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Burden of Proof

I. Introduction and Nature of Relief

This statement is submitted on behalf of Neva Jacobs & Mark Meikijohn ("the applicant"), the Owners of 5332 41st Street NW ("the property"). The property is zoned R-2. The improvements on the property consist of a two story with basement, single family attached dwelling ("the building"). The applicant proposes to construct a one-story front porch of approximately 136 SF at the front of the property. The porch is proposed at a depth of 3'-0" on the property, and 5'-0" in depth on public space for a total of 8'-0". This is to align with existing porches on the block and in accordance with District of Columbia Building Code 2017, section 3202.11.2.3. Accordingly; the applicant requests area variance approval for the structure pursuant to Subtitle D 210.1.

II. Background

a. This property has a lot area of 1,757 SF and is zoned R-2. The property is located on 41st Street NW and is located less than ½ a block from Military Road NW and greater than ½ a block from Jenifer Street NW. The property has an existing lot occupancy of 56.9% which includes the existing front stoop and principal dwelling unit. The property has an existing front stoop with a small roof. The proposed porch will increase lot occupancy by to a total of 56.5% lot occupancy. This porch is partially located outside of the property; 5'-0" will project into the front yard (public right of way) and a permit will be obtained from DDOT.
b. The property directly to the north has a front porch of the same size as the proposed porch. The property to the south does not have a front porch.
c. An R-2 zone by the definition in DCMR 11 of 2016 is to "provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses. The minimum lot area for an R-2 zone is 4,000 SF while this property's lot area is only 1757 SF, which is less than half of the minimum size for an R-2 property. The maximum lot occupancy for this property is 40% and the existing lot occupancy is 55.3%. The property does not meet the minimum requirements for an R-2 zone.
d. The Owners are seeking to construct this front porch to have a place for their family to gather, and their children to play outside and enjoy their front yard as many families do on the block.
e. The front porch conforms to the development standards, apart from relief from Subtitle D, section 210.1.

III. The Application Meets the Requirements for area variance Relief

Board of Zoning Adjustment
District of Columbia
CASE NO. 21508
EXHIBIT NO. 20

a. Pursuant to subtitle X Chapter 1001.1 of the Zoning Regulations, with respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."
b. The board may grant relief from the requirements of Subtitle D 210.1 as an area variance pursuant to Subtitle X, Chapter 10, and subject to the following conditions;

   The proposed construction 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;
   b. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
   c. The proposed construction, 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.

c. The granting of the area variance would be in harmony with the general purpose of the zoning regulations. The proposed porch will not have a substantially adverse effect on the adjacent properties and the light and air will not be unduly affected nor will the privacy of the neighbors be impacted.

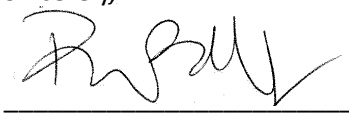
IV. Conclusion

Granting this area variance request will enable the Owners to gather in their front yard, improving the neighborhood by encouraging engagement with others. The proposed porch considers the impact to the neighbors and sought to design the porch in the same size and design as existing porches. The applicants hope to remain in their home indefinitely with this new porch. The porch will be designed to be contextual with respect to the surrounding neighborhood in terms of character, scale, proportion and pattern. The proposed porch will improve the character of the home and thus the surrounding area, by removing and replacing the existing unsightly stoop and stairs with a historically appropriate porch.

The Owners have engaged with neighbors early in the design process and those neighbors have provided letters of support which will be part of the exhibits. We plan to engage with the ANC once a BZA case number has been assigned and will plan to get feedback on the application during the next agenda.

For the reasons stated above, this application meets the requirements for the special exception approval by the Board, and the applicant respectfully requests that the Board grant the requested relief. Thank you for your time and consideration.

Sincerely,



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