

# **Burden of proof Statement for Board of Zoning Adjustments**

## **I. SUMMARY RECOMMENDATION**

The DCRA Office of the Zoning Administrator requires approval of a special exception by the Board of Zoning Adjustment for the construction of proposed, rear 2-car detached garage & carport structure. The application meets the three-pronged special exception test. The proposed garage structure, which is meant to provide additional off-street parking, will not impact the public good and will not impair the intent of the Zoning Regulations.

## **II. APPLICATION – IN – BRIEF**

**Applicants:** Christopher & Marcelline Green  
**Address:** 1216 Decatur Street NW Washington, DC 20011-4414  
**Lot Designation:** Square# 2921 – Lot# 0026  
**Description of Occupancy:** Single Family Dwelling (SFD)  
**Proposal:** New, Rear 2-car Detached Garage Structure with Carport.  
**Zoning Classification:** R-1-B  
**Historic District:** Not in a Historic District.  
**Ward / ANC District:** 4 / 4C  
**Lot Characteristics:** Existing 3-Story Detached Home w/ current detached 1-car garage.

### **Relief Sought:**

1. Special exception pursuant to D § 5006.1 for an expansion of the maximum building area for an accessory building that does not comply with D § 5006.1 (X § 901.)
2. Special exception pursuant to D § 5201.1 for an expansion of the lot occupancy that does not comply with D § 304.1 (X § 901.2)

## **III. SITE & AREA DESCRIPTION**

The subject property is a single-family dwelling located at 1216 Decatur Street NW. The property lot is 40.0 feet in width and the lot length is 139.35 feet. The total lot area is 5,574 square feet. The current lot occupancy of the property for the existing home and existing accessory building is a total of 32%. The maximum lot occupancy for this zoning district is 40%. If approved by the BZA, the new lot occupancy of the proposed structure would be 41%.

The home is a 3-story framed structure plus a basement. The south side of Decatur Street is lined with entirely single family dwellings on the block of consistent architectural character. The home is also located very close to the commercial districts that line the Petworth corridor of Georgia Avenue.

#### **IV. PROJECT DESCRIPTION**

The applicant proposes to build a new (larger), rear 2-car detached garage and carport structure that will accommodate a total of three vehicles, as well as satisfy other lifestyle needs of the homeowner. If approved, the project would free up several spaces on Decatur Street, which has a high demand for parking with the neighboring commercial areas of Georgia Avenue adjacent to it. The proposed structure requires zoning relief for maximum lot occupancy and maximum building area for an accessory building as identified in § 304.1 and § 5006.1.

#### **V. ANALYSIS & SPECIAL EXCEPTION TEST**

##### ***Zoning***

The subject property is zoned R-1-B.

In order to be granted a special exception, the applicant must show that they meet the three-part test described in the Zoning Regulations for special exceptions. The Project:

##### **1. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;**

Yes, the proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The property is unique with respect to size, topography, and location. The lot is relatively large by detached SFD standards. The property is situated on a very large and flat lot and therefore has a tremendous amount of green space in the front, side, and rear yards that would still be maintained with if relief was granted.

##### **2. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and**

Yes. The proposed project would not adversely affect the use of neighboring properties. There exists a practical difficulty, which is unnecessarily burdensome to the applicant and if relief was granted, it would not adversely affect the neighbors' use of their property. The practical difficulty that exists is that it is too difficult to find street parking at any hour of the day or night on this section of Decatur Street. With the development of commercial businesses along with new condominium developments at the entrance of the applicant's block, street parking is practically impossible to find. Single family homes that once dwelled nearby have been converted into 15-30-unit condominiums limiting

parking on the streets. In addition, with neighbors participating in the Airbnb program and providing as an incentive visitors parking passes to these transient occupants, this too has reduced the chances of finding street parking. Another situation that has added to the lack of on street parking is the fact that new homeowners have created studio units or apartments in their home whereby those tenants also obtain permits for street parking. Homeowners can also obtain a year-long Visitor Parking Pass intended for out-of-town friends but used by nannies, maids and commuters who rent or buy the pass from homeowners. On street parking is also impossible on Sundays due to the church on the corner and other nearby churches whose congregation have grown over the years. All of the above situations are beyond the applicant's control. The lack of street parking is a tremendous burden to the applicant especially when it comes to safety. As aging applicants, having to park blocks away from the resident late at night is first and foremost, unsafe. The parking garage also removes the burden of having to walk a great distance with groceries/packages. Trying to find street parking in bad weather, rain or snow, will become a nonissue. The parking garage will also assist with the burden of having to find long term parking while on vacation during March – October which is when the city's street sweeping/cleaning program is conducted – street parking is not permitted during certain hours.

**3. Will meet such special conditions as may be specified in this title.**

Yes. The proposed project will meet such special conditions as may be specified in this title. We want to preserve the expansive green space of the rear and side yards and are not desirous of developing it. As mentioned above, the lot is relatively large by detached SFD standards. The property is situated on a very large and flat lot and therefore has a tremendous amount of green space in the front, side, and rear yards that would still be maintained if relief was granted. The property currently contains an older 1 car garage with a two-car parking lot. The existing green space will not be impacted by this request. In addition, a number of neighbors currently have a similar structure. Therefore, this relief, if granted, will in no way negatively affect our neighborhood, but instead will improve the parking situation for the commercial business, and the newly developed condominium homeowners in Ward 4. The proposed relief can be granted without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

**VI. OTHER DISTRICT AGENCY REPORTS**

The property is not in a Historic District. Pending BZA approval, the applicant stands ready to apply for the building permit for the new garage.

**VII. COMMUNITY COMMENTS**

The project as proposed enjoys tremendously broad support throughout the neighborhood. The applicant has obtained written support from 8 neighbors, including the adjacent property owners at 1214 Decatur Street and 1218 Decatur Street, as well as the neighbor directly across the alley at 1223 Crittenden Street. All neighbors who gave their support have reviewed the

plans and drawings for the proposed 2-car garage and carport and give their full endorsement to the project. To date, there has been no objections raised by any of the neighbors.

### **VIII. CONCLUSIONS & RECOMMENDATIONS**

The application meets the three-part variance and special exception test. The configuration of the property creates a hardship by limiting the ways in which we can build a structure that accommodates our lifestyle and family needs. The proposed 2-car garage and attached carport will not impact the public good and will not impair the intent of the Zoning Regulations.

We respectfully request that the BZA grant our special exception.