



12606 Hillmeade Station Drive, Bowie, MD 20720

Phone (301) 769-6909

BURDEN OF PROOF STATEMENT

Property Address: 1130 4th Street N.E., Washington, DC 20002

Square/Lot: 0773 - 0072

Zoning District: RF-1

Applicant: Daniela Serrano Pavon

BZA Case Number: 21346

Agent: Capitol Improvements LLC | Florencia Jewell

Zoning Relief Requested:

- Special Exception (E § 5201.1(b), E § 207.1, X § 901.2).

I. Introduction

We respectfully submit this Burden of Proof Statement in support of the application for zoning relief for the property located at 1130 4th Street N.E., Washington, DC 20002, in behalf of the homeowner Daniela Pavon Serrano, under the provisions of Subtitle E § 5201.1(b), E § 207.1, X § 901.2 for Special Exception. This request is necessary due to the property's non-conforming status within the RF1 zoning district, where the existing conditions are the following: 10ft. of rear yard, lot size of 987.30sq.ft., which provides 69% of lot occupancy. Due to this, the addition of the proposed deck with multifunction carport presents exceptional conditions and practical difficulties. We have withdrawn our request for an area variance (E § 210.1, and X § 1001.2) as we anticipate the passage and implementation of the recent 25-12 omnibus passed before the Office of Zoning that would exempt our project from needing an area variance, as our deck would be under the allowable size needing an area variance.

The homeowner seeks BZA's approval for the construction of an elevated deck that provides outdoor living space with an integrated carport below, to fully utilize the property's limited space, enhancing personal use while complying with zoning regulations. We will build a 14.5'x10' deck, including a set of 3.5' W stairs that come down from the back door. Increasing the total lot occupancy to 84%, making sure that the property is living to its maximal potential, functionality and enjoyability. This integration of this deck/carport will help alleviate parking burdens for the residents and provide adequate outdoor living space to the residents that align with the spirit of the zoning regulations in place that preserve neighborhood character and maintain outdoor space for recreation

II. Burden of Proof for Special Exception (E § 5201.1(b), E § 207.1, X § 901.2)

2. No Adverse Impact on the Neighborhood or Surrounding Properties

Granting the Special Exception will not harm the surrounding neighborhood. The deck is set back appropriately, avoids encroachment, and preserves views, light, and privacy. It replaces an existing concrete patio and does not contribute to noise, traffic, or disturbances, remaining in line with the neighborhood's character. It could very easily be argued that the special exemption would in fact be beneficial to the surrounding neighborhood as it will likely increase the value of the property, and in result, the properties surrounding it.

III. Review Standards Under Subtitle E § 5201.4 (a), (b), (c), and (d)

The application complies with the review standards for a Special Exception under **Subtitle E §5201.4:**

An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

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

The new deck should not have an undue impact on light and air available to neighboring properties; besides, this deck will help cover one parking spot for the vehicle. Multiple neighboring properties have similarly sized decks or even garages in the rear location on their respective lots. The open-deck design should not hinder air flow or light to adjacent properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
The proposed deck should not unduly compromise the privacy and use of enjoyment of neighboring properties. Many other neighboring properties contain similar or larger decks and garages with mechanical opening doors. Besides, all construction stays between the property lines in the lot.

(c) The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage;
The proposed deck would not be visible from 4th Street N.E at the front of the lot. It would be visible from the Public Alley to the rear, but should not substantially visually intrude upon the character, scale, and pattern of houses along the street. Many other houses in the same row contain rear decks of a similar scale and design, and fencing.

(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, new building, or accessory structure to adjacent buildings and views from public ways.

The applicant has provided photographs of the property, deck floor plans and details of the proposed deck to adjacent buildings and views from public ways and photos of the neighboring houses and public alley.

IV. Review Standards Under Subtitle X § 901.2

The application complies with the review standards for a Special Exception under **Subtitle X §901.2:**

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 this title, 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;

The new construction enhances the alley-facing elevation by introducing depth and architectural interest to an otherwise uniform row-homes. The proposed rear deck is consistent with the existing character of the alley, where many neighboring properties feature rear decks or zero-lot line accessory structures.

(b) Will not tend to adversely affect, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

The proposed deck does not adversely affect the use of the property, light and view along the 18ft. wide alley, which is cramped by row-homes on both sides.

(c) Will meet such special conditions as may be specified in this title.

We will make sure to comply with all the conditions for Zoning.

V. Conclusion

For the reasons stated above, the homeowner respectfully requests that the Board grant the requested Special Exception. The property presents exceptional conditions, the relief will not harm the public good, and the proposal meets the requirements of the Zoning Regulations.

Thank you for your consideration.

Sincerely,

Florencia Jewell | Capitol Improvements LLC
240.714.0396

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