

**Anne & Patrick O'Rourke
13 7th St. SE
Washington, DC 20003**

BURDEN OF PROOF

13 7th Street SE

**To: Office of Zoning
Government of the District of Columbia
441 4th Street, NW, Suite 200S
Washington, DC 20001**

**From: Anne & Patrick O'Rourke
Owner/Applicant
13 7th Street SE
Washington DC 20003
Date: February 11, 2021**

**Re: BZA Application for a variance at 13 7th Street SE
(Square 0869, Lot 0827)**

Anne & Patrick O'Rourke, owners of 13 7th Street SE seek an area variance per subtitle X § 1002.1 of the zoning Regulations to permit a screened porch that is not in conformance with the maximum permitted lot occupancy per E-304.1

1. Area Variance

Subtitle X § 1002.1(a) of the Zoning Regulations state that the Board is authorized to grant an area variance where it finds that three conditions exist:

1. The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
2. The owner would encounter practical difficulties if the zoning regulations were strictly applied or exceptional and undue hardship; and
3. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

As discussed below, and as will be further explained in the prehearing statement at the public hearing, all three prongs of the area variance test are met in this application.

A. The Property Affected by an Exceptional Situation or Condition.

The phrase “exceptional situation or condition” in the above-quoted variance test applies not only to the land, but also to the configuration of a building on the land.

Applicants wish to be able to enjoy spending time outdoors on their property. Two conditions currently make that very difficult. There is a large dog on an adjacent property that is kept primarily outdoors and barks relentlessly whenever someone is in view, which occurs whenever applicants are in their back yard. Additionally, mosquitos make spending time outdoors a health challenge and one of the applicant’s children is very sensitive to mosquito bites. The small, screened porch as proposed would effectively address both the barking dog and biting mosquito issues. By being situated in the dog leg, the porch is away from view of neighboring properties including the barking dog, and the screened porch will prevent mosquito bites. Constructing the small, screened porch will allow the applicants to enjoy being outdoors on their own property.

B. Strict Application Would Result in a Practical Difficulty to the Property Owner.

Strict interpretation of the court requirements will result in practical difficulty upon the Applicant as we would be continued to be subject to a barking dog and mosquitos if we want to enjoy our time outdoors on our property. Currently with the Covid Pandemic, we would prefer to be able to use our property fully without having to travel to enjoy the outdoors. Approval of an area variance to allow the screened porch addition, as shown in the plans, is consistent with the residential use of the property by creating usable outdoor space at the Applicant’s residence.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan.

The requested relief can be granted without harm to the public good and without threat to the integrity of the zone plan. The screened porch at issue in this proceeding is small – 96 square ft and contained entirely within the existing dog leg of the property; it does not extend beyond the rear of the home. The porch would not have any adverse impacts on light, air or sightlines of any neighboring property. In fact, only the neighbor to the immediate south would be able to see the porch (from his back yard) and that neighbor has already provided a letter of support for the project.

2. Conclusion

For the reasons stated above, we believe the requested relief meets the applicable standards for zoning relief under the zoning regulations. Accordingly, the Applicants respectfully request that the Board grant the application.

Respectfully submitted,



Anne O'Rourke



Patrick O'Rourke

13 7th Street SE
Washington, DC 20003