

BEFORE THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

**I. Introduction**

The Property is identified as Square 0337, Lot 0030, (also referred to as 1005 P St NW) and is zoned RF-1. The Property is located on the northern side of P Street NW between 10<sup>TH</sup> and 11<sup>TH</sup> in the Shaw neighborhood within Ward 6. The existing property includes a two-story two-family semi-detached row dwelling currently vacant and uninhabitable. The applicant proposes to renovate the property within its existing footprint and convert an existing rear porch to living space.

**II. Special Exception Relief**

The Applicant requests relief from Subtitle E, Section 304.1 – ‘Lot Occupancy’ as well as Subtitle E, Section 306.1 Rear Yard Setback.

A. The Property is Affected by Exceptional Situations or Conditions

The dwelling is located on a small lot of 1200 sf. The semi-detached dwelling has an overall footprint of 831 square feet and sits on the lot line at the front, a side yard setback of 0’ and a rear yard setback of 12’-4”. The applicant’s semi-detached dwelling has an existing lot occupancy of 70% including the nonconforming rear deck and porch.

B. The Strict Application of the Zoning Regulations Would Result in Practical Difficulties

The applicant proposes to re-build and enclose the top portion of the rear screened in porch the bottom deck will be re-built and utilized in its current manner. This allows for reasonable interior room dimensions and the ability to achieve a family friendly 3BR home. Existing lot occupancy is currently at 70%. Strict interpretation of zoning law would not allow for the deck to be replaced as it is non-conforming in both lot occupancy and rear setback. With the proposed addition the applicant is requesting zero change to existing lot occupancy. The adjacent property to the east of the applicant currently has 100% lot occupancy. Directly to the west of the property is an alleyway serving properties located on P, 11<sup>th</sup> and 10<sup>th</sup> Street.

Per the 2016 Zoning Regulations, the allowable lot occupancy in the RF-1 zone is 60%. The applicant is seeking a special exception for a lot occupancy of 70%. Per the 2016 Zoning Regulations, the allowable rear lot setback in the RF-1 zone is 20’ the applicant is requesting a rear yard setback of 12’-4”. The proposed improvement of replacing the existing deck and porch with an attractive addition will be an improvement for the neighborhood and direct neighbors. Applying strict application of the zoning regulations would not allow for replacement of the existing porch and balcony as non-conforming in both lot occupancy and rear lot setback.

III. Special Exception for Lot 0030

The proposal will be in harmony with the general use and intent of the Zoning Regulations and Zoning Maps. It will not adversely affect the use of neighboring properties. Support from neighbors, including immediate neighbors, are included with this submission.

A. Special Exception Description

The proposed replacement of the rear deck and porch of ~216 sf will extend ~6'1" from the rear of the dwelling, resulting in no change to lot occupancy. The improvement will entail converting existing covered lot occupancy to living space. The proposed dimensions of the existing porch to be converted to living space is 6'1"x15'.

Relief Can Be Granted Without Substantial Detriment To The Public Good And Without Substantially Impairing The Intent, Purpose Or Integrity Of The Zone Plan.

B. Special Exception Criteria for Subtitle E, 5201.3-5201.6 & 306.1

5201.3 An applicant for special exception under this section shall demonstrate that the addition or accessory structure 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;
  - Drawings were provided to the owners of the immediate neighboring properties to demonstrate there is not adverse effect to their property. Both neighboring properties already have decks of similar size.
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
  - Drawings were provided to the owners of the immediate neighboring properties to demonstrate there is not adverse effect to their property.
- (c) The addition or accessory structure, together with the original 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 subject street frontage;
  - The drawings provided along with the description demonstrate that the proposed addition was placed in such a manner to respect the scale and character of neighboring properties and views from the alley.
- (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 or accessory structure to adjacent buildings and views from public ways; and

- See drawings included with this application that sufficiently demonstrate the proposal with relationship to the surroundings.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of fifty percent (70%).

- The applicant is seeking a lot occupancy of 70%

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

- Per responses in the above sections special treatment shouldn't be needed but the applicant is open and willing to satisfy the BZA should the board request such efforts.

5201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.

- Special Exception is NOT being requested for the introduction or expansion of a nonconforming use.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

- Special Exception is NOT being requested for nonconforming height or number of stories.