

STATEMENT OF BURDEN OF PROOF

NATURE OF RELIEF SOUGHT

James Anderson and Lisa Anderson, owners of 318 Seaton Place NE, Washington, DC, hereby apply for zoning relief in the form of a special exception per DCMR chapter E-5201.1 for lot occupancy that does not comply with E-304.1 (X-900.2), as well as a special exception per E-5201.1 for the minimum rear yard setback requirement that does not comply with E-306.1 (X-900.2). The DCRA file Job is #B1813700 and the DCRA Case # is FY-19-22-Z.

BACKGROUND

The project is a two-story rear addition to the existing property located at 318 Seaton Place, NE, lot 0042, square 3567. The intended use and intent as a two-unit dwelling, complies with that of the RF-1 zone, which 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. SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2)..

DCMR chapter E-5201.1 provides for a maximum lot occupancy of 60 per cent. With the addition, the structure constitutes a lot occupancy of 67%, approximately 10% more than the maximum permitted lot occupancy in the RF-1 zone of 60%, and within the 70% maximum allowable occupancy for special exceptions according to section 5201.3 (e) which states:

“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%).”

Regarding the minimum rear yard setback requirement, the structure is approximately 17 feet from the alleyway instead of the required 20 feet.

BURDEN OF PROOF

The project meets the special exception requirement under 11 DCMR Section 5201 because:

A. The addition will not intrude upon the character, scale and patterns of houses along the subject street frontage.

The addition is visually consistent with the character of the neighborhood and with the scale and pattern of the properties nearby. The original façade which faces the street remains unchanged and in keeping with character of the neighborhood. Regarding the perspective from the alleyway, rear additions are rapidly becoming the norm rather than the exception in the immediate surrounding area. Several homes nearby have rear additions of similar size including adjacent properties. (See photos)

B. Availability of light and air, and privacy of use and enjoyment will not be unduly affected or compromised.

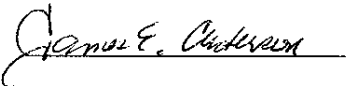
The addition is approximately 17 feet from the alleyway as opposed to the required 20 feet, and the lot occupancy is 67% versus the required 60%. These variances will not unduly affect the light and air available to neighboring properties because the amount of light and air

available is predominately influenced by the shadow of the four-story building a few houses away at the end of the block. The new structure does not substantially change these existing conditions. Additionally, adjacent and nearby properties have rear additions of similar size. (See photos)

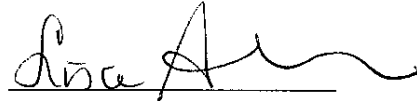
The structure likewise will not unduly compromise the privacy of use or enjoyment of any abutting or adjacent dwellings or properties, since they also have rear additions and a privacy fence. (See photos).

C. Strict application of zoning regulations would result in practical difficulty.

Strict application of zoning regulation with respect to lot occupancy and rear yard setback would result in a practical difficulty to the applicant. The structure was built under another building permit, which unbeknownst to the owner, was the incorrect type of permit for the work being done. When the zoning violations came to light, the structure was already substantially constructed on the property. In order to comply with the required maximum lot occupancy and rear yard setback, we would be required to demolish extensive portions if not all of the structure, and then reconstruct a slightly smaller structure.



James E. Anderson



Lisa Anderson