

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

_____)	
APPLICATION OF:)	
)	
Krzysztof Laski)	BZA Case No.
)	
for a Special Exception Under 11-E DCMR §)	Hearing Date:
5201.1(a) to allow for an increase in lot)	
occupancy to 70% in the RF-1 District at 1307)	
South Carolina Avenue, S.E. (Square 1040,)	ANC 6B
Lot 35))	

APPLICANT’S PRE-HEARING STATEMENT

I.

Introduction

Krzysztof Laski (the “Applicant”) submits this statement through undersigned counsel in support of his application for a special exception to allow for an increase in lot occupancy from 60% to 70% for a proposed deck in the RF-1 District at 1307 South Carolina Avenue, S.E. (Square 1040, Lot 35) (the “Property”). This application is made pursuant to 11-E DCMR § 5201.1(a) of the Zoning Regulations that allows for an increase in lot occupancy in the RF-1 up to 70% through special exception.

II.

Jurisdiction of the Board

The Board of Zoning Adjustment (“Board” or “BZA”) has jurisdiction to grant the requested special exception pursuant to D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) and 11-X DCMR § 901.2.

III.
Background and Description of Proposal

The Applicant is seeking this special exception to allow for the addition of a deck to the rear of the house.

IV.
The Applicant Meets the Standard for Special Exception Relief

(a) **Standard of Review and Compliance with Special Exception Standards under Subtitle X § 901.2**

(i) **The Special Exception Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Maps.**

The special exception request will be in harmony with the general purpose and intent of the Zoning Regulations and Map to promote the public health, safety, morals, convenience, order, prosperity and general welfare. 11-A DCMR § 101.1. Because the proposed deck will not extend to or past the party walls of the adjoining properties, the addition will not change or interfere with existing light and air. Similarly, because the residence will continue its residential use, the deck allowed by the increase in permitted lot occupancy will not allow undue concentration of population and the overcrowding of land. It also will not result in an uneven distribution of population, business and industry and use of land. *See* 11-A DCMR § 101.1.

(ii) **The Special Exception Will Not Tend to Adversely Affect the Use of Neighboring Property in accordance with the Zoning Regulations and Maps**

The proposed deck and increased lot occupancy will not tend to adversely affect the use of neighboring properties. As mentioned above, the deck will not extend up to or past the party walls of the adjoining properties and will not create any adverse effects with respect noise or access to light and air. *See* 11-A DCMR § 101.1.

(b) Compliance with Subtitle E § 5201.4

Section 5201.4 of Subtitle E of the Zoning Regulations provides the additional standards for the granting of a special exception for an increase in lot occupancy in the RF-1 District.

5201.4. An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

(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 proposed addition or accessory structure, together with the original building, or the proposed new 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 street and alley frontage; and

(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, new building, or accessory structure to adjacent buildings and views from public ways.

As stated above, the deck will not extend to or past the walls of the adjoining row dwellings and as such will not affect the light and air available to those properties in accordance with § 5201.4(a). The deck will not afford the Applicant any additional view or vantage points into the neighboring properties so privacy and enjoyment shall not be negatively impacted in any way in accordance with subsection (b). Finally, the deck will not visually intrude upon the alley as it is separated from the alley by a parking pad belonging to the adjoining property owner. The Applicant has provided plans and renderings of the proposed deck as part of this special exception application.

V.
Conclusion

For the reasons stated above, the proposed application meets the standards for special exception relief under the Zoning Regulations. The Applicant therefore respectfully requests that the Board grant the application.

Respectfully submitted on December 17, 2021

By: /s/ Tracy L. Themak

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❖ A copy of this application has been sent to ANC 6B.