

Brittney Etheridge
407 51st Street, SE
Washington, DC 20019

January 3, 2020

Board of Zoning Adjustment
1100 4th Street, SW
Washington, DC 20024

RE: Burden of Proof Statement BZA Case: BZATmp826

This project qualifies under 11 DCMR Section 5201 because:

- 1. The project is an addition to an existing dwelling unit**
- 2. The addition does not have a substantial adverse effect on the use or enjoyment of any abutting or adjacent dwellings or properties.**

1.) Deck exceeds maximum permitted lot occupancy

The back of the homes faces an alley, which is the most heavily used alley in Glenncrest due to its proximity to the entry and exit points of the community (Kimi Gray Court). The remaining space on the lot is barely unusable. Between the people walking and driving at high speeds through the alley the applicants 5-year-old cannot safely play anywhere on the property (as the front of the home faces another busy street; 51st Street)

- F-304.1: Except as provided in other provisions of this chapter, the maximum permitted lot occupancy shall be established for lots in the RA-1 40%

The existing structure is already over the maximum lot occupancy of 40% (currently at 51.7%), with you asking for the additional lot occupancy which will bring you to 61.3%, or a total deviation of 21.3%

- F-5201.1 (a): The Board of Zoning Adjustment may grant special exception relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X. (a) Lot occupancy;

The applicants current lot occupancy (40%) as it stands renders the remaining space nearly unusable due to privacy concerns with the high level of foot and vehicular traffic through the alley in the back of the home. The current yard space will still exist on the property as it currently is because the deck will be attached to the second level of the home. Except with the deck the homeowner and family will finally have an actual space to safely enjoy up and away from the path of the alley traffic.

5201.3 An application for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly compromised;

The homes along the same row as the applicant's home are all flush with one another and the backs face the same alley. The proposed deck would not unduly compromise the air or light of any neighboring properties, as much of the light

and air comes across from the other side of the alley, where there is an open space that encompasses the back yards of other homes at lower levels. Any shadows cast would be predominantly be in the alley.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The neighboring homes are separated by a privacy partition which will remain in place. The rear of most homes only utilize the space for access to their garage and driveway, as there isn't adequate yard space to much else.

- (c) The addition or accessory structure, 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 subject street frontage;

The homes in this community came fabricated with an option for a deck (sliding patio doors, patio light and operable outlet) to be built. There are several other homes in the Glenncrest community with decks, some larger than that proposed of the applicant. Additionally, the deck will sit back from the property line of the applicant so it will not protrude into the alley or any other surrounding areas. The deck will be in character with what is permitted by the Homeowners Association, which is a very uniformed design.

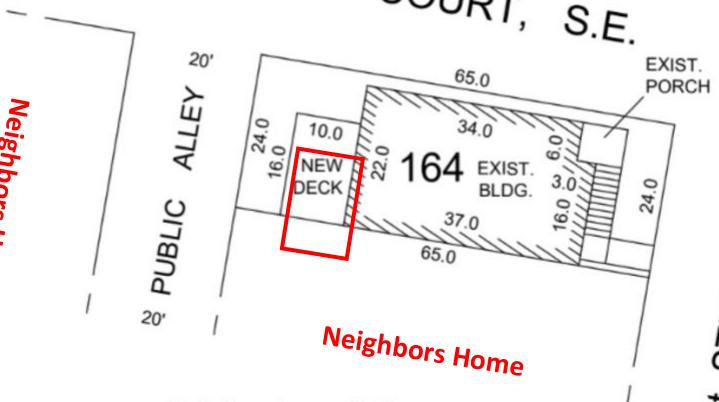
- (d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and

KIMI GRAY COURT, S.E.

Neighbors Home

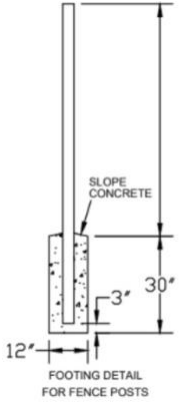
Neighbors Home

51st STREET, S.E.



Building Areas & Coverage

Ex. Building Area	838.0 sq.ft.
Proposed New Building Area	160.0 sq.ft.
Total Building Area	998.0 sq.ft.
Land Area	1560.0 sq.ft.
Total Building Area	998.0 sq.ft.
Lot Coverage	63.0%



SCALE: 1:20





- (e) 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%).

The existing structure (applicants' home) is already over the maximum lot occupancy of 40% (currently at 51.7%), with this additional request it would bring the lot occupancy to 61.3%, or a total deviation of 21.3% which is below the maximum of 70%.

- X-901.2: The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions: (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and (c) Will meet such special conditions as may be specified in this title.

a.) The deck being built will be attached to a home with an existing sliding door on the back of the home. The intended use of the deck will be in line with similar decks that have been built in the Glenncrest community. Several other homes in the community have the benefit of having actual yard space. The applicants home faces the mouth of an alley where there is frequent foot and vehicular traffic. The construction of this deck will allow the applicant to utilize the back of the home in lieu of backyard space. This is especially important as the applicant has a 5-year-old child, who would utilize the deck space as an alternative to playing in the unsafe alley.

b.) With regard to the adverse effect on neighboring properties there is none. The deck would remain within the property lines of the applicant and would not encroach on the property of neighbors. The backyards (driveways) of the homes on the same row as the applicant (51st Street) all face an alley and are separated by a partition. The proposed deck will not go beyond the partition which divides the back spaces of the homes. All neighbors of the applicant will have the same access they currently have to and from their homes, driveways, and yards.

c.) This project meets the special conditions in this title because it is in line with the functionality of all the homes in this community which have buildouts in the rear of their homes for a deck.

2.) Deck that encroaches within a required rear yard

The planned deck does encroach within the applicants' current yard space (or lack thereof), which is virtually unusable due to privacy concerns with the high level of foot and vehicular traffic on a consistent basis.

- F-305.1: A minimum rear yard shall be established for lots in the RA-1, 20 ft.

The current yard space will still exist on the property as it currently is because the deck will be attached to the second level of the home. Which would also allow for the current garage to still be functionally used.

- F-5201.1 (b): The Board of Zoning Adjustment may grant special exception relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X. Yards;

As previously stated, the yard will still exist in its current state. The deck will be attached to the second level of the home where there is an existing sliding door, light switch, and outlet (all currently unusable because there is no deck).

- X-901.2: The Board of Zoning Adjustment is authorized under 8 of the Zoning Act, D.C. Official Code 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions: (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and (c) Will meet such special conditions as may be specified in this title.

a.) Again the yard will remain intact with the addition of the deck, which will remain in line with the general purpose and intent of the Zoning Regulations and Zoning Maps

b.) With the addition of the deck the yard(s) of any abutting or adjacent dwellings or properties will adversely affected

c.) This project will meet the special conditions of the title because the yard will remain intact and will have no adverse effect on the yards of neighbors.