

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Paul Pike
1818 15th Street, NW (Square 0191, Lot 0063)

I. INTRODUCTION.

This Statement is submitted on behalf of Paul Pike (the “**Applicant**”), owner of the property located at 1818 15th Street, NW (Square 0191, Lot 0063) (the “**Property**”). The Property is located in the RF-1/DC zone and is improved with a three-story single-family row dwelling (the “**Building**”). The Applicant is proposing a carport (the “**Addition**”)¹ at the rear of the Property. The proposed Addition will increase the total lot occupancy to 77%, Accordingly, the Applicant is requesting area variance relief for the additional 17% lot occupancy over the 60% requirement of the RF-1/DC Zone.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the area variance pursuant to 11-DCMR Subtitle X § 1002.1(a).

III. BACKGROUND.

The Property is an interior lot measuring 1,700 square feet in land area. Abutting the Property to the east is 15th Street. Abutting the Property to the west is the alley. Abutting the Property to the south is 1816 15th Street, NW, which consists of a flat. The adjacent flat has an accessory structure.

Abutting the Property to the north is the rear of 1508 Swann Street, NW and the rear of 1506 Swann Street, NW, a flat. These properties are built to 100% lot occupancy, and the rear wall directly abuts the subject property's parking area. The Applicant is proposing a 19 ft. by 17 ft. (323 sq. ft.) carport at the rear of the property. The Addition will increase the total lot occupancy to 77%.

IV. THE APPLICATION MEETS THE STANDARDS FOR AREA VARIANCE APPROVAL.

The burden of proof for an area variance is well established. The Board of Zoning Adjustment may grant an area variance if it finds that “(1) there is an extraordinary or exceptional condition affecting the property; (2) practical difficulties will occur if the zoning regulations are strictly enforced; and (3) the requested relief can be granted without substantial detriment to the

¹ The carport is already constructed; the Applicant believed its contractor had the proper permitting and later learned that was not the case. The Applicant is seeking that this be reviewed de novo.

public good and without substantially impairing the intent, purpose, and integrity of the zone plan.” Dupont Circle Citizens Ass'n v. D.C. Bd. of Zoning Adjustment, No. 16-AA-932, 2018 WL 1748313, at *2 (D.C. Apr. 12, 2018); Ait-Ghezala v. District of Columbia Bd. of Zoning Adjustment, 148 A.3d 1211, 1216 (D.C. 2016) (quoting Washington Canoe Club v. District of Columbia Zoning Comm'n, 889 A.2d 995, 1000 (D.C. 2005)) (internal quotation marks omitted). As set forth below, the Applicant meets the three-part test for the requested variance relief:

A. Extraordinary or Exceptional Condition Affecting the Subject Property Resulting in a Practical Difficulty if the Zoning Regulations were Strictly Enforced

To prove an extraordinary or exceptional condition, or uniqueness, the Applicant must show that the property has a peculiar physical aspect or other extraordinary situation or condition. Monaco v. D.C. Board of Zoning Adjustment, 407 A.2d 1091, 1096 (D.C. 1979). Moreover, the unique or exceptional situation or condition may arise from a confluence of factors which affect a single property. Gilmartin v. D.C. Board of Zoning Adjustment, 579A.2d 1164, 1168 (D.C. 1990). The second prong of the variance test is whether a strict application of the Zoning Regulations would result in a practical difficulty. It is well settled that the BZA may consider “a wide range of factors in determining whether there is an ‘unnecessary burden’ or ‘practical difficulty’... Increased expense and inconvenience to an applicant for a variance are among the factors for the BZA’s consideration.” Gilmartin, 579 A.2d at 1711. Other factors to be considered by the BZA include: “the severity of the variance(s) requested;” “the weight of the burden of strict compliance;” and “the effect the proposed variance(s) would have on the overall zone plan.” Thus, to demonstrate practical difficulty, an applicant must show that strict compliance with the regulations is burdensome; not impossible.

There is a confluence of factors creating an exceptional situation unique to the Property, including: the relationship between the subject Property and rear yards of neighboring properties, the active rooftop on a neighboring property, the lack of setback, location of the Applicant’s parking space via alley access, and the existing nonconforming aspects of the subject Property.

The Property is uniquely affected by the location of its parking area relative to the adjoining neighbors’ rear yards and rooftop deck. The neighboring roof of 1508 Swann, which appears to have multiple units, is regularly used for events and parties. The Applicant has experienced multiple incidents of damage to its vehicle due to items being dropped or thrown from the deck.

The exposed location of the parking space at the rear of the lot, with no buffer or shielding, creates an ongoing hazard and exceptional condition affecting the use of the property.

As part of the preparation for this case, the Applicant looked at alternative solutions to reduce the lot occupancy request to only 60%. The Property has an existing lot occupancy of 61% (~1,037 sq. ft.) and 1,700 square feet, and 17 feet in width, and is therefore already nonconforming with respect to the lot occupancy and lot area, and lot width standards of this zone. There is a very small amount of square footage available to stay under 70% given the size of the lot and existing improvements—only about 150 square feet is available for use. The specific problem unique to this Property has to do with the existing rooftop deck's direct proximity to the entire parking area; therefore, the only effective mitigation is a protective covering that fully spans the parking space. However, a conforming carport would only cover half the vehicle, as shown in the submitted drawings, and would not resolve the issue.

Additionally, the Applicant cannot relocate the existing parking space as the only parking location available is in the Applicant's rear yard, directly adjacent to the neighboring property's rear wall and roof deck.

Without the requested relief, the Applicant faces ongoing safety risks, financial burdens from recurring vehicle damage, and the inability to make effective use of an otherwise legal parking space and area on its Property. Under Gilmartin, the BZA may consider inconvenience and expense as legitimate components of "practical difficulty." The size of the structure is dictated not by preference, but by necessity—as a conforming carport would not provide adequate protection.

B. Relief Can be Granted without Substantial Detriment to the Public Good and without Impairing the Intent, Purpose, and Integrity of the Zone Plan.

The proposed carport is a modest, residential-scale improvement located at the rear of the Property, not visible from the street and accessed via a public alley. It will not adversely affect light, air, or privacy of neighboring properties. The structure will be architecturally compatible with alley-facing garages and carports along the alley.

There is no evidence of adverse impact to the public good or the zone plan. On the contrary, the proposal supports safety, preservation of property, and functional use of legal parking in a

dense residential context. The minimal increase in lot occupancy is proportionate to the hardship being addressed.

Moreover, the proposed carport is visually consistent with the neighboring-built environment. Because the adjacent lot already occupies 100% of its land area, including to the rear, the Applicant's carport will be set against the bulk of an existing residential structure — not open yard. As a result, the structure will not introduce new shadows, massing, or obstruction beyond what is already present. The carport merely infills a visually compatible and structurally subordinate element. The other adjacent properties already have accessory structures along the alley, and the proposal will contribute to a consistent alley profile while serving an important protective function for the subject Property.

V. CONCLUSION.

For the reasons outlined in this statement, the Applicant respectfully requests the variance relief as detailed above.

Respectfully Submitted,

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