

**Board of Zoning Adjustment  
Special Exemption Request – Burden of Proof Statement**

**Date: 6-28-18**

Owners: Julie Qureshi Hummel  
Address: 1119 Abbey Place, NE  
Square: 0773  
Lot: 183  
Zone: RF 1

The applicant would like to add a second story to the enclosed rear porch and enclose the alley level beneath the existing enclosed porch.

Because the proposed plans include increasing nonconforming conditions, the applicant is requesting Special Exceptions under E5201 for:

1. Non Conforming Structure (C2001.3, C202.2): The original house is non-conforming as it occupies 67.75% of the lot but has a conforming single-family residential use.
2. Lot Occupancy (E304): Currently the building area covers 67.75% of the Lot Area. The proposed plans keeps, but does not expand, the 67.75% lot coverage, increasing a nonconforming condition that requires 60% maximum in RF-1 districts. By staying under 70% lot coverage, the project requires a special exception rather than a variance.
3. Rear Yard (E306): Currently the rear yard is 16.79'. The proposed plan leaves 16.79', making a nonconforming condition that requires 20'.

Because the proposed plans include non-conforming parking conditions, the applicant is requesting Special Exception under C703.2 due to (a) the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet of the lot in accordance with C701.8.

1. Parking (C701.5): The existing and proposed rear yard is 16.79', which is too short to fulfill the full size parking space required under C712.5 (9' wide by 18' deep). Relief from the 1 parking spot requirement for a residential flat.

The lot is a rectangle and the structure on the lot is fully attached. An existing 1<sup>st</sup> floor, one story porch was enclosed at some point in the past and sits on posts that go down to grade at the rear of the house. 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/ porches, the precedent on the square and the building material (brick piers) indicate 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:
  - As noted, almost all the houses on the block have rear extensions that are the same depth as the applicant's. Therefore the light and air of adjacent neighbors will not be negatively impacted.
  - The privacy of use and 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).

- The project will conform to the character, scale and pattern of the houses on the block. The 2<sup>nd</sup> floor addition and infill at grade at the rear maintains the existing alley-scape and stays well below the height limitation prescribed. By using appropriate material and maintaining the height and scale of the existing houses on the block, the character of the alley is unchanged.
  - The adjacent neighbors have indicated support for the proposed project and we have signed letters. In addition, other neighbors that can see the addition have also signed letters of support.
2. The lot occupancy is under 70% as required by C5201 in RF 1 districts.
  3. The house has a conforming use under existing conditions (single family) and proposed (flat).
  4. Due to the unusually small size of the lot, and the existing posts supporting the 1<sup>st</sup> floor rear enclosed porch, full size parking is not possible. However, compact parking at 16' deep is. The applicant is requesting relief from having 1 full size parking spot. The remaining space will maintain a compact size parking requirement in order to stay within the intent of the zoning regulation.

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