

Burden of Proof

Applicants purchased the property at 156 Duddington Place, S.E. in January 2017 and have used it as their primary residence ever since. Applicants are seeking to expand their existing kitchen by enclosing approximately 58 square feet of the rear dogleg on the first story only. The second story will remain untouched. Applicants are hoping to continue living at the property for many more years and are trying to make it more functional to accommodate their growing family.

Applicants' home was built in 1907 and is approximately 1,298 square feet. The property is already nonconforming in several aspects, mostly due to the fact that the lot is exceptionally small at 891 square feet. The proposed project will increase the percentage occupancy but not the rear setback. The addition would be visible from the rear only and would be almost entirely blocked behind an existing 10-foot tall fence. Several adjacent property owners have added similar structures to their rear doglegs.

Subtitle X § 1002 states that, for an area variance, applicants “must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property.” This application meets each element of this review standard for the following reasons.

- 1. The physical characteristics of the property make it difficult for the owner to build or use the property in compliance with the Zoning Regulations (area variance) — i.e., shape and size of the property, unusual topography or slope, soil problems.***

As stated above, Applicants' lot is exceptionally small at only 891 square feet, which is less than half of the Zoning Regulations' requirement of 1,800 square feet. The existing home currently occupies over 70% of the lot. The extremely small lot size makes almost any modification to the property virtually impossible to comply with the Zoning Regulations. In fact, the proposed addition is only 58 square feet, but even such a small addition furthers the property's nonconformance with the percentage occupancy and rear setback requirements due to the exceptionally small lot size.

- 2. Granting the application will not be of substantial detriment to the public good — i.e., traffic, noise, lighting.***

The proposed project will not have any negative effect on traffic because it will not interfere in any way with the existing alley behind the house. In addition, the project will not cause any negative noise because the property will continue to be used as a single family dwelling and the Applicants' primary residence. Finally, the project will not negatively impact lighting for the immediately adjacent property owners because the properties are currently separated by a 10-foot tall fence, and the proposed addition will only be a single story and therefore will not block any more light than the existing fence.

The project will also improve the lighting and circulation inside the property itself by opening up the area between the existing dining room and kitchen and allowing more natural light and air circulation between the two rooms. As mentioned above, several property owners on the same block have added small structures to the doglegs in order to allow more space and functionality, and none have caused any detriment to adjacent properties.

3. *Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.*

The proposed project will be consistent with the general intent and purpose of the Zoning Regulations and Map because Applicants will continue to use the property as a single family dwelling and as their primary residence. In addition, the proposed project will not harm or impair the health, safety, or general welfare of the U.S. Capitol precinct and adjacent area.

Applicants have greatly enjoyed living in the area largely due to the charm and feel of the neighborhood. Applicants simply want to make their home more functional in the hopes of living there for many more years to come but do not want to interfere with the character of the neighborhood.

For the reasons set forth above, Applicants respectfully request that the Board of Zoning Adjustment grant this area variance.