

Burden of Proof Statement – REV 1

05/06/19
RE: 1210 T St NW,
Washington, DC 20009

Ms. Siri Fiske, the owner of the property at 1210 T St NW, Washington, DC 20009, is seeking a Special Exception for a rear conservatory addition per section 223. The property is currently used as a Single-Family Rowhouse. The lot is zoned RF-1 and is a fully attached row-house on both sides (east & west).

Ms. Fiske is specifically seeking relief from the following zoning rules:

1. Subtitle E – 304.1 which allows for a maximum lot occupancy of 60%.
The current lot is 1377.6 square feet, while the minimum allowed for a lot in the RF-1 zone is 1800 square feet. This is +/- 23.5% less lot area than the minimum size allowed in the RF-1 zone. At the current lot size, the improvements desired will result in a 68.58% lot coverage, and is below the maximum of 70% allowed through the special exception process per 5201.3.e. If the lot was 1800 square feet, then the improvements noted in the drawings would equal 52.48%.
2. Subtitle E – 306.1 which requires a 20'-0" rear yard.
The current lot is only 80'-0" deep. A majority of lots in the RF-1 zone are 100' deep (which would also assist in the lot coverage per Item #1 above). By extending the new conservatory 6 additional feet from the existing deck footprint, we are providing for a more functional and usable rear addition and maintaining the minimum parking space depth for a standard car – 9'-0" X 18'-0".
3. Subtitle C – 202.2 which states enlargements or additions may be made to the nonconforming structure; provided that the addition or enlargement itself shall: (a) Conform to use and development standard requirements; and (b) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.
Per items #1&2 above, the existing lot is smaller than the minimum allowed lot size in the RF-1 zone, which puts an additional burden on the owner to meet the requirements of Subtitle E – 304.1 (maximum 60% lot occupancy). With an existing lot occupancy of 61.15%, the current house is non-conforming to Subtitle E – 304.1. The proposed rear addition will conform with the use and development standard requirements of the code, but it will also increase this non conformity. However, the addition would represent less than 60% lot coverage if the lot met the minimum size requirements, which means that increasing this non-conformity is still in character with the purpose and intent of the code.

By seeking relief from items in Subtitle E-304.1 & E-306.1, and Subtitle C202.2 above, we are confirming we meet the requirements of Section E 5201.3 (a-e) as follows:

5201.3 (a) – The light and air of adjacent buildings are not adversely affected by the conservatory addition as proposed. The rear conservatory addition does not affect the East neighbor as their deck is shielded by a privacy wall, and the neighbor on the West who installed a new fence along the property line. The attached sun study (see addendum 1) shows the rear conservatory addition's impact on the neighbors' properties.



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5201.3 (b) – The privacy of use and enjoyment of neighboring properties will not be unduly compromised by the construction of the rear conservatory addition. We have designed a green wall to the East for screening of the rear conservatory addition and a fire-rated wall to the West to maintain separation and respect of the neighbors' privacy. Both neighbors' yards are also shielded by fences and privacy walls installed on their own properties.

5201.3 (c) – The rear conservatory addition maintains the same width of the rear of the house, is not wider or taller than the existing buildings of the row, follows a similar footprint of adjacent decks, and does not substantially visually intrude upon the character, scale, and pattern of houses along the subject street / alley frontage.

5201.3 (d) – Plans / Elevations / Sections / Renderings of proposed / Photos of existing conditions have been included with the BZA Application sufficiently representing the relationship of the proposed conservatory addition to adjacent buildings.

5201.3 (e) – We are requesting a lot occupancy of 68.58%, and therefore are maintaining the lot occupancy request within the special exception approval process.

By seeking relief from items in Subtitle E-304.1 & E-306.1, and Subtitle C202.2 above, we are confirming we meet the requirements of Section X-901.2 (a-c) as follows:

901.2 (a) – The rear conservatory addition is in harmony with the general purpose and intent of the Zoning Regulations and zoning Maps since the rear conservatory addition stays within the 70% lot occupancy allowable through Special Exception.

901.2 (b) – The rear conservatory addition will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps since the privacy, light and air of each property is maintained.

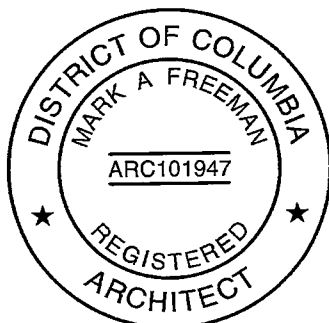
901.2 (c) – The rear conservatory addition will meet such special conditions as may be specified in this title, and attempts to meet both the intent and letter of the zoning rules in place at the time of this application.

