

**Lisa McGuire**  
**BZA Application**  
**2825 11<sup>th</sup> Street N.W. (Sq. 2857, Lot 0049)**

**Statement of Compliance with Burden of Proof**

**I. Introduction**

Applicant, Lisa McGuire, requests a special exception, pursuant to 11-E DCMR §5201.1 (a), (b) and (f), for the existing noncompliant deck/ balcony and resulting noncompliant lot occupancy and rear yard at 2825 11<sup>th</sup> Street, N.W., Washington, D.C. 20001 (Square 2857; Lot 0049). The existing residence is located in the RF-1 Zone and has a lot occupancy of 69.7% and a rear yard of 15.5'. This special exception involves only the first floor balcony and pertains only to Unit No. 1 of the structure. Attached to this Statement are revised plans (also submitted separately) that reflect this in a note.

**II. Standard of Review**

11-E DCMR §306.1 of the Zoning Regulations requires a rear yard setback of 20' in the RF-1 zone. A rear yard of 15.5' is currently provided. 11-E DCMR §304.1 limits lot occupancy in the RF-1 Zone to 60%. Lot occupancy is currently 69.7%. 11-E DCMR §5201.3(e) allows the Board to grant special exception relief for the lot occupancy up to 70%. 11-C DCMR §202.2(b) prohibits enlargements or additions that increase or extend any existing, nonconforming aspect of the structure or the creation of any new nonconformity of structure and addition combined.

- 306.1            A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-1 zones.
- 304.1            Maximum lot occupancy for flats in the RF-1 Zone is 60%.
- 5201.3(e)        The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).
- 202.2            Enlargements or additions may be made to the structure; provided that the addition or enlargement itself shall:
  - (b)            Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

Special Exception approval is required to provide less than the 20' rear yard, for the 69.7% lot occupancy and for the deck/ balcony that increased/ extended the already nonconforming structure.

- 5201.1            The Board of Zoning Adjustment may approve as a special exception in the RF zones, relief from the following development standards of this subtitle, subject to

the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.

- (a) Lot occupancy;
- (b) Yards;
- (c) Courts;
- (d) Minimum lot dimensions;
- (e) Pervious surface; and
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.

### **III. Compliance with the Standards of 11-X DCMR §901**

#### **A. The Special Exception Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Maps.**

As stated in 11-E DCMR §300, “The purpose of the RF-1 zone is to provide for areas predominantly developed with attached row houses on small lots within which no more than two (2) dwelling units are permitted.” Pursuant to Chapter One of Subtitle X, the RF Zones are “low-, moderate- or medium-density residential areas suitable for residential life and supporting uses” that:

- “(a) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;
- (b) Allow for limited compatible non-residential uses;
- (c) Allow for the matter-of-right development of existing lots of record;
- (d) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones;
- (e) Allow for the limited conversion of rowhouse and other structures for flats; and
- (f) Prohibit the conversion of flats.”

The existing deck/ balcony and resulting reduced rear yard and increased lot occupancy do not conflict with any of the above-stated purposes for the RF Zones. No conversion of the existing flat is proposed – the relief is sought only to bring the property into compliance. Pursuant to 11-X DCMR § 901.2(a), the special exception request to permit the addition will be in harmony with the general purpose and intent of the Zoning Regulations and Map. 11-A DCMR § 101.1 calls for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare. The use will not change or interfere with existing light and air. Similarly, because the home will be utilized as a flat as intended, the use will not allow undue

concentration of population and the overcrowding of land nor will it result in an uneven distribution of population, business and industry and use of land.

B. The Special Exception Will Not Tend to Adversely Affect the Use of Neighboring Property in accordance with the Zoning Regulations and Maps.

The proposed addition will not tend to adversely affect the use of neighboring property. The deck/ balcony does not negatively impact the adjoining flats or affect their access to light and air.

**IV. Compliance with 11-E DCMR § 5201.3**

11-E DCMR § 5201.3 requires, “an applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (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;
- (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; and
- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The deck/ balcony and resulting reduced rear yard will not negatively impact the light and air to neighboring properties nor shall the privacy of use and enjoyment of these properties be negatively affected. The flat will maintain the character, scale and pattern of houses along the subject street frontage. The application package includes plans and photographs that demonstrate compliance with (a) through (c).

**V. Community Outreach**

Pursuant to Subtitle Y § 300.8(l), the Applicant will be contacting the local Advisory Neighborhood Commission 1B and community groups. The Applicant met with Mr. Patrick

Nelson, Chair of the Zoning, Preservation and Development Committee (“ZPD”) on May 3, 2018. The Applicant submitted materials for review by the ZPD Committee at its meeting on May 21, 2018. The Applicant will attend and present to the ANC as a whole on June 7, 2018.

**VI. Testimony Summary**

The Applicant, Lisa McGuire and her architect, Kami Wilwol, will provide testimony at the hearing (if this case is not considered pursuant to the expedited review process). An outline of the testimony is provided below:

***Introduction***

- A. Existing Conditions
- C. Relief Sought

***Standard of Review***

- A. Harmony with General Purposes and Intent of Zoning Regulations and Map
- B. No Adverse Effects on Use of Neighboring Property

