

**Date:** 11/21/2017 (Rev. 11/30/17)  
**Project Name:** WISE RESIDENCE  
**Location:** Square 0762, Lot 0828, SE  
Washington, DC 20003  
**Owners:** Mr. & Mrs. Brian Wise  
**RE:** BURDERN OF PROOF

To Whom It May Concern,

The following paragraphs describe the burden of proof for the proposed ground-up, two-story, single-family residential structure at Square 0762, Lot 0828. The proposed brick veneer, alley lot structure is seeking two (2) special exceptions and two (2) area variances based on the proposed residential design. The proposed single-family residential use is allowed by "matter of right" in a RF-3 zoned district. The following list below encompasses all four (4) of the Special Exceptions / Area Variances that we are seeking relief from:

- Area Variance to E201.1: Relief from Lot Area.
- Area Variance to C303.3 (a)&(b): Relief from Lot Frontage, to reduce frontage along a public alley to a street to less that 24 feet in width.
- Special Exception to E5104: Relief from rear yard setback, to reduce the minimum required rear yard setback from 5 feet to none.
- Special Exception E5106.1: Relief from alley setback, to reduce the setback from the centerline of the alley from 12 feet to 10 feet.

Each section of code that is being requested for relief is further examined in this document respectively.

The area variance for lot area (E201.1) is being sought for relief due to the existing conditions of the site. The existing lot 0828, in square 0762 is already under the required lot area minimum stipulated for residential flat lots in an RF-3 zoned district. The minimum area stipulated for an RF-3 lot should be 1,800sf. Due to the existing location, adjacency, and size of the lot, there is no opportunity for the lot to grow in size, or change from its current existing condition.

If this zoning regulation is strictly adhered to, due to its existing condition in the alley, the lot would be deemed non-conforming and would not allow the owners to propose any feasible or fitting proposal on the property which they own. This **would** bring undue hardship to the owners by not being able to propose an alley lot structure by right and would do harm to the overall value of the property.

Granting relief from this section of code **would not** be of substantial detriment to the public good. All elements of traffic, noise, lighting, and circulation already function with the existing border and outline of this lot.

The granting of this relief **would not** be inconsistent with the general intent and purpose of the Zoning Regulations and Maps, and would further go to strengthen the character of the alley, bring about much needed repair to an otherwise empty corner, and encourage further revitalization of this existing alley.

The area variance for lot frontage along a public alley [(C303.3 (a)&(b))] is being sought for relief due the existing conditions of the width of the alley as it currently exists. The alley maintains a 20' width adjacent to our proposed structure and reduces to a 14 foot width as it connects to the adjacent street (3<sup>rd</sup> St. SE) between the existing row home structures that front 3<sup>rd</sup> street SE. Due to the existing conditions of the alley and the adjacent alley lot structures, there is no opportunity to adjust the width of the existing alley beyond its current configuration.

If this zoning regulation is strictly adhered to, due to the existing condition of the alley, the lot would be deemed non-conforming and would not allow the owners to propose any feasible or fitting proposal on the property which they own. There is no opportunity to propose any change or improvement to the alley to alleviate this condition, even though the general function and circulation of this alley by FEMS, MPD, Waste Management, and any other DDOT related circulation currently functions within the existing conditions. This **would** bring undue hardship to the owners by not being able to propose an alley lot structure by right and would do harm to the overall value of the property.

Granting relief from this section of code **would not** be of substantial detriment to the public good. Contrary to the stipulated width of 24', the existing alley has sufficient space for the circulation of all types of vehicles ranging from emergency, public utility, and trash collection. The current alley way provides circulation to various residential and commercial properties and has always functioned this way for the past 80 years.

Traffic and circulation would not change with our proposal because no part of the proposal would extend beyond the existing lot lines to impede on the already functioning circulation of the alley. DDOT and FEMS have previously reviewed the case and have found no objections to the proposal.

The granting of this relief **would not** be inconsistent with the general intent and purpose of the Zoning Regulations and Maps. The Capitol Hill area is full of many tight and unique public alleys that often do not conform to this section of code, yet the successful function and utilization of these alleys continues. All elements affected by the existing conditions of the alley function will remain the same with or without the erection of our proposed residential structure.

The special exception for rear yard setback (E5104) is being sought for relief in order to avoid the creation of an undesirable and unmonitored space adjacent to our property. Due to the proposed configuration of our residential structure, the rear yard setback would have to occur between the rear of our structure and the adjacent structure to our lot along this alley. This would cause a gap between the two structures that would disrupt the alley elevation by creating a 5 foot break between our property and the neighboring property. It would also remove approx. 340sf. from the entire proposed residence, which is quite significant considering that the existing lot size is already smaller than that of more typical residential structures long this block. In addition to the items listed below, this would provide further privacy to the adjacent residential neighbors along C street SE while strengthening the adjacency and continuity of structures along the alley.

