

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

**APPLICATION OF
BLAKENEY AND EMILIO VASQUEZ**

**1021 COOK DR. SE
ANC 8E**

STATEMENT OF APPLICANT - BURDEN OF PROOF

Emilio and Blakeney Vasquez (the “Applicants”) are the owners and residents of the single family, detached home in the R-3 zone at 1021 Cook Drive SE (Square 5912, Lot 0055) (the “Property”. The Applicants submit this statement in support of their request for zoning relief pursuant to 11 DCMR Subtitle X, Chapter 9, as a special exception under Subtitle D 5201.1 § from the rear yard setback requirements of Subtitle X § 901.2

I. BACKGROUND

A. The Property and Surrounding Community

The Property is part of the newly-constructed, *Ashford Court* planned development of single family homes in Ward 8. The Property is improved with a two-story home with a walk-out finished basement that leads to a rear yard that slopes severely. Many neighbors in the 75-home community have added large deck features to their rear yards. Without a deck, the rear yard of the Property is largely unusable due to the severe slope.

B. The Deck Project

The Applicant hired a private contractor to design and build a rear deck on the Property. The proposed deck is 12’ x 20’ extending from the edge of the home to the basement walkout door. The grey colored deck and white handrails fit the character of the home, match the neighbors designs at 1023 and 1025 Cook Dr. SE, and the deck project was approved by the Architectural Review Board of the *Ashford Court* Homeowners Association (HOA) on July 24, 2018. Without relief from the Board of Zoning Adjustment, the Applicants and contractor will be unable to complete the deck project, which is key to the Applicants and their two children’s use and enjoyment of the severely sloped rear yard.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 and Subtitle Y §100.3 of the Zoning Regulations of 2016.

III. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

Subtitle D Section § 5201 provides relief based on satisfying specific criteria under which additions may be permitted within the R Zones as a Special Exception as follows:

A. The light and air available to neighboring properties should not be unduly affected.

The proposed construction will have no effect on the light and air to the neighboring properties. The request is confined to the rear of the home. There are not hindrances of light and air to any adjoining properties.

B. The privacy of use and enjoyment of neighboring properties should not be unduly compromised.

The privacy or enjoyment to the neighboring properties will not be compromised by the granting of this exception. The Applicants discussed the scope of work with all adjoining neighbors, who also initially worked together to research a contractor for deck construction, and the adjoining neighbor Kapil Padwal 1023 Cook Dr. SE now has the exact same deck built by the same (initial) contractor.

C. The addition together with the original building as viewed from the street alley or other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage.

The proposed deck addition will be designed in materials common to single family homes and specifically in the architectural vocabulary of the existing home's details. The proposed deck will blend seamlessly with the existing structure, will not be visible from the street (there is no alley), and the proposed deck is the same style and composition to the adjoining neighbor and similar to multiple other decks throughout the community.

V. THE COMMUNITY SUPPORTS THE APPLICANT'S REQUEST

The Applicants discussed the proposed deck with the owners of the two adjoining properties and the owners of properties in the rear June-July 2018. The homeowner immediately behind our home at 1008 Tanner Pl. SE, Reginald Arno, is also on the Architectural Review Board of the *Ashford Court* HOA that approved the deck on July 24, 2018.

VI. CONCLUSION

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

Respectfully Submitted,

Emilio and Blakeney Vasquez

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