***Conclusion***

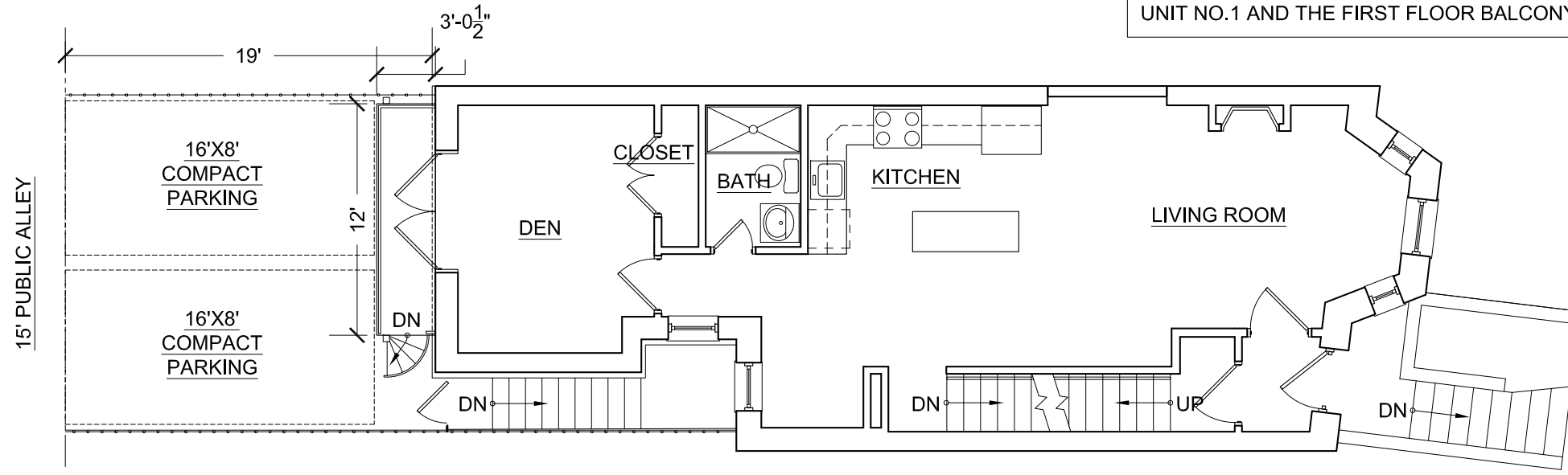
**VII. Parking**

There are currently two substandard spaces in the rear. We are not requesting relief for these spaces (8’ x 16’) as the Zoning Administrator has indicated that he will consider them non-conforming or grandfathered and will allow them to continue without BZA relief. I have attached the email from Matt LeGrant confirming this.

**VII. Conclusion**

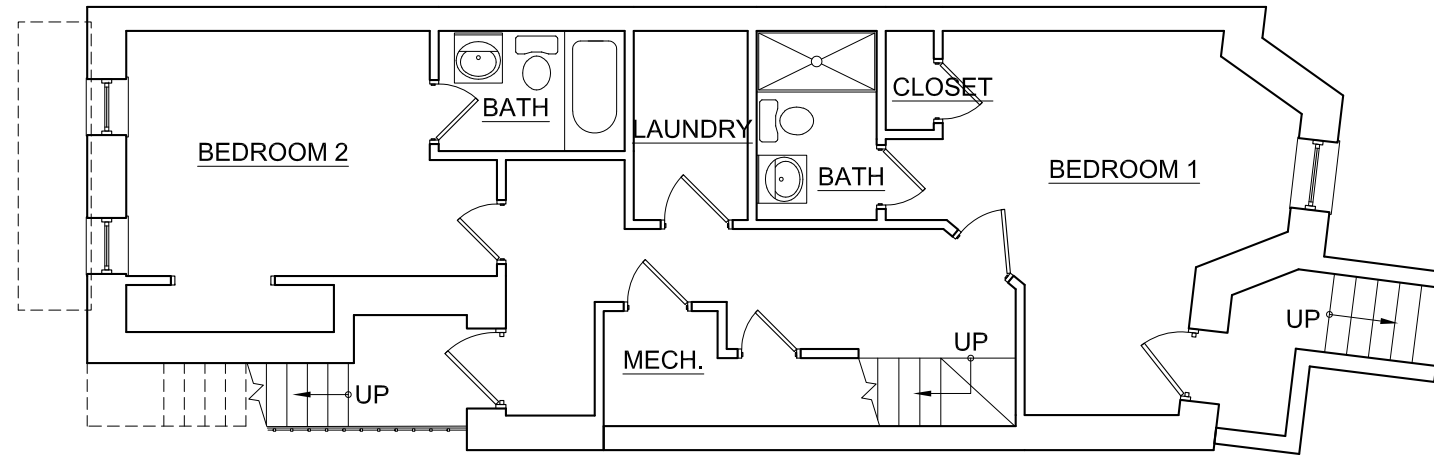
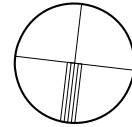
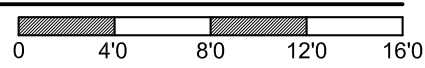
Based on the foregoing, the Applicant meets the test for a special exception to allow the deck/ balcony to remain and the special exception request should be granted.

NOT FOR CONSTRUCTION

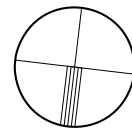
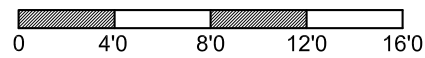


SPECIAL EXCEPTION NO. 19761 AND THE RELIEF FROM THE LOT OCCUPANCY AND REAR YARD REQUIREMENTS PERTAINS ONLY TO UNIT NO.1 AND THE FIRST FLOOR BALCONY.

**2** UNIT#1 - FIRST FLOOR  
A1 SCALE: 1/8" = 1'-0"



**1** UNIT#1 - BASEMENT  
A1 SCALE: 1/8" = 1'-0"



MCGUIRE - 11TH ST CONDOMINIUMS

2825 11TH ST NW

UNIT 1

WASHINGTON, DC 20001

EXISTING CONDITIONS

19-MAR-2018; REVISED 16-MAY-2018

PROJECT:

TITLE:  
DATE:  
FILE NAME:

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SHEET 1 OF 2