



12606 Hillmeade Station Drive, Bowie, MD 20720

Phone (301) 769-6909

BURDEN OF PROOF STATEMENT

Property Address: 1130 4th Street N.E., Washington, DC 20002

Square/Lot: 0773 - 0072

Zoning District: RF-1

Applicant: Capitol Improvements LLC | Florencia Jewell

Zoning Relief Requested:

- Area Variance (E § 210.1, X § 1002.1).
- Special Exception (E § 5201.1(a and b), E § 207.1, X § 901).

I. Introduction

The applicant Florencia Jewell, respectfully submit this Burden of Proof Statement in support of the application for zoning relief for the property located at 1130 4th Street N.E., Washington, DC 20002 under the provisions of Subtitle E § 210.1, and Subtitle X § 1002.1 for Area Variance, and Subtitle E § 5201.1(a and b), E § 207.1, X § 901 for Special Exception. This request is necessary due to the property's non-conforming status within the RF1 zoning district, where the existing lot size of 987.30 square feet and 61% lot occupancy presents exceptional conditions and practical difficulties.

The Applicant seek BZA's approval for a construction of an elevated deck that provides outdoor living space with an integrated carport below, to fully utilize the property's limited space, enhancing personal use while complying with zoning regulations. We will build an 14.5'x10' deck, including a set of 3.5' W stairs that are coming down from a back door. Increasing the total lot occupancy to a 75%, making sure that the property is living to its maximal potential, functionality and enjoyability. This integration of deck/carport will help alleviate parking burden in the property.

II. Burden of Proof for Area Variance (E § 210.1, and X § 1002.1)

1. Exceptional or Extraordinary Conditions

The property, situated on a 987.30 square foot lot in the RF-1 zoning district, is constrained by a 14 foot rear yard and a rear entrance located a 8 feet from the ground. With that being said, conditions make it impractical to fully utilize the rear yard. The deck will be in alignment with the zoning goal of supporting quiet enjoyment in dense urban areas like Washington, DC, and does not negatively impact neighboring properties.

The deck we are proposing provides essential access to the alley, maximizes outdoor space and helps covering the vehicle, enabling reasonable use of the property as envisioned by zoning regulations.

2. Practical Difficulty in Complying with Zoning Regulations

The home already occupies 61% of the lot, leaving little room for other solutions. With the rear entrance elevated 8 feet, access to the alley is only possible via the existing stairs. Expanding the home or altering access would further reduce usable space. The proposed deck is the most practical way to provide access and outdoor use. Without it, the homeowners cannot fully and reasonably use the property. We are requesting to increase lot occupancy to 75% to maximize the property's function and livability.

No Substantial Harm to the Zoning Regulations and Public Good

Granting the variance supports the zoning intent by allowing functional residential use without disrupting neighborhood character or impacting neighbors. Similar nearby structures show that multipurpose improvements are common. The deck enables reasonable use of the property in line with zoning goals.

III. Burden of Proof for Special Exception (E § 5201.1(a and b), E § 207.1, X § 901)

1. Substantial Compliance with Zoning Regulations

The proposed deck substantially complies with zoning regulations, supports residential use, and preserves neighborhood character. Its height matches over 85% of nearby homes, ensuring compatibility and no adverse impact on neighbors.

2. No Adverse Impact on the Neighborhood or Surrounding Properties

Granting the Special Exception will not harm the surrounding neighborhood. The deck is set back appropriately, avoids encroachment, and preserves views, light, and privacy. It replaces an existing concrete patio and does not contribute to noise, traffic, or disturbances, remaining in line with the neighborhood's character.

IV. Review Standards Under Subtitle E § 5201.4 (a), (b), (c), and (d)

The application complies with the review standards for a Special Exception under **Subtitle E § 5201.4:**

(a) Addition to a Residential Building: The deck does **not adversely affect** the use or enjoyment of any abutting or adjacent dwelling or property. It is well-positioned and does not cause loss of privacy, light, or air to neighboring properties.

(b) New or Enlarged Accessory Structure: The deck, as an accessory structure, does **not adversely affect** the use or enjoyment of neighboring properties. It respects the character of the neighborhood and avoids encroaching on the neighbors' properties.

(c) Reduction in Minimum Open Court Dimensions: The deck does **not reduce** the open court dimensions to the point where it would negatively affect the light and air available to neighboring properties. The layout and design were carefully planned to mitigate any potential impacts on light or airflow.

(d) Nonconforming Structures: The deck does **not increase** any nonconformity associated with the existing structure. It is constructed in such a way that it maintains compliance with zoning regulations, respecting setbacks and property lines.

V. Conclusion

For the reasons stated above, the Applicant respectfully requests that the Board grant the requested Area Variance and Special Exception. The property presents exceptional conditions, the relief will not harm the public good, and the proposal meets the requirements of the Zoning Regulations.

Thank you for your consideration.

Sincerely,



Florencia Jewell | Capitol Improvements LLC

240.714.0396

05.28.2025