

DC Board of Zoning Adjustment

Applicant's Statement of Miles Galbraith and Laura Updegrove
316 12th Street NE (Square 0986, Lot 0052)

1. Introduction.

This Statement is submitted on behalf of Miles Galbraith and Laura Updegrove, the owners of the property located at 316 12th Street NE (Square 0986, Lot 0052). The property is located in the RF-1 zone. The property is improved with a single-family row structure and detached accessory structure at the rear of the property (single-car garage with attic space above). The Applicant is proposing to vertically enlarge the accessory structure providing for studio office space above. The addition only increases the lot occupancy, because of the stair landing, by 1% from 77% to 78%. The overall proposed second floor lot occupancy is 74.7%, where 60% is allowed. Accordingly, the Addition requires variance relief from the lot occupancy requirements of E-210.1.

2. Jurisdiction of the Board.

The Board has jurisdiction to grant the variance relief requested pursuant to X-1000.1.

3. Background – Description of the Property and Proposed Project.

The Property is located in the RF-1 zone. It is an interior lot measuring 2,150 square feet in land area. The property faces 12th Street NE to the East and a public alley to the west. The 12th Street block is characterized by row structures of single-family and two-family residential buildings with some low-rise garden style apartment buildings on C and D Streets NE.

The Applicant is proposing to construct a vertical addition to the accessory structure, facing to the interior of the lot. The additional space will allow for a studio office space. Other than the requested relief, the proposed meets all development standards for the RF-1: height, rear yard, and parking.

4. The Application Meets the Requirements for Variance Relief.

Pursuant to Subtitle X-1000.1 of the Zoning Regulations, the Board is authorized to grant Variance relief where, in the judgement of the Board, the variance 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 the neighboring property, subject also, in this case, to the specific requirements for relief under Subtitle X, Chapter 10 (per Subtitle E 5200.2).

The granting of the Variance will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Property is located in the RF-1 zone, 'the Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with residential row buildings, but within which there have been limited conversions of dwellings or

other buildings into more two (2) principal dwelling units.’ Additionally, ‘the purpose of the RF-1 zone is to provide for areas predominantly developed with residential row buildings on small lots within which no more than two (2) principal dwelling units are allowed.

The Property will be a single-family row dwelling with accessory structure within all development standards other than the requested lot occupancy, which will require relief from the allowable 60% limit. The proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The granting of the Variance will also not tend to adversely affect the use of neighboring properties as described more fully below.

5. Variance Requirements of Subtitle X-1000.

In reviewing applications for a Variance under the Zoning Regulations, the Board’s discretion is limited to determining whether the proposed relief satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application.

The Applicant is seeking relief for the proposed 78% lot occupancy pursuant to X-1001.3 (a).

X-1000.1: An application for Variance relief under this section shall demonstrate that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Further, per Subtitle X, 1002.1 The standard for granting a variance, as stated in Subtitle X 1000.1 differs with respect to use and area variances as follows:

- a. An applicant for an area variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional difficulties to the owner of property.
 - i. The proposed lot occupancy will only result in 1% increase in the lot occupancy. The increase in lot occupancy will not unduly affect the light and air available to the neighboring properties.
 - ii. The increase in lot occupancy shall not unduly compromise the privacy of use and enjoyment of the neighboring properties.
 - iii. The requested relief is for the increase in lot occupancy. The proposed addition has been designed to fit the character, scale, and pattern of houses as viewed from the alley.

Per Subtitle X, 1002.2, the applicant for a variance shall have the burden of proof to satisfy the granting of the application according to these standards and shall demonstrate such through evidence in the public record. If no evidence is presented in opposition to the case, the applicant shall not be relieved of this responsibility.

- b. The applicant has support from neighbors, per letters submitted, and demonstrated the burden of proof that the property challenges to presented to complete the proposed.
- 6. **Conclusion.**
For the reasons stated above, this application meets the requirements for Variance relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Sincerely,

Jonathan Kuhn, AIA
ARC101029

Principal
Jonathan Kuhn Architect LLC