

## Burden of Proof Statement *(REV 4)*

06/11/18

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 & 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 zone is 1800 square feet. This is +/- 23.5% less lot area than the minimum size allowed in the RF-1 zone. At the current lot size, the improvements desired will result in a 70% lot coverage, and is the maximum allowed through the special exception process per 5201.3.e. If the lot was 1800 square feet, then the improvements noted in the drawings would equal 53%.
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 6" 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), 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-304.1 & 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 70%, and therefore are maintaining the lot occupancy request within the special exception approval process.

By seeking relief from items in Subtitle C-1502.1 (b) & (c), Subtitle E -5004.3, Subtitle E-304.1 & Subtitle E-306.1 above, we are confirming we meet the requirements of Section X-901.2 (a-c) as follows:

901.2 (a) – The roof deck and rear deck additions, along with the roll-up door are in harmony with the general purpose and intent of the Zoning Regulations and zoning Maps since the rear deck addition stay within the 70% lot occupancy allowable through Special Exception, because all decks are unenclosed and open to the sky by maintaining sufficient open space on the lot.


901.2 (b) – The roof deck and rear deck additions, along with the roll-up door will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps since the roof & rear deck are similar in size and shape to existing roof & rear decks of adjacent neighbors. We also have support of the rear & roof deck designs from the immediate neighbors. Last, the roll-up door will provide better security to this property and not create a significant shadow on neighboring properties: and

901.2 (c) – The roof deck and rear deck additions, along with the roll-up door will meet such special conditions as may be specified in this title since we have already discussed the current proposal in front of the BZA and the Office of Planning and made the requested alterations to the rear deck design.

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 also have unanimous support for the proposed renovations from the local ANC 1B12 and have an informal approval of the project by Ms. Imania Price of HPRB at time of submission.

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

Respectfully,



Mark Freeman, AIA