

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

APPLICATION OF

MS. BONNIE GUO / MR. MICHAEL CONSILVIO

237 8TH STREET SE

ANC 6B

BURDEN OF PROOF STATEMENT

NATURE OF THE RELIEF SOUGHT

This statement is submitted by Mr. Michael Consilvio and Ms. Bonnie Guo, (the “**Applicant**”), as the owners of 237 8th Street SE, (the “**Property**”), (Square 0900, Lot 0810). The Applicant seeks a Special Exception to allow a detached accessory garage in the RF-1 District (the “**Project**”). The Property is presently improved by a two story Single Family Dwelling. The requested relief to title 11 DCMR is:

1. Lot Occupancy (Subtitle E13-§304.1). Allows a maximum of 60% lot occupancy. The existing Lot Occupancy of the Property is 55.9% (1,131 sq ft of 2,023 sq ft). The Project would make it 69.9% (1,415 sq ft of 2,023 sq ft).

JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the special exception requested herein pursuant to 11 DCMR Subtitle X-§901.2 of the 2016 Zoning Regulations.

BACKGROUND INFORMATION OF THE PROPERTY

The Property is located at 237 8th Street, SE. The Property is in the middle of the block; a RF-1 zoned lot of 2,023 square feet improved by a two story brick, attached dwelling originally constructed c.1900. The dwelling contains 2,142 sq. ft. of livable area covering 1,131 sq. ft. of the lot (55.9%). The dwelling is flanked to the south and north by attached dwellings the length of the block and on the opposite (east) side of 8th Street SE. Abutting the Property to the west is an alley measuring ten feet two inches (10.17 ft.) in width. The dwelling sits on the front property line.

The Property is within the boundaries of ANC 6B and within the Capitol Hill Historic District. The existing dwelling on the Property is not listed on the D.C. Inventory of Historic Sites.

DESCRIPTION OF IMPROVEMENTS IN THE SURROUNDING AREA

The Property is within Square 0900. The square is bounded by North Carolina SE to the north, 8th Street SE to the east, the alley to the north, and running parallel to C St SE to the south and 7th Street SE to the west. The square is a zoning district containing residential structures, mixed use, and commercial structures. The residential structures are a mixture of semi-detached and attached homes. The rectilinear, mid-block lots fronting 8th Street SE on the same (west) side of the Property are mostly approximately 2,200-2,400 sq ft in size. Of the eleven (11) lots on the same (west) side of the Property, nine (9) have been improved with garages off the alley. The rectilinear, mid-block lots fronting 8th Street SE on the opposite (east) side of the Property are mostly approximately 1,700-2,000 sq ft in size. Of the sixteen (16) lots on the opposite (east) side of the Property, fifteen (15) have been improved with garages off the alley. Lots on the east side of 7th Street SE, opposite the alley from the Property, contain one semi-detached dwelling on a 2,378 sf lot with garage (232 7th St SE) and a commercial building spanning three lots (228 7th St SE) with no garages. The rest of the block on the east side of 7th Street SE has been improved by similar commercial and mixed-use buildings without rear garages.

The neighboring property to the south has been improved by an accessory garage that is placed 7'-9" from the adjacent alley's centerline. The neighboring property to the north has been improved by an accessory garage that is placed 5'-9" from the adjacent alley's centerline. The surrounding squares are similarly developed with a mix of residential and mixed-use streets.

DESCRIPTION OF THE PROJECT

The Applicant is proposing to construct an L-shaped 16'-8" x 20'-0" (with an 8'-2" E/W x 6'-2" N/S cutout) detached accessory garage. The proposed footprint will increase the existing 55.9% Lot Occupancy to 69.9%. The garage will extend 16'-8" north/south, leaving 2" on either side adjacent to the property lines. The garage will be placed 2'-8" from the rear property line and 7'-9" from the adjacent alley's centerline. It will extend 20'-0" to the east with an 8'-2" E/W x 6'-2" N/S cutout on the south side. The Project will be similar in size and style to the existing garages on the alley and in the vicinity. The Project would sit exactly the same distance from the garage of the neighboring property to the south (239 8th St SE) at 7'-9" from the alley centerline..

The RF-1 zone requires a minimum lot width of 18ft. The Applicant's lot is only 17ft wide, which has two detrimental impacts on the Property. One, the thin width is a factor in an overall smaller lot area compared to the neighboring lots that currently have been improved with garages. The Applicant's lot (2,023 sf) is smaller than the interior lots in the same block and square. On the Applicant's side of 8th St SE (west), the majority of the lots are in the range of 2,200-2,400 sq ft in size. Accordingly, the smaller lot size presents a peculiar and exceptionally practical difficulty in being able to construct a garage as permitted due to the Lot Occupancy maximum requirement. Two, the thin width puts more of a premium on the depth of the rear garden. Every linear foot is important when the width is only 17 ft.

The dwelling was constructed c.1900. Aside from the aforementioned requests for relief, the project complies with the development standards for the RF-1 zoning district. The Project will not affect the main façade's existing architectural elements.

NATURE OF VARIANCE RELIEF SOUGHT AND STANDARD OF REVIEW

Variance relief is required for Subtitle E13-§304.1 for exceeding 60% lot occupancy. Subtitle E §5201 (a) allows for a Special Exemption for Lot Occupancy to a maximum of 70%.

The Board of Zoning Adjustment is authorized under §8 of the Zoning Act, D.C. Official Code §6-641.07(g)(2), to grant special exceptions, as provided in DCRM Chapter 11, Subtitle X §901.2, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Subject in specific cases to the special conditions specified in the Zoning Regulations 11 DCMR Subtitle X §901.2.

THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTION

Subtitle D, Section 5201.4 provides relief for the applicant by special exception when demonstrated that 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, in particular:

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

Because both neighboring properties already have garages, there will be no impact on the light and air available.

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

The neighbor property to the south has a garage that effectively serves as a privacy wall along the property line. The neighbor property to the north has a garage and then high privacy wall. Therefore, no compromise will be made on privacy and enjoyment of the neighboring properties.

(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 pattern and character of this alley is one of one story brick garages, and this project will be a good neighbor. It will not visually intrude upon any aspect of the character, scale, and pattern of the alley. The garage will not be visible from the street.

(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.

The drawings enclosed graphically and visually display the proposed garage in context.

Additionally, the Property is affected by an exceptional condition, which arises from a confluence of factors affecting the property:

The unique and exceptional situation arises from a confluence of factors affecting the property:

1. Lot Dimensions

The lot is only 17ft in width. The minimum lot width in the RF-1 zone is 18ft. This thin width is a factor in the Applicant's diminutive lot size, especially compared to the rest of the lots on this block, and reduces the effective Lot Occupancy.

2. Lot Occupancy

The thin width creates a smaller than usual lot size and subsequent allowable Lot Occupancy. Attempts have been made to keep the footprint of the Project as small as possible while providing a usable garage for car parking and usable rear garden for a relatively small dwelling. Because the existing Lot Occupancy is 55.9%, there leaves only 4.1%, or 82 square feet, to build any structure. This is obviously far too small for any garage footprint.

The Project would not be detrimental to the character of the neighborhood, but denial would make the proposed garage so small as to be practically unusable. Not allowing the increased Lot Occupancy would result in a practical difficulty and an undue hardship to the Applicant. It would deny the Applicant the ability to improve the Property with an accessory garage like many of the Applicant's neighbors have been able to do.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Romero". The signature is fluid and cursive, with a large initial "M" and a long horizontal stroke extending to the right.

Michael Romero, Licensed Architect

for Bonnie Guo / Michael Consilvio

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