

September 4<sup>th</sup>, 2017

**Board of Zoning Adjustment**

**Variance and Special Exemption Request – Burden of Proof Statement**

Owners: Mark Rivetti  
Address: 1121 Abbey Place, NE  
Square:= 0773  
Lot: 0184  
Zone: R4

Mark Rivetti, owner of 1121 Abbey Place NE, is hereby applying for zoning relief to construct a third story addition and to replace the rear addition with a new 4-story addition, by authorization of 11 DCMR Subtitle X, Chapter 9 (Special Exceptions)

1. Nonconforming Structure (2001.3): The original house is non-conforming as it occupies 64% of the lot but has a conforming single-family residential use.
2. Lot occupancy (11-403): Currently the building covers 64% of the Lot Area. The proposed plans will maintain the 64% lot coverage and does not increase the nonconforming condition which requires 60% maximum in R4 districts.
3. Rear Yard (11-404): Currently the rear yard is 16'-8". The proposed plan will not increase the 16'-8" nonconforming condition which requires 20'. Section 11-404 requires minimum 20' rear yards. The lots and houses were created prior to the existing zoning regulations and therefore only became non-conforming when the existing regulations were put into effect.
4. Lot Area (11-401): The lot is 1,307.38 SF, a nonconforming condition that requires 1500 sf. Given the existing street layout of the area, it is impossible to meet this requirement. In addition, the lots and houses were created prior to existing zoning regulations and therefore only became non-conforming when the existing regulations were put into effect.

The lot is a rectangle and the structure on the lot is fully attached, with two nonconforming open courts on the south and north property line at the rear. An existing porch was enclosed at some point in the past (which created the nonconforming open courts). The majority of the houses on the square have decks or enclosed porches at the rear. All the houses have rear doors on the 1<sup>st</sup> floor indicating a stoop or porch was originally intended. Though there are no official records like building permits to indicate the construction of rear decks, the precedent on the square and the building material (brick piers) indicate that there was a deck or porch attached to the applicant's house prior to the zoning regulations institution and therefore is an existing condition.

**Special Exception Requirements are met:**

1. The proposed plans will not have a negative effect on the adjacent homeowners:
  - a. As noted, almost all of the houses on the block have similar rear extensions and decks that are the same depth as the proposed structure. Therefore the light and air of adjacent neighbors will not be negatively impacted. The neighbor to the south at 1119 Abbey Place has indicated that they would like to have similar additions added to their house.
  - b. The privacy and use of enjoyment of neighboring properties shall not be unduly compromised because there are no windows placed on either sides of the addition (shared party-wall property lines).
  - c. The project will conform to the character, scale and pattern of the houses on the block. The addition would maintain this historic design philosophy. The proposed third floor would be set back from the face of the existing houses on the block in

order to hide its visibility from street level. The project stays well below the height limitation prescribed. The façade of the proposed third story will have a wood siding, fiber cement siding, or stucco to keep within the character of the historic precedence set within the neighborhood. The rear addition will maintain the existing alley scape and will be built from fiber cement siding, which is consistent with the other rear additions on the block. The majority of the homes on the block have decks off of the rear addition as well.

- d. The adjacent neighbors have indicated support for the proposed project and we will have signed letters shortly.
2. The lot occupancy is under 70% as required by 223 for R4 districts.
3. The existing building is currently being used as a primary residence for the owner. Once the proposed work is complete, the building will remain being used as the primary residence for the owner.

Respectfully submitted,

A handwritten signature in black ink that reads "MARK R". The letters are stylized and connected, with a long horizontal stroke at the end of the "R".

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