

## Burden of Proof

Applicants purchased the property at 156 Duddington Place, S.E. in January 2017 and have used it as their primary residence ever since. Applicants are seeking to expand their existing kitchen by enclosing approximately 58 square feet of the rear dogleg on the first story only. The second story would remain untouched. Applicants are hoping to continue living at the property for many more years and are trying to make it more functional to accommodate their growing family.

Applicants' home was built in 1907 and is approximately 1,298 square feet. The property is already nonconforming in several aspects, mostly due to the fact that the lot is exceptionally small at 891 square feet. The proposed project would increase the percentage occupancy but not the rear yard. The addition would be visible from the rear only and would be almost entirely blocked behind an existing 10-foot tall fence. Several adjacent property owners have added similar structures to their rear doglegs.

Applicants are requesting a variance from the lot occupancy requirements of Subtitle E § 504.1 and a special exception from the rear yard requirements of Subtitle E § 506.1. This application meets each element of the review standards for variances and special exceptions as follows.

### A. Variance from Lot Occupancy Requirements

- 1. *The physical characteristics of the property make it difficult for the owner to build or use the property in compliance with the Zoning Regulations (area variance) — i.e., shape and size of the property, unusual topography or slope, soil problems.***

As stated above, Applicants' lot is exceptionally small at only 891 square feet, which is less than half of the Zoning Regulations' requirement of 1,800 square feet. The existing home currently occupies over 70% of the lot. The extremely small lot size makes almost any modification to the property virtually impossible to comply with the Zoning Regulations. In fact, the proposed addition is only 58 square feet, but even such a small addition furthers the property's nonconformance with the percentage occupancy and rear yard requirements due to the exceptionally small lot size.

- 2. *Granting the application will not be of substantial detriment to the public good — i.e., traffic, noise, lighting.***

The proposed project would not have any substantial detriment to the public good, including traffic, noise, and lighting. First, because it is only a small addition to the rear of the house, it does not affect the front of house or street at all and also does not interfere in any way with the existing alley behind the house. Therefore, it will have no negative impact on traffic in the area. Second, the project would not cause any negative noise because the property would continue to be used as a single family dwelling and the Applicants' primary residence. The addition will be entirely enclosed and not cause any disturbances to the public. Third, the project would not negatively impact lighting for the public generally or for the immediately adjacent property owners because the adjoining properties are currently separated by a 10-foot tall fence, and the proposed addition would only be a single story and therefore would not block any more light than the existing fence.

The project would also improve the lighting and circulation inside the house itself by opening up the area between the existing dining room and kitchen and allowing more natural light and air circulation between the two rooms. As mentioned above, several property owners on the same block have added small structures to the doglegs in order to allow more space and functionality, and none have caused any detriment to adjacent properties.

***3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.***

The proposed project would be consistent with the general intent and purpose of the Zoning Regulations and Map because Applicants would continue to use the property as a single family dwelling and as their primary residence. In addition, the proposed project would not harm or impair the health, safety, or general welfare of the U.S. Capitol precinct and adjacent area.

Applicants have greatly enjoyed living in the area largely due to the charm and feel of the neighborhood. Applicants simply want to make their home more functional in the hopes of living there for many more years to come but do not want to interfere with the character of the neighborhood.

**B. Special Exception from Rear Yard Requirements**

***1. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.***

Please see Section A.3. above.

***2. The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, i.e., traffic, noise, lighting.***

As stated in Section A.2. above, the proposed addition would not have any substantially adverse effect on the use or enjoyment of any abutting or adjacent dwellings. The addition would not affect traffic, block light, create noise, impair privacy, or intrude upon the character of neighboring houses. The proposed addition will not interfere with the existing rear alley or cause any other traffic issues. In addition, Applicants' property is currently separated from adjoining properties by a 10-foot tall fence on all sides. The single-story addition therefore would not block any more light than the existing fence between the properties. The proposed addition would also not impair the privacy of use and enjoyment of neighboring properties because the addition would not create any more noise to neighboring properties and the properties would be separated by a windowless wall instead of the existing fence. Finally, the proposed addition would not intrude on the character, scale, and pattern of houses along the street because the single-story addition would be practically invisible from the alley over the 10-foot tall fence. The proposed addition is also very small at approximately 58 square feet and would therefore not affect the scale of the street. Finally, several other neighboring houses on the street already have similar additions or other accessory structures, as shown the attached photos, so the proposed addition would not change the existing character or pattern of houses on the street.

For the reasons set forth above, Applicants respectfully request that the Board of Zoning Adjustment grant this application for an area variance from the lot occupancy requirements and a special exception from the rear yard requirements.