

BOARD OF ZONING ADJUSTMENT
Applicant’s Statement of Julia Oliver & Ian Hoffman
1808 Kilbourne Place NW (Square 2599, Lot 66)

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of Julia Oliver & Ian Hoffman (collectively referred to as the “**Applicant**”), owners of the property located at 1808 Kilbourne Place NW (Square 2599, Lot 66) (the “**Subject Property**”). The Subject Property is currently improved with a 2-story row building used as a single family dwelling (the “**Building**”). The Applicant is proposing a single-story detached 1-car garage with roof-top deck adjacent the rear alley (the “**Garage**”). The proposed Garage would increase the lot occupancy to 69.1% (60% max. allowed)

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle E § 5201 from the lot occupancy requirement of Subtitle E § 210.1.

III. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located at 1808 Kilbourne Place, NW, and is in the RF-1 zone district. The Subject Property is an attached row dwelling on an interior lot with 2,205 square feet of land area. Abutting the Subject Property to the west is an attached row dwelling. Abutting the Subject Property to the east is an attached row dwelling. Abutting the Subject Property to the north is Kilbourne Place, NW. Abutting the Subject Property to the south is a public alley.

B. Proposed Project.

The Subject Property is currently improved with an attached row building (flat) with covered front porch, and small above-grade deck off the rear main level of the house. There is also a single-car parking space off the alley, which is approx. 6 feet below the rear yard/cellar level of the home. The current building, porch, and deck and is calculated to cover 51.8% lot occupancy. The Applicant is proposing to remove the existing parking pad, and replace with larger two-car garage with roof deck above. The roof deck would be below the front grand and the main level of the house, and approximately 4 feet above the rear yard. The two structures together would increase the total lot occupancy to 69.1%, which is within the 70% maximum lot occupancy provided as a Special Exception pursuant to E § 5201.1. The garage would have a single door facing the alley and would be consistent in scale and size with others along the row. The roof deck would be similar in size and massing to several along the row, including 1812 Kilbourne Place NW and 1820 Kilbourne Place NW.

III. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. Overview.

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under E § 5201 of the Zoning Regulations. In reviewing applications for a

special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements.

B. General Special Exception Requirements of Subtitle X § 901.2.

The granting of a special exception in this case "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps" and "will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ..." (11 DCMR Subtitle X § 901.2).

1. Addition will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Applicant is requesting a single-story, single-car garage with roof deck the use and enjoyment of the Applicant, similar to others built along the row. The garage would be similar in size to others along the row which are approximately 20 feet in depth and span the full width, or nearly the full width of the lot. The roof deck above the garage is similar to several along the row, where they have been added to provide additional exterior space where rear yards are relatively small and tree shade does not provide a good spot for gardening (which the Applicant intends to do with raised gardening beds). Special Exception relief for lot occupancy is specifically permitted in the 2016 Zoning Regulations. Accordingly, the proposed Addition and Garage will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. Addition will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

As described more fully below, the Garage will also not adversely affect the use of neighboring properties.

C. Requirements of Subtitle E § 5201

The regulations permit relief from the lot occupancy requirements (for up to 70% lot occupancy) so long as the Application meets the criteria for relief under E § 5201.4-7:

E § 5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

(a) The light and air available to neighboring properties shall not be unduly affected;

The light and air available to neighboring properties shall not be unduly affected by the proposed Garage. The Garage & roof deck is similar in massing/size/height to others along the row, and is detached from the main house and also far away from neighboring houses. The light and air available to both neighboring properties will not be affected from what the current condition provides.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

It is generally acknowledged that row dwellings inherently are limited in their privacy due to the nature of their proximity to each other. The proposed Garage roof deck would not materially change this aspect. The roof deck will be elevated from the rear yard, but privacy fences in place

along the property lines still provide privacy among the neighbors. Furthermore, the deck itself is less than 4 feet above grade so, were it not for the garage below it, would be allowed by-right as it would not count towards lot occupancy.

(c) The addition or accessory structure, together with the original 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 subject street frontage; and

The new Garage façade and roof deck/railing above will extend nearly the full width of the property (except for the exterior access stairs from alley to rear yard), consistent with other garages along this alley.

(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 or accessory structure to adjacent buildings and views from public ways.

The Applicant has provided plans, photographs, elevations, and section drawings sufficient to represent the relationship of the proposed Addition and Garage to adjacent buildings and views from public ways.

Section 5201.5: The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

If necessary, the Applicant will comply with any special treatment.

Section 5201.6: This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

This section is not being used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception. The proposed Garage, along with the existing building would be within the 70% lot occupancy allowed as a Special Exception under § 5201.1 (a).

IV. CONCLUSION.

For the reasons stated above, this Application meets the requirements for approval of special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,



Erik Hoffland, AIA
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