The Owner's effort to improve the property have been shared with their adjacent neighbors at 1208 & 1212 T St NW. At time of this letter, the neighbors at 1208 T St NW have provided their support to these efforts and see the modifications to Ms. Fiske's home as an enhancement to all properties; we are awaiting receipt of support letter from the neighbor at 1212 T St NW. **Please see attached correspondence.** We also have unanimous support for the proposed renovations from the local ANC 1B12 and have an informal approval of the project by Ms. Imania Price of HPRB at time of submission.

If there are any questions or concerns, Ms. Fiske and I are happy to discuss further as necessary.

Respectfully,

Mark Freeman, AIA



Board of Zoning Adjustment
District of Columbia
CASE NO.20063
EXHIBIT NO.12

Addendum 1: Sun Study



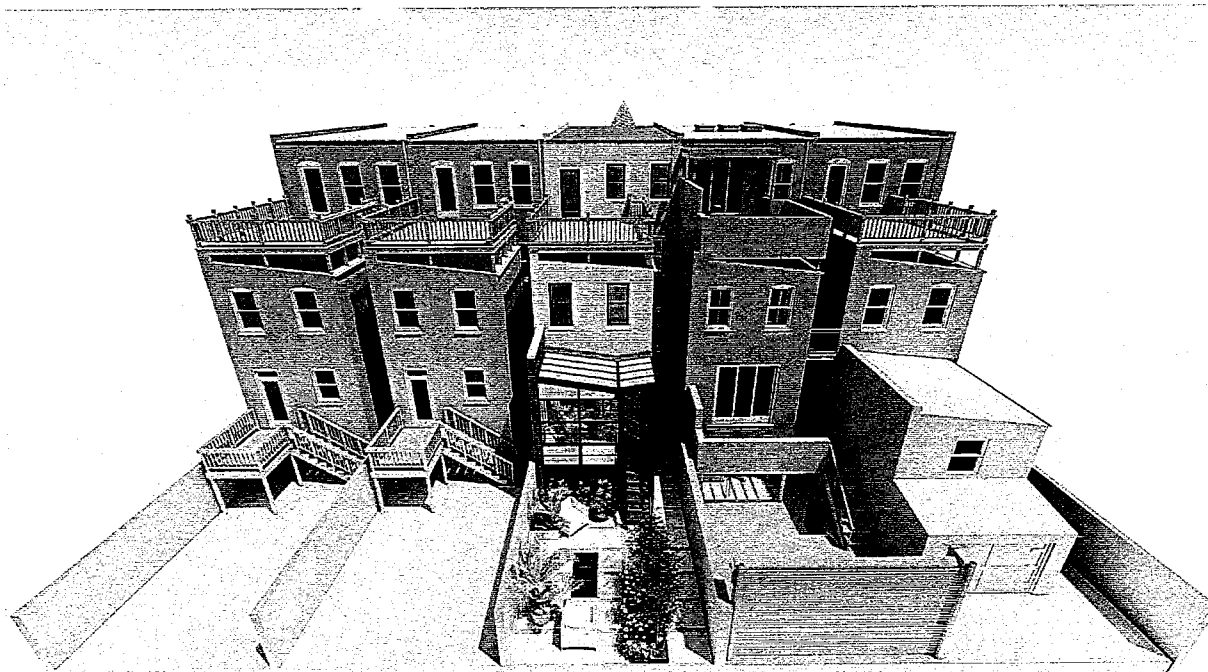
