



June 5, 2022

BZA Case Number: BZATmp1948

Property Address: 6801 32<sup>nd</sup> Street, NW, Washington, DC, 20015

Owners: Alan Korn & Claudia Simons

Re: Burden of Proof Statement

### **Description of Proposed Project:**

The original detached single-family house on the property was built in 1951. The effective year built is recorded as 1963. The current owners purchased the property in 1996. The owners maintained the footprint of the original one story (w/ basement) house until 2004 when the homeowners added a one-story addition off the master bedroom.

The homeowners would like to convert an existing sunroom to a home office to better meet their current needs. The scope of the project includes the demolition of the original sunroom/bedroom structure and rebuilding of the office/bedroom with an addition of a full bathroom, increasing the footprint by 175SF.

This property is located in the R, Residential (Single Dwelling) zoning district. Its principal use, defined by Subtitle B § 200.2 (aa) is Residential. The proposed use remains unchanged.

### **Applied Zoning Special Exception Relief Evidence:**

- (1) Nonconforming Structure Relief (Demolition and Rebuild of Nonconforming Structure): The original Zoning Regulations and Zoning Maps took into effect as of May 12, 1958 (Subtitle A § 100.1). The main portion of the house was built before the zoning regulations were implemented; therefore, the building is considered to be a nonconforming structure (Subtitle C § 200.1). Due to the location of the building on the lot, the property also has existing nonconforming front, rear, and side yard setbacks.
  - a. Upon conducting an architectural survey of the existing sunroom structure, signs of structural failure were evident. It appears that the sunroom/bedroom was originally built upon an existing deck structure without the proper structural analysis to support the additional load of enclosing the structure. The existing foundation wall is cracking in multiple locations and the interior floor is noticeably sloped, 2.5 inches in 11 feet (See Exhibit 1). No permits were filed on record to convert the outdoor deck into a conditioned indoor space. Due to the questionable state of the existing structure, it is proposed the existing sunroom/bedroom be demolished and rebuilt to ensure the safety and comfort of the homeowners.
  - b. Enlargement and modernization of an existing nonconforming structure, including structural alterations, is permissible per Subtitle C § 202. The homeowners wish to increase the footprint of the new structure to allow for a full bathroom and additional SF in their new office.
- (2) Special Exception Relief (Lot Occupancy Deviation, Rear Yard Set Back Deviation):
  - a. The proposed special exception relief meets the criteria set forth in Subtitle X § 901.2 in order for the Board of Zoning Adjustments to grant a special exception:
    - i. The proposed addition is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.
    - ii. The proposed addition does not affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps: and
    - iii. The proposed addition meets all special conditions specified in this title.

- b. Per Subtitle D § 5201.4, the proposed addition does not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property:
  - i. The light and air available to neighboring properties shall not be unduly affected;
  - ii. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
  - iii. The proposed addition, 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 street frontage
  - iv. In demonstrating compliance with paragraph (a), (b), and (c) of this subsection, graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, to adjacent building and views from public ways are included in the application.
- c. No trees with a circumference of 12in or greater will be removed, cut down, or fatally damaged with the increase in the building footprint as outlined in Subtitle C § 401.
- d. The minimum pervious surface percentage for R-1-A zones is 50% (Subtitle D § 308.1). The pervious surface percentage with the addition is 54% and the existing lot occupancy is not increased by 10% or more (Subtitle C § 501.1).
- e. The proposed design of the addition is mindful of the scale and character of the neighborhood and aligns with the intent of the provisions set for general R zones and specifically for R-1-A zones (Subtitle D § 100.2 & Subtitle D § 300.1).
- f. R-1-A zones are intended for the development of detached houses on large lots with a minimum of 7500SF (Subtitle D § 300.2). Unlike most of the neighboring lot sizes (averaging above 10,000SF), the lot size of the existing property is only 6,562SF (See Exhibit 2).
- g. The property is located on a corner lot. Its exceptional shallowness and irregular shape make it extremely difficult to modify or expand the footprint on the lot without being noncompliant to current zoning regulations. Per Subtitle X § 1000.1, the homeowner is granted the ability to request a variance from the strict application of the law if it results in “exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property” due to the physical limitations of the lot.
- h. The maximum percentage of lot occupancy for R-1-A zones is 40% (Subtitle D § 304.1). The existing structure has maximized its allowable percentage of lot occupancy. The proposed addition will increase the percentage of lot occupancy to 42.7%, a difference of only 2.7%. The increase in lot occupancy is within the range permitted by the Board of Zoning Adjustments to grant a special exception per Subtitle D § 5201.1. Under this development standard, the maximum permitted lot occupancy by special exception is 50% for R-1-A zones.
- i. Per Subtitle D § 306.1, the minimum rear yard setback is 25 feet. The existing rear yard setback is nonconforming due to the structure that existed prior to May 12, 1958 (Subtitle D § 205.3). The part of the existing structure that is proposed to be demolished has an existing rear yard setback of 24.3 feet. The proposed addition will extend into the rear yard setback by an additional 7 feet, making the final rear yard setback to 17.3 feet. The decrease in the yard setback is within development standards permitted by the Board of Zoning Adjustments to grant a special exception per Subtitle D § 5201.1.
- j. The homeowners would like to modify their home to adapt to their changing needs as they grow older. As part of their desire to age in place, they would like all their main living spaces to be isolated to the first floor. The proposed increase in the footprint by 175SF is a critical part in achieving their goal.
- k. The maximum permitted building height for R-1-A zones is 40FT (Subtitle D § 303.1). The height of the existing structure is 14.5 feet. The proposed addition will not impact the maximum height requirement and will remain at 14.5 feet.
- l. The proposed addition is located at the rear side of the existing structure. Due to the building’s orientation on the lot and existing landscaping elements, the new addition cannot be seen from 32<sup>nd</sup> Street. There is very limited visibility from Beech Street and from the adjoining neighbors (See Exhibit 3).



**Exhibit 1: PHOTOS EXISTING CONDITIONS**





**Exhibit 2: LOT SIZES**

(SOURCE: INTERACTIVE OFFICIAL ZONING MAP- <https://maps.dcoz.dc.gov/>)







**Exhibit 3: SIGHT LINES**