If this zoning regulation is strictly adhered to, the property owners **would** suffer undue hardship in a few different ways. As mentioned above, the owners would be removing 340sf. out of the total proposed 1900sf. (approx. 18%) of enclosed residential square footage, but would still have to properly drain, grade, and finish off this side yard space. The cost for properly fitting and finishing this setback space would greatly exceed its value, especially when there is already a side yard being provided within this proposal. The next hardship would be that of personal security in having to make sure that this alley side yard area would be made safe by incorporating additional safety measures such as fencing, gates, security lighting, and any other security methods recommended. The last undue hardship would revolve around the owners needing to further go against previous recommendations from the HPRB and ANC about the suggested "continuous" connection to the façade of the adjacent building.

Granting relief to this section of code **would not** be a substantial detriment to the public good. The continuity between structures would only strengthen and clarify both pedestrian and vehicular circulation. It would have no impact on vehicular traffic, and would also reduce any potential security concerns of having a long, unmonitored corridor that would exist between the adjacent neighboring structure and nearby residences. The continuity between structures would help to provide a buffer for the adjacent neighbors from any noise that might be coming from the alley due to trash or utilitarian vehicles. The removal of this setback will also not significantly impact the quality of air or light to neighboring properties, due to the already taller structures along the perimeter of the alley which shield natural light and slightly buffer air flow from the surround streets. FEMS, DDOT, HPRB, and the abutting property owner has previously provided either support of this relief, or letters with no objection.

The granting of this relief **would not** be inconsistent with the general intent and purpose of the Zoning Regulations and Maps. Relief from this setback would provide a more consistent continuity to the alley, which, is preferred from both a historical and architectural point of view.

The special exception for alley setback (E5106.1) is being sought for relief in order to avoid a 2 foot setback on both the southern and western perimeter walls of the proposed residential structure. Due to the existing conditions of the alley, the narrower width of the alley reduces the distance from the centerline of the alley street which is how the alley setback is measured. Due to these existing conditions it extends the setback 2 feet across our lot lines that are adjacent to the alley. (southern and western lot lines) This would create a challenging hardship since the alley lot sits along the corner of the existing alley, and therefore experiences this condition on both the southern and western perimeter of the property. Aside from the potentially lost square footage across 2 stories (approx. 132sf from the western side, & 110sf. from the southern side) this would not contribute to changing the circulation or access around the corner since there are existing barriers and guard posts in place to distinguish the corner and to protect the corner of the lot and anyone who might occupy it.

If this zoning regulation is strictly adhered to, this **would** bring undue hardship to the owners in two ways. The first, as mentioned above, would be the total removal of 242sf. (approx. 13%) that would be removed from enclosed residential square footage, and put to costs required to properly grade and finish the perimeter of the building off of the alley. The cost of construction along the perimeter far exceeds the resulting value. The second is that the owners would have to go against previous recommendations from the HPRB and ANC about the suggested "continuous" connection to the façade of the adjacent building. While the circulation and perimeter of the lot, as well as its safety barriers, will be kept the same the perimeter of the building would be stepped back creating further challenge to the overall design of proposal.

Granting relief to this section of code **would not** be a substantial detriment to the public good. By allowing the 2 foot relief, the proposed residential structure can now sit flush with the adjacent structure on the neighboring property to the north. This further helps to contribute to the continuity and character of the structures along this alley street. There has been no objection to this from DDOT, or FEMS, and the HPRB has previously issued a letter in support.

The granting of this relief **would not** be inconsistent with the general intent and purpose of the Zoning Regulations and Maps. Relief from this setback would provide a more consistent continuity to the alley, which would further strengthen the corner condition of the alley as well as the overall continuity of structures along the alley elevation.

Aside from the relief being sought with this application, it is also important to note that in a previous submission, with a similar proposal, relief for a total of 8 special exceptions and variances was being requested / required. The property owners took the initial feedback that was given and worked hard to change the design and their intention for this proposed residential structure in order to provide a more conforming design. This proposal that is being provided within this application can still appropriately address the historical, architectural, and overall character elements of this existing alley lot. Great effort was made to accommodate these changes in hopes of providing a design that could better occupy this alley and accommodate the reliefs that are being sought.

Based on the proposed scope of work, the proposed residential use that is allowed as a matter of right in an RF-3 zoned district, and the owner's persistence in trying to better accommodate the design, it is our intention and hope that the Office of Planning (OP), the Neighborhood Commission (ANC), and the Historic Preservation Board (HPRB) recommend approval of our request for the special exceptions and area variances listed in this document. We hope that the Board of Zoning Adjustment will approve our request upon receipt of the approvals and reports from the respective associations / agencies.

Sincerely,

A handwritten signature in black ink, reading "Mateusz Dzierzanowski". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mateusz Dzierzanowski