

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

Application of Laura and Michael Furr
220 14th Place, N.E. (Square 1055, Lot 98)

Preliminary Statement of Compliance with Burden of Proof

I. Introduction

Laura and Michael Furr ("Applicants") seek special exception relief to construct an addition to their single-family attached dwelling at 220 14th Place, N.E. (Square 1055, Lot 98) in the RF-1 District. The property is currently nonconforming with respect to lot width, lot area, and rear yard. The Applicants propose to replace the existing one-story rear ell of their house with a two-story rear addition that will maintain the existing rear yard depth of 18.9 feet. The Applicants seek special exception relief to construct an addition to an existing nonconforming structure that will increase lot occupancy to 68 percent (where only 60 percent is permitted) and maintain the nonconforming rear yard depth of 18.9 feet (where 20 feet is required).

II. Background

A. Description of the Site and Surrounding Area

The property at 220 14th Place, N.E. (Square 1055, Lot 98) ("Property") is presently improved with a two-story rowhouse that has a single-story rear addition. The Property is an interior lot with approximately 1,242 square feet of land area. The house fronts on 14th Place, N.E., and an alley to the rear that parallels the street. Square 1055 is bounded by C Street, N.E. on the north; 14th Street, N.E. to the west; Constitution Ave., N.E. and North Carolina Avenue, N.E. to the south, and 15th Street, N.E. to the east. The square is bisected by 14th Place, N.E. The Property is in the RF-1 Zone and is surrounded by rowhouses. This dwelling and the surrounding ones were constructed circa 1916 and are nonconforming with respect to lot width

and lot area. The RF-1 District requires a minimum lot width of 18 feet (15 feet for Inclusionary Zoning ("IZ") developments) whereas this lot is only 14.28 feet wide. A minimum of 1800 square feet of land area (1500 for IZ developments) is required for attached dwellings in the RF-1 District, whereas the Property has approximately 1,242 square feet of land area.

B. Description of Proposal

The Applicants seek to renovate their Property and replace the existing one-story rear ell of their house with a two-story rear addition that fill in an existing "dog-leg" on the north side of rear ell, as shown on the plat attached with this application. The renovated first floor will allow the Applicants to enlarge their kitchen and provide a playroom for their growing family; a bedroom and study will be added to the second floor above.

The proposed addition to the existing nonconforming structure requires special exception relief from the lot occupancy and rear yard provisions. Section 304.1 of Subtitle E allows 60 percent lot occupancy for residential buildings in the RF-1 Zone. Here, the Applicants seek to expand the footprint of the building by approximately 844 square feet, or to 68 percent lot occupancy. Section 306.1 of Subtitle E requires a 20 feet rear yard setback. The rowhouse currently provides a rear yard depth of 18.9 feet and is thus deemed a lawfully existing nonconforming structure. The Applicants seek to raze the one-story ell and build new construction directly over the existing footprint for the full width of the lot, filling in the dog-leg to the north.

III. Jurisdiction of the Board

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the special exception relief requested pursuant to 11-E DCMR §§ 101.3 and 5201.1(f); 11-X DCMR § 901.2; and 11-Y DCMR § 100.3.

IV. Standard of Review

Special exception relief is available for lot occupancy and yards in the RF-1 Zone for additions to nonconforming structures pursuant to 11-C DCMR § 202.2 and 11-E DCMR § 5201.1(a), (b) and (f). In order to grant special exception relief, the Board must find that the proposal:

- (1) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) [will be] subject in specific cases to special conditions specified in the Zoning Regulations.

11-X DCMR § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning district, provided the specific regulatory requirements for the relief requested are satisfied. *See National Cathedral Neighborhood Ass'n v. District of Columbia Bd. of Zoning Adj.*, 753 A.2d 984, 986 (D.C. 2000); *see also Steward v. District of Columbia Bd. of Zoning Adj.*, 305 A.2d 516, 518 (D.C. 1973) (noting that “[s]pecial exceptions, unlike variances, are expressly provided for in the Zoning Regulations”). If the specific requirements of the regulations are met, the Board is generally precluded from denying an application.

V. The Applicants Satisfy the Burden of Proof for Special Exception Relief.

A. The relief is harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The RF Zones are generally intended to “provide for areas developed primarily with row dwellings” and “designed to be mapped in areas identified as low-, moderate- or medium-density

residential areas suitable for residential life and supporting uses.” 11-E DCMR §§ 100.1-.2. The purposes of the RF zones include the following:

- (a) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;
- (b) Allow for limited compatible non-residential uses;
- (c) Allow for the matter-of-right development of existing lots of record;
- (d) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones;
- (e) Allow for the limited conversion of rowhouse and other structures for flats;
and
- (f) Prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone.

11-E DCMR § 100.3.

Specifically, “[t]he purpose of the RF-1 zone is to provide for areas predominantly developed with attached row houses on small lots within which no more than two (2) dwelling units are permitted.” 11-E DCMR § 300.1

The Project will be in harmony with the with the general purpose and intent of the Zoning Regulations and Zoning Maps. Relief for lot occupancy to fill in the rear-dogleg and to provide a rear-yard that is the same as the existing nonconforming rear yard will not change the residential use of the lot and has no effect on the character of the neighborhood. The attached single-family dwelling will remain, consistent with the regulations.

B. The proposed relief will not adversely affect the use of neighboring property.

The proposed lot occupancy and extension of existing nonconforming structure will not adversely affect the use of the neighboring properties. Lot occupancy relief will allow the Applicants to fill in the dogleg at the north side of the property to accommodate their growing

family; it will not adversely affect neighboring property. The neighbor to the north supports the proposal. The rear yard provided will be the same as the existing nonconforming rear yard and likewise will not affect abutting neighbors. The adjacent owner to the south also supports the project. Letters of support from both neighbors are included with this application.

C. The proposed addition satisfies the special conditions required in Section E-5201.3.

Under Section E-5201.3, RF Zones require further findings for special exception relief to be granted. The Applicants comply with these provisions, as follows:

(a) *The light and air available to neighboring properties shall not be unduly affected;*

The proposal will not unduly affect the light and air available to the adjacent neighboring properties.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposal will not unduly compromise the use and enjoyment of any adjacent neighboring properties. The Applicants have obtained letters of support from their adjacent neighbors.

(c) *The addition or accessory structure, 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;*

The addition will not be visible from the street. Although the addition will be visible from the alley, the rear addition will not visually intrude upon the residential character of the neighborhood.

(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 or accessory structure to adjacent buildings and views from public ways;*

Representative plans, photographs, and drawings are included with this submission.

(e) *The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The Applicants are requesting a special exception for 68 percent lot occupancy and therefore complies with this provision.

As outlined above, the Applicants meet the special exception requirements for lot occupancy and rear yard relief.

VI. Community Outreach

The Applicants have reached out to Advisory Neighborhood Commission ("ANC") 6A and plans to present the proposal to the ANC's Economic Development and Zoning Committee on May 16, 2018, and to the full ANC on May 23, 2018. As noted above, the Applicants have received support from both adjacent neighbors.

VII. Conclusion

For the reasons stated above, Applicants Laura and Michael Furr satisfy the special exception requirements to construct the small addition to the rear of their existing building. The Applicants respectfully request that the Board grant the application.