

Burden of Proof Statement *(REV 3)*

04/19/18

RE: 1208 T St NW,
Washington, DC 20009

BZA Case Number: 19755

Mr. Dale Denton and Mr. Morgan Washburn, the owners of the property at 1208 T St NW, Washington, DC 20009, are seeking a Special Exception for a roof deck & an Area Variance for a rear deck addition per section 223. The use of the property is currently a youth residential care facility (Use group R-2), and will be changed to a two-unit flat (Use group R-3). The lot is zoned RF-1 and is a fully attached row-house on both sides (east & west).

Mr. Denton and Mr. Morgan are specifically seeking relief from four zoning rules:

1. Subtitle C – 1502.1 (b) & (c) which requires penthouse roof decks to be setback from side & rear walls a distance equal to its height off of the roof structure. Doing so will result in a 10'-7" X 6'-4" +/- non-functioning roof deck. By maintaining the exterior dimensions of the existing lower rear roof, it will provide for a 14' X 14' +/- roof deck and will match the adjacent properties which currently have them.
2. Subtitle E – 5004.3 which requires a setback from the alley 12'-0" from the center line of the alley to which the lot abuts. By doing so, the rear yard would not be usable for a car with an areaway for the lower unit. *(See also item #4 below regarding the depth of the lot.)*
3. Subtitle E – 304.1 which allows for a maximum lot occupancy of 60%. The current lot is 1377.6 square feet, while the minimum allowed for a lot in the RF-1 is 1800 square feet. This is +/- 23.5% less lot area than the minimum size allowed in an RF-1. At the current lot size, the improvements desired will result in a 74.2% lot coverage. If the lot was 1800 square feet, then the improvements noted in the drawings would equal 60%.
4. Subtitle E – 306.1 which requires a 20'-0" rear yard. The current lot is only 80'-0" deep. A majority of lots in the RF-1 zone are 100' deep (which would also assist in the lot coverage per Item #3 above). By extending the deck out 2' additional feet, we are providing for a more functional and usable rear deck, and maintaining the minimum parking space depth for a standard car – 9'-0" X 18'-0".

By seeking relief from items in Subtitle C-1502.1 (b) & (c), Subtitle E -5004.3 & Subtitle-E 306.1 above, we are confirming we meet the requirements of Section C 1504.1 (a-f) as follows:

1504.1 (a) – By following the strict application of the setback rules, the roof deck would result in a non-functioning size of 10'-7" X 6'-4", and would result in much more difficult structural upgrades to place additional beams and posts mid-span on the roof to account for the 1'-7" X 6'-4" deck posts.

1504.1 (b) – The relief we are seeking will result in a better functioning size roof deck of 14' X 14' +/- and follow the existing outline of the rear of the existing structure. Adjacent neighbors also have roof decks which follow the same outline and are of similar size.

1504.1 (c) – The relief we are seeking will result in a visually less intrusive design. The design follows the outline of the rear of the existing structure in a similar way to adjacent neighbors.

1504.1 (d) – Operating difficulties such as meeting DC Construction Code, Title 12 DCMR requirements for roof access do not specifically apply to our relief request from the roof deck setback requirements of 1504.2 (b) & (c).

1504.1 (e) – The housing of the mechanical equipment, stairway, and elevator penthouse do not specifically apply to our relief request from the roof deck setback requirements of 1504.2 (b) & (c).

1504.1 (f) – The light and air of adjacent buildings are not adversely affected by the penthouse addition as proposed. The existing structure at the rear of the property is lower than the main structure, and the roof deck addition does not block air or light of the adjacent neighbors.

By seeking relief from items in Subtitle C-1502.1 (b) & (c), Subtitle E -5004.3 & Subtitle-E 306.1 above, we are confirming we meet the requirements of Section E 5201.3 (a-e) as follows:

5201.3 (a) – The light and air of adjacent buildings are not adversely affected by the penthouse addition or rear deck addition as proposed. The existing structure at the rear of the property is lower than the main structure, and the roof deck addition does not block air or light of the adjacent neighbors. The rear deck addition does not affect the east neighbor as their existing 2 story rear extends the full depth of the property, nor does it affect the neighbor on the west who recently installed a new fence along the property line.

5201.3 (b) – The privacy of use and enjoyment of neighboring properties will not be unduly compromised by the construction of the roof deck or rear deck additions. We have designed a privacy wall to the west for the roof & rear decks, and designed railings of opaque materials to maintain separation and respect neighbors.

5201.3 (c) – The new roof deck & rear deck additions follow in motif existing roof deck & rear deck additions on adjacent neighbors, and does not substantially visually intrude upon the character, scale, and pattern of houses along the subject street / alley frontage.

5201.3 (d) – Plans / Elevations / Sections / Renderings of proposed / Photos of existing conditions have been included with the BZA Application sufficiently representing the relationship of the proposed roof deck & rear deck additions to adjacent buildings.

5201.3 (e) – We are requesting a lot occupancy of 74.2%, and therefore are requesting an area variance for this aspect of the project.

By seeking relief from Subtitle E – 304.1 above, we are confirming we meet the requirements of Section X 1002.1 (a) as follows:

1002.1 (a) – The current lot is 1377.6 square feet, while the minimum allowed in the RF-1 is 1800 square feet, resulting in a 23.5% reduction in the minimum lot size. If the lot was 1800 square feet, then the improvements noted in the drawings would equal 60% instead of the 74% as proposed.

If the house & alter the rear deck addition to be kept at the 70% maximum allowed to be approved by the Board through the Special Exception process per 5201.3(e), the rear deck would be less than 3' deep, and therefore unusable. This is not desired, nor buildable to current building codes.


If we were to maintain the design for a rear deck of 7'-10" deep and meet the zoning requirement for a maximum of 60%, we would have to remove the existing rear section of the house and rebuild it. This would result in a rear section of the house 4' less to provide for a 7'-10" deep deck. The resulting change would alter the character of the rear of the homes along the 1200 block of T St, as well as drive up the construction costs for the project. Both of which are not desired.

In addition, it is felt that the current design and request for an area variance does not result in substantial impairment to the intent, purpose, and integrity of the RF-1 zone plan by the Board granting the request.

The Owners' efforts to improve the property have been shared with their adjacent neighbors at 1210 & 1206 T St NW who have provided their approvals to these efforts and see the modifications to Mr. Denton's and Mr. Washburn's home as an enhancement to all properties. *Please see attached correspondence.* We are also in process of discussing the renovations with the local ANC 1B12 and have an informal approval of the project by Ms. Imania Price of HPRB at time of submission. Final approval will be coordinated in tandem with the ANC review.

If there are any questions or concerns, Mr. Denton and Mr. Washburn are happy to discuss further if necessary.

Respectfully,



Mark Freeman, AIA

