

## Burden of Proof

### Special Exception Application( Case)

**2629 Woodley Place NW**

**To: D.C Board of Zoning Adjustment**

Government of the District of  
Columbia Suite 210 South  
441 4<sup>th</sup> Street, NW  
Washington DC 20001

**From: Terrel White**

Agent/Contractor  
5309 4<sup>th</sup> St, NW  
Washington, DC 20011

**Subject: BZA Application, Cummings Deck  
3125 Worthington St. NW(Square 2357, Lot 0035)**

Stephen & Jennifer Cummings, owners and residents of 3125 Worthington Street hereby apply for a special exception to build deck on the rear of their existing single family house. Due to the unique nature of their lot and house placement; the house does not even meet the minimum rear setbacks noted for a R-1B dwelling. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

*Per Subtitle D 5201.1 of the 2016 Zoning Regulations*

1. *Special exception pursuant to D, 5201.1(a) to construct a rear deck addition that does not meet minimum required side & rear requirements(X, 901.2)*

The basis for satisfying the requirements, in particular for section 5201.1 are as follows:

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

As seen in pictures, the deck does not interfere with the light or air available to either the apartment building or row house adjacent to the property.

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

The deck will not compromise the privacy of use or enjoyment of the neighboring properties; as they have their own structures in line with the deck and are shielded from viewing rear of 3125 by a 7 ft fence and substantial evergreen(year round) tree screening(see photos)

- (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; and*

The deck when viewed from the rear or side, will not intrude upon the character, scale and pattern of houses in the neighborhood. See attached photos of similar decks in neighborhood

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as 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.*

The building elevation details and existing deck photos support the replacement decks compliance with section 11-223.2

In truth, I do not believe the proposed deck will intrude into the side setback of 8 ft. It stops right at 8 ft. It is only the rear yard setback which will be significantly impacted by the deck.

If you require any further clarification or have any questions regarding the application, we are available at any time to discuss them with you. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrel White", written in a cursive style. The signature is positioned above a horizontal line.

**Terrel White/Agent**