



**CAPITOL  
IMPROVEMENTS LLC**

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## **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

**Agent:** Capitol Improvements LLC | Florencia Jewell

**Zoning Relief Requested:**

- Area Variance (E § 210.1, X § 1002.1).
- Special Exception (E § 5201.1(a and b), E § 207.1, X § 901).

### **I. Introduction**

The agent Florencia Jewell, 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 § 210.1, and Subtitle X § 1002.1 for Area Variance, and Subtitle E § 5201.1(a and b), E § 207.1, X § 901 for Special Exception. This request is necessary due to the property's non-conforming status within the RF1 zoning district, where the existing lot size of 987.30 square feet and 61% lot occupancy presents exceptional conditions and practical difficulties.

The homeowner seeks BZA's approval for a 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 an 14.5'x10' deck, including a set of 3.5' W stairs that are coming down from a back door. Increasing the total lot occupancy to a 75%, making sure that the property is living to its maximal potential, functionality and enjoyability. This integration of deck/carport will help alleviate parking burden in the property.

## **II. Burden of Proof for Area Variance (E § 210.1, and X § 1002.1)**

### **1. Exceptional or Extraordinary Conditions**

The property, situated on a 987.30 square feet lot in the RF-1 zoning district, is constrained by a 14 feet rear yard and a rear entrance located a 8 feet from the ground. With that being said, conditions make it impractical to fully utilize the rear yard. The deck will be in alignment with the zoning goal of supporting quiet enjoyment in dense urban areas like Washington, DC, and does not negatively impact neighboring properties.

The deck we are proposing provides essential access to the alley, maximizes outdoor space and helps covering the vehicle, enabling reasonable use of the property as envisioned by zoning regulations.

### **2. Practical Difficulty in Complying with Zoning Regulations**

The home already occupies 61% of the lot, leaving little room for other solutions. With the rear entrance elevated 8 feet, access to the alley is only possible via the existing stairs. Expanding the home or altering access would further reduce usable space. The proposed deck is the most practical way to provide access and outdoor use. Without it, the homeowners cannot fully and reasonably use the property. We are requesting to increase lot occupancy to 75% to maximize the property's function and livability.

## **No Substantial Harm to the Zoning Regulations and Public Good**

Granting the variance supports the zoning intent by allowing functional residential use without disrupting neighborhood character or impacting neighbors. Similar nearby structures show that multipurpose improvements are common. The deck enables reasonable use of the property in line with zoning goals.

## **III. Burden of Proof for Special Exception (E § 5201.1(a and b), E § 207.1, X § 901)**

### **1. Substantial Compliance with Zoning Regulations**

The proposed deck substantially complies with zoning regulations, supports residential use, and preserves neighborhood character. Its height matches over 85% of nearby homes, ensuring compatibility and no adverse impact on neighbors.

### **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.

#### **IV. 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 with covering the one parking spot for the vehicle. Multiple neighboring properties have similar 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 mechanic 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.*

#### **V. 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 affect adversely, 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.*

## **VI. Conclusion**

For the reasons stated above, the homeowner respectfully requests that the Board grant the requested Area Variance and 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

06.17.2025