

**MEMO**

**Date:** 8.27.24

**To:** Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 200-S  
Washington, DC 20001

**Project:** Roberts Residence  
15 Rhode Island Avenue, NW  
Washington, DC 20001

**Re:** Burden of Proof – Variance and Special Exception Application

**Sender:** Bill Putnam, RA, NCARB

To Whom It May Concern,

Stacy Roberts, owner of 15 Rhode Island Avenue, NW (Sq 3112 Lot 0089), hereby apply for an area variance and special exceptions pursuant to Subtitle E, Chapter 2, to replace an existing one-story screen porch with a one-story enclosed porch in the side yard of their two-story semi-detached house. The following aspects fall outside the current zoning regulation:

Special exception relief is requested from Subtitle E §207.1 for the rear yard requirement for an existing non-conforming rear yard and Subtitle E §208.3 for the side yard requirement for an existing non-conforming side yard. An area variance is requested from Subtitle E §210.1 for existing non-conforming lot occupancy.

**Summary**

15 Rhode Island Avenue, NW, is a semi-detached house in the RF-1 zone. The house sits on a through lot, one of three, between Rhode Island Avenue and U Street, NW. The proposed scope of work is to enclose an existing screen porch in the east side yard. In order to adhere to current fire and energy building regulations, the porch will increase by 7 square feet, increasing lot occupancy from 73.2% to 73.7%. For the same reasons, the side yard will decrease from an

existing 2.6' to 2.4'. The existing rear yard has a non-conforming mean dimension of 11.6'. The proposed work will not impact the rear yard dimension.

**Qualification of Side Yard and Rear Yard Special Exception**

These special exceptions qualify under ZR-16 Subtitle X, Chapter 901.2, because the proposed addition will be in harmony with the general purpose of the Zoning Regulations, will not adversely affect neighboring properties, and ...

***Subtitle X, 901.2***

*The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a)*** *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed addition will be compatible with the general purpose and intent of the Zoning Regulations and Zoning maps. While the existing porch contributes to a non-conforming side yard, enclosing it will make it wider by 2 3/8", a nominal difference when viewed from Rhode Island Avenue. In enlarging the porch to accommodate current building codes, the side yard will be reduced from 2.6' to 2.4'.

The proposed scope of work will have no impact on the existing, non-conforming rear yard.

Per Subtitle E §101.1 (a), RF-1 zones are intended to "reinforce the importance of neighborhood character, walkable neighborhoods, house affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city." Enclosing the porch will improve the neighborhood character, preserve the house, and improve the neighborhood environment.

- (b)*** *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Increasing the footprint of the existing porch will have little impact on the four-story apartment building to the east. Despite contributing to a non-conforming side yard, the proposed work does not adversely impact the adjacent neighbor to the east by meeting the requirements stated in E-5201.4(a) and E-5201.4(b).

***E-5201.4(a)*** *The light and air available to neighboring properties shall not be unduly affected.*

The apartment building's west wall has no windows at grade level. The open court on the west façade begins at the second floor level, approximately the same height as the roof of the proposed porch.

The proposed scope of work will have no impact on the existing, non-conforming rear yard.

***E-5201.4(b)*** *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.*

The privacy of use and enjoyment of the neighboring apartment building will not be impacted for the same reasons listed above.

The proposed scope of work will have no impact on the existing, non-conforming rear yard.

***E-5201.4(c)*** *The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage; and*

The proposed scope of work is meant to improve the visual character of the porch. The Office of Planning has confirmed that the porch, while unusual for rowhouses, is an historic part of the house. Enclosing it with a design and materials approved by OP will ensure that it will not intrude on the character of the houses along the street.

The proposed scope of work will have no impact on the existing, non-conforming rear yard.

***(c)*** *Will meet such special conditions as may be specified in this title.*

***E-5201.4(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, new building, or accessory structure to adjacent buildings and views from public ways.*

Refer to exhibits as part of this application for photographs and drawings.

#### **Qualification of Area Variance**

This area variance qualifies under ZR-16 Subtitle X, Chapter 1001.3(a), because the proposed work will not cause detriment to the public good.

#### ***Subtitle X, 1000.1***

*The Board of Zoning Adjustment is authorized 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 exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,*

The property faces an exceptional condition as an irregularly shaped through lot located between U Street and Rhode Island Avenue, NW. As a result, the lot is significantly less than the minimum lot area (3,000 SF) required for the RF-1 zone at 1,519 SF. This creates an exceptional situation that results in an existing lot occupancy of 73.2%.

*the strict application of any regulation adopted under DC Official Code §§ 6-641.01-6-651.02 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;*

The property faces practical difficulties in complying with current lot occupancy zoning regulations. To meet the lot occupancy requirement of 60%, the existing porch would need to be removed entirely. As an historic element to the house, removal of the porch is not permitted by the Office of Planning. The applicant faces two options, retain the porch in its dilapidated state or renovate it. Either option requires an area variance for the work to be done. At an increase of 0.5% in lot occupancy, the impact of the renovation is appears to be negligible.

*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 plane as embodied in the Zoning Regulations and Map.*

The existing porch does not pose significant detriment to the public good. Enclosing the porch, and slightly increasing the square footage (7 SF or 0.5% lot occupancy), will not impair the intent or integrity of the zone plan.

Enclosed with this application are photographs, drawings of the proposed addition including a site plan depicting its relationship to adjacent properties, and a plat from the DC Office of the Surveyor. If you should need further clarification or have any questions, please do not hesitate to contact us.

putnam architects

Best regards,

A handwritten signature in dark ink, appearing to read "Bill Putnam", with a long horizontal flourish extending to the right.

Bill Putnam, RA, NCARB  
Agent