MEMORANDUM

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TO: Office of Zoning
District of Columbia

FROM: H. L. Walker, Agent for
David N. Jackson, applicant

DATE: July 6, 2005

SUBJECT: Applicant's Burden of Proof for Area Variance Application
1008 South Carolina Avenue, S.E. (Square 970, Lot 23)

David Jackson, owner of 1008 South Carolina Avenue, S.E. - Washington, D.C. 20003, is applying for a special exception in the rebuilding of the decayed rear wall to make the rear wall flush, eliminating a recess pocket. This would simplify the masonry wall, roof, and floor joists reconstruction of the wall. It would, however, add 44 SF to the footprint of the building.

The following standards are addressed:

Subsection 3103.2:

As set forth in D.C. Code Ann §5-424(g)(3) (1981), "[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situational or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations Map."

1. This Building was constructed around 1920, long before the Zoning Regulations. The building and lot is nonconforming to the Zoning Regulations. This property's rear yard occurs at the turning point of the alley which cuts deep into the rear yard's depth and reduces the total area of this property. Other adjacent properties in this same block with the same width have greater property depth and a greater total area. They would not require an area variance or BZA approval to provide the same construction of this addition.
2. The existing rear wall has a dog leg shape. Since the entire rear wall is defective and must be replaced, it would be logical and less expensive to re replace the wall straight across

BZA
Case No. 17397
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17397
EXHIBIT NO. 4

the back wall from property line to property line and eliminate the recess in the rear wall. This line of construction would be less expensive since it involves the roof framing and all floor framing which also has to be replaced. Also, the rear interior spaces will benefit substantially from this proposed construction. It should be noted that none of this revised construction will project beyond the rear building wall.

3. The granting of this special exception will not pose a detriment to the public good, i.e. - Traffic, noise, lighting, etc. This rear wall construction is isolated from the general public and will only be noticed by the adjacent neighbors, from whom we have consenting letters.

4. By reconstructing the wall as noted in item one (1) above, the footprint of the building will increase 44 SF. The existing footprint or percent of lot occupancy is 64.6 percent. The added space of 44 SF will increase the percent of the occupancy to 71%. We don't believe that 1% over the allowable percent of lot occupancy will be grossly inconsistent with the general intent and purpose of the Zoning Regulations and Map. This change in the floor plan will not change the existing rear yard dimension, which is presently nonconforming.

If you require any further clarification or have any questions regarding our application, Henderson L. Walker will be available to discuss them with you. Thank you for you attention to this matter.

Henderson L. Walker
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David N. Jackson
applicant