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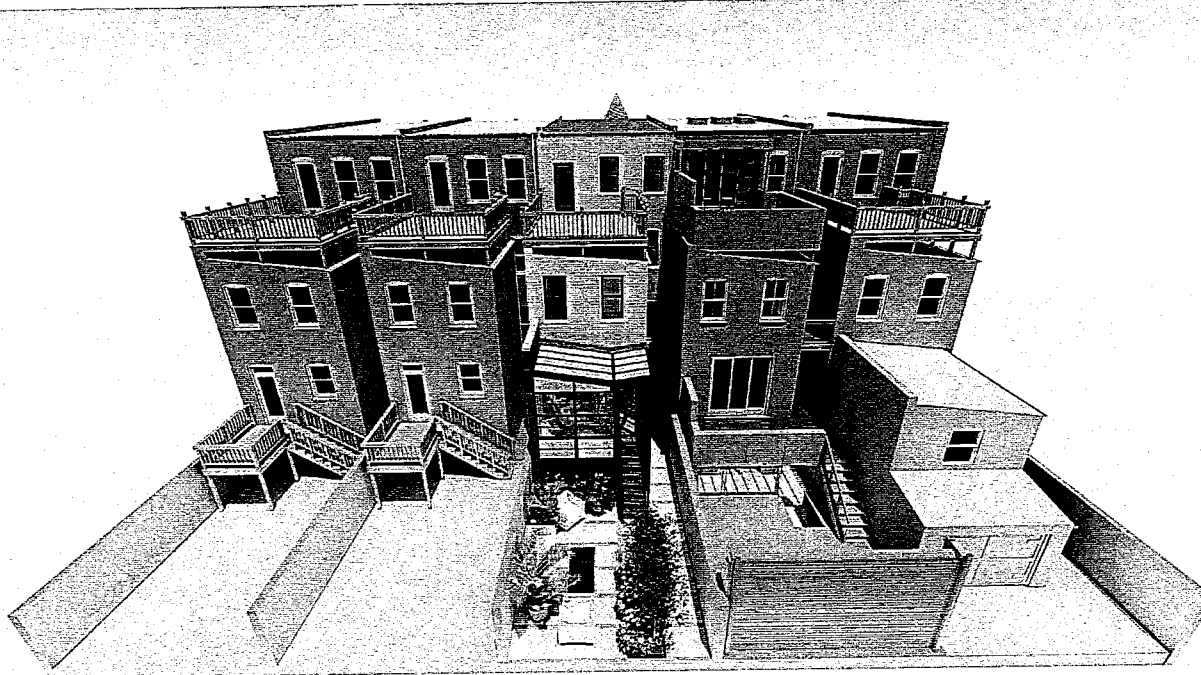
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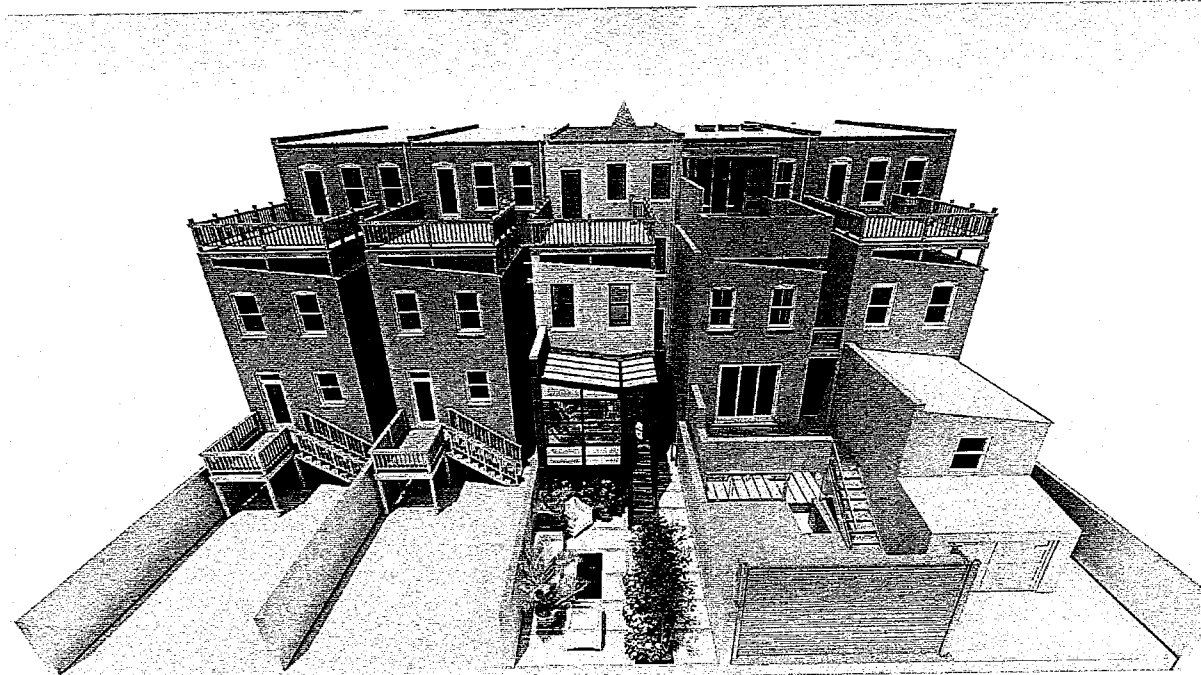
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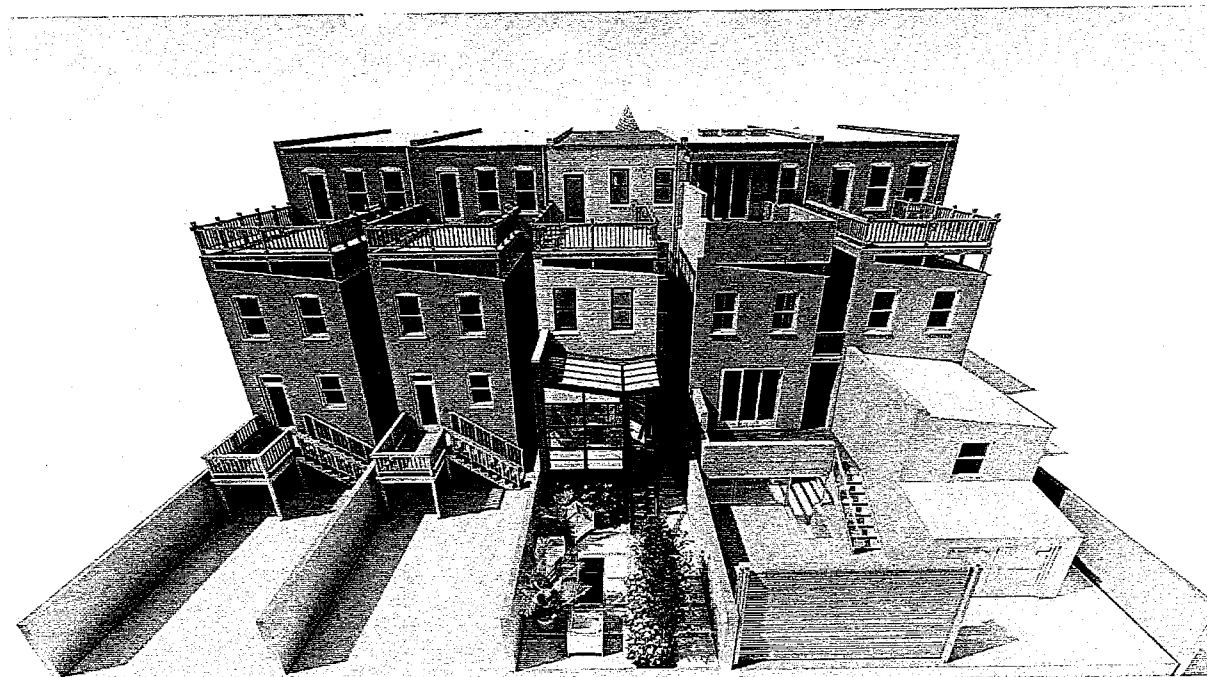
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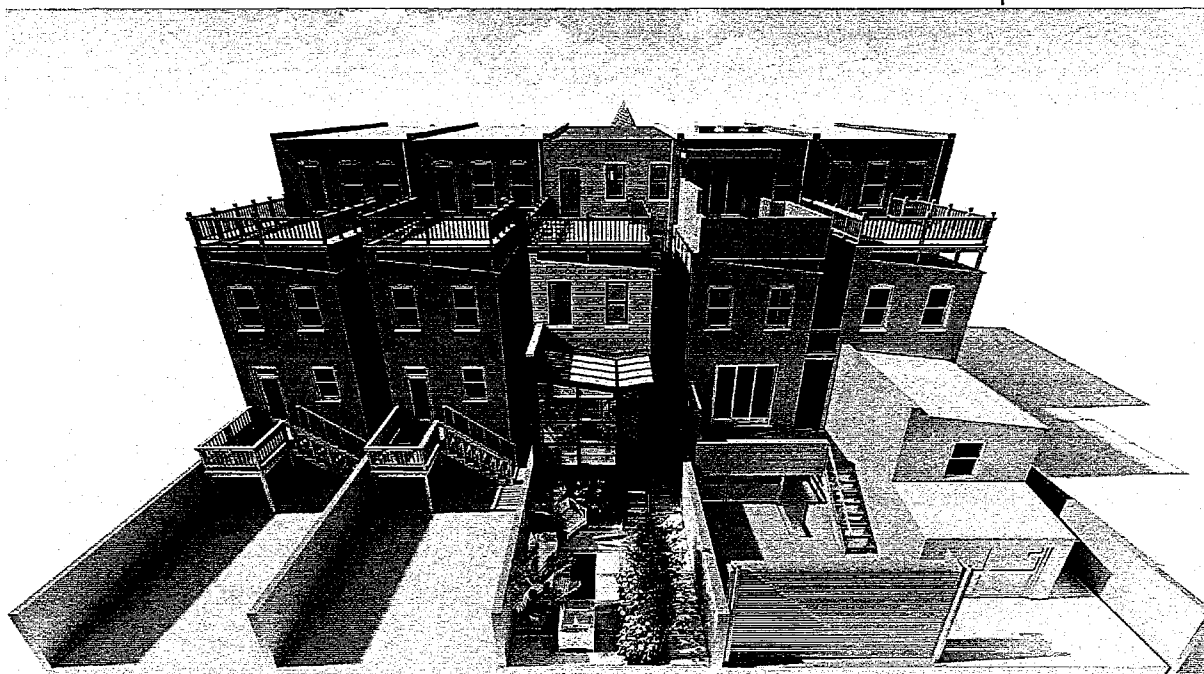
June 21st, 2 PM



June 21st, 3 PM



June 21st, 4 PM



June 21st, 5 PM



June 21st, 6 PM