

DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

Application of Steven Chuslo

Statement in Support of Area Variance Relief

274 Kentucky Avenue, SE (Square 1039, Lot 0081)

I. INTRODUCTION

Steven Chuslo (the "Applicant") is the owner of the property located at 274 Kentucky Avenue, SE (Square 1039, Lot 0081) (the "Subject Property"), which is zoned RF-1. The original improvements on the Subject Property consist of a three-story, row dwelling, single-family dwelling (the "Dwelling"). The Applicant is requesting area variance relief for a proposed rear addition at the second-story level of the Dwelling. The second-story addition consists of a screened porch area, an area of open deck, and stairs leading from the addition down to existing grade level.

II. REQUESTED RELIEF

The Applicant is requesting area variance relief pursuant to 11-E DCMR § 1000.1 from the following requirement in order to construct the Addition:

1. Lot Occupancy requirements of E § 304.1.

The RF-1 Zone limits lot occupancy to sixty percent (60%). Including the proposed Addition, the Subject Property will have a lot occupancy of eighty percent (80.2%).

III. DESCRIPTION OF THE SUBJECT PROPERTY AND THE SURROUNDING AREA

The Subject Property is located at 274 Kentucky Avenue, SE and is in an RF-1 Zoning District. The Subject Property is a corner lot on the northeast corner at the intersection of Kentucky Avenue, SE and C Street, SE. It is a small pie-shaped lot of record, consisting of 1,783 square feet of lot area. The Subject Property tapers down to a point at the rear. The Dwelling is three stories high and fronts along both Kentucky Avenue, SE and C Street, SE. The existing resultant rear yard is a small triangular shaped open area. Abutting the Subject Property to the east is a three-story row dwelling (Square 1039, Lot 0082) and abutting the Subject Property to the north is also a three-story adjoining row dwelling (Square 1039, Lot 0080); these two abutting rowhouses have rear decks and stairs, as part of the Kentucky Courts condominium development. The Subject Property has no exterior access directly down to grade, as have the other rowhouses in the proximity of the Subject Property.

The Subject Property is part of the Kentucky Courts condominium development. The immediate surrounding area is predominantly comprised of three-story row dwellings, including along both sides of Kentucky Avenue, SE and the facing end-of-block row dwellings on C Street, SE. A block away to the east along C Street, SE is Payne Elementary School and a block away to the west along C Street, SE is a community garden and a District of Columbia government building. To the south of the site along Kentucky Avenue, SE, at the intersection of Kentucky Avenue, SE, 14th Street, SE, and D street, SE, is a mixed-use building with four residential stories over a ground floor containing a grocery store. Abutting the Subject Property to the east is an adjoining row dwelling (Square 1039, Lot 0082) and abutting the Subject Property to the north is also an adjoining row dwelling (Square 1039, Lot 0080); these two abutting rowhouses have rear decks and stairs, as part of the Kentucky Courts condominium development. There is a common parking lot behind the Subject Property which serves the residents of the Kentucky Courts condominium community.

**IV. THE APPLICATION SATISFIES AREA VARIANCE REQUIREMENTS OF SUBTITLE X § 1001.1,
X § 1002.1**

- A. Overview of Section 1001.1.** Pursuant to Subtitle X § 1001.1 of the Zoning Regulations, the Board has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3), "where, 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 topological 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 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 a 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. Overview of Section 1002.1.** Pursuant to Subtitle X § 1002.1 of the Zoning Regulations, the standard for granting a variance, as stated in X § 1001.1 differs with respect to use and are variances as follows: (a) An applicant for an area variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle

X § 1001.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of a property.

C. Burden of Proof.

In order to receive area variance relief, the applicant must satisfy a three-part test which requires: (1) a demonstration that the property is affected by some exceptional situation or condition; (2) without the requested relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) the requested relief can be granted without substantial detriment to the public good or substantial impairment of the zone plan.

1. Property is Affected by an Exceptional Situation or Condition

The Property is a small pie-shaped lot. The relatively small lot area of 1,783 square feet and relatively shallow lot depth of 56.62 feet (along the northwest side lot line), and 58.03 feet (along the east-side lot line) contribute toward the small rear yard and attendant inflexibility for introducing elements such as decks and porches. Most of the existing row dwellings in the vicinity of the Subject Property have a rear exterior door at the second-floor level leading down to the grade level. The second-floor levels of these same row dwellings typically contain the common living area (an open-plan kitchen-dining-living room area) directly leading to these rear entrance doors. The Subject Property does not have such a rear entrance door from its own existing second-floor open kitchen-dining-living room area. Additionally, the daylight and views from the Subject Property towards the rear are greatly restricted by the blank party walls of the two adjacent rowhouses narrowing down to a fifteen-foot-wide gap towards the rear.

2. Strict Application of the Zoning Regulations Would Result in Practical Difficulties upon the Owner

Due to the corner lot configuration, the footprint of the existing three-story structure is located along the two street frontages. This lot configuration has contributed toward the existing lot occupancy of 63.3%, already higher than the maximum allowable lot occupancy of 60%. Therefore, due to maximum lot occupancy allowed, there is no lot area available for any stair, deck or porch structure for a) the use and enjoyment of the owner, b) providing a second means of emergency egress to the rear, and c) providing a direct route to the rear to the trash and recycling bins located along the edge of the common parking area. Additionally, the daylight and views from the Subject Property towards the rear are greatly restricted by the blank party walls of the two adjacent rowhouses narrowing down to a fifteen-foot-wide gap towards the rear.

3. Relief Can Be Granted Without Substantial Detriment to the Public Good or Substantial Impairment of the Zone Plan

The requested relief can be granted without substantial detriment to the public good or substantial impairment of the Zone Plan. The deck and porch cannot be viewed from any public street and is barely visible in the narrow opening between the adjacent abutting structures at the narrow rear point of the triangular lot. The party walls of the adjacent building have no window openings facing the Subject Property, so the addition will not block any views or light from those neighboring properties. There are no solar power systems on the adjoining properties. The highest point of the proposed addition, the porch roof, is at the third-floor level of the existing row dwelling and the adjacent properties; therefore, since this addition is a full story below the existing third-floor levels, it will not block any sunlight from any future solar power systems on neighboring properties.



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