to adequately screen and protect adjacent and nearby properties. The continued participation of the HPRB staff offers further assurance that the project will be appropriately designed.

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