

**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 Variance relief 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 72.3% (1,464 sq ft of 2,023 sq ft).
2. Centerline Setback (Subtitle D63 §5004.1). Requires an accessory garage to be set back 12’-0” from the centerline of the alley. The Project would site the garage setback 7’-9” from the centerline of the alley.

**JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the Variance requested herein pursuant to 11 DCMR Subtitle X§1000.1 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 a 16'-8" x 20'-0" detached accessory garage. The proposed footprint will increase the existing 55.9% Lot Occupancy to 72.3%. 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. 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. Adhering to the 12'-0" Centerline Setback would reduce the existing rear garden depth to the Property's detriment and without material neighborhood gain.

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 and for Subtitle D63 §5004.1 for a garage less than 12'-0" from centerline of alley.

The Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) and 11 DCMR Subtitle X§1000.1, "[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."

1001.3 Examples of area variances are requests to deviate from:

- (a) Requirements that affect the size, location, and placement of buildings and other structures such as height and FAR.

The Applicant is requesting relief from the maximum Lot Occupancy and Centerline Setback due to the width of the existing lot and the width of the adjacent alley, which result in peculiar and exceptional practical difficulties for the owner to make use of the property. Nearly all nearby properties on the adjoining alley are improved with accessory garages similar to that proposed by Applicant. Additionally, because properties on either side have garages, an unsafe, dark spot at the rear of the Property has created security issues for the Applicant. Lastly, the size of Applicant's lot makes other means of off-street, secure parking impractical.

**THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCE RELIEF**

A. The Property is affected by an Exceptional Situation or Condition.

*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 rear garden for a relatively small dwelling. The proposed footprint is still a small 1,434 sq ft. Any smaller footprint would make the garage useless.

3. *Centerline Setback*

The alley adjacent to the Property is thinner (10.17 ft) than the typical alley (15 ft). As such, the Centerline Setback takes up more area of the adjacent lots than would be typical. On top of this, the existing rear garden of the Property is thinner than usual. A large tree is located approximately 27 ft. from the rear property line and would need to be removed if the garage were to be placed further into the rear garden. Other garages in the square, including both neighboring properties, have been sited closer to the alley.

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. Additionally, denial would require the destruction of the tree in the rear garden and reduce the already small rear garden's size. Not allowing the increased Lot Occupancy and reduction of Centerline Setback in totality 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 Consilvio". The signature is fluid and cursive, with a large initial "M" and a long horizontal stroke at the end.

for Bonnie Guo / Michael Consilvio  
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