



BZA Application

Application # B2110122 BZA Temp1924 / Case 20684	Re: Statement of review standards and Burden of proof
To: Board of Zoning Adjustment	Project location: 428 11th Street SE Washington DC 20003
From: Ileana Schinder, Architect 6316 2 nd Street NW Washington DC 20011 ile@ileanaschinder.com	Date: January 12, 2022

BURDEN OF PROOF

Subtitle E § 5201. 4

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

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (c) The proposed addition or accessory structure, together with the original building, or the proposed new 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 street and alley frontage; and
- (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, new building, or accessory structure to adjacent buildings and views from public ways.

• **Applicant response:**

- (a) Light and air available to the neighboring properties is not unduly affected because the shape, volume and height of the proposed project mirrors those already existing in the adjoining buildings.
- (b) The private of use and enjoyment of neighboring properties will maintain their current quality and quantity of spaces. Openings proposed in the project have limited visual access to the neighboring properties. Moreover, the proposed addition does not interfere with access to natural light or views to and from the site.
- (c) The proposed addition does not visually intrude upon the character, scale and pattern along the alley. The project is not visible from the front street. The visibility from the rear is limited to a dead-end alley from limited points of view approaching the property. The size, volume and materials do not stand out from the existing character of the neighborhood.

901.2 Special Exception Review Standards

REVIEW STANDARDS	PROPOSED CONDITIONS
(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;	The project does not affect the public way nor the aesthetics to the neighborhood. The proposed additions mirror the existing conditions of the neighboring property.
(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and	The proposed addition does not affect the privacy, safety, access to natural light nor it will limit the potential access to solar energy at neighboring properties. The proposed conditions are identical in height, depth and openings to existing neighboring properties.
(c) Will meet such special conditions as may be specified in this title	The proposed conditions continue with the tradition of the neighborhood of extending properties to the rear maintaining the existing setback.

E304. Lot Occupancy

E304.1 the maximum permitted lot occupancy in the RF-1 zone shall be as set forth in the following table

TABLE E § 304.1: MAXIMUM LOT OCCUPANCY

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	The greater of 60% or the lot occupancy as of the date of conversion
An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60%
All other structures	40%

EXISTING LOT OCCUPANCY: 59%, Max allowed 60%
 PROPOSED: 70%.
 DEVIATION: 10%

Based on the compact shape of the lot, it is estimated that the proposed deviation from the maximum allowable lot occupancy does not present a negative impact to the neighboring properties.

E-306 Rear Yard

E-306.1 A Minimum rear yard of 20'-0" shall be provided in the RF-1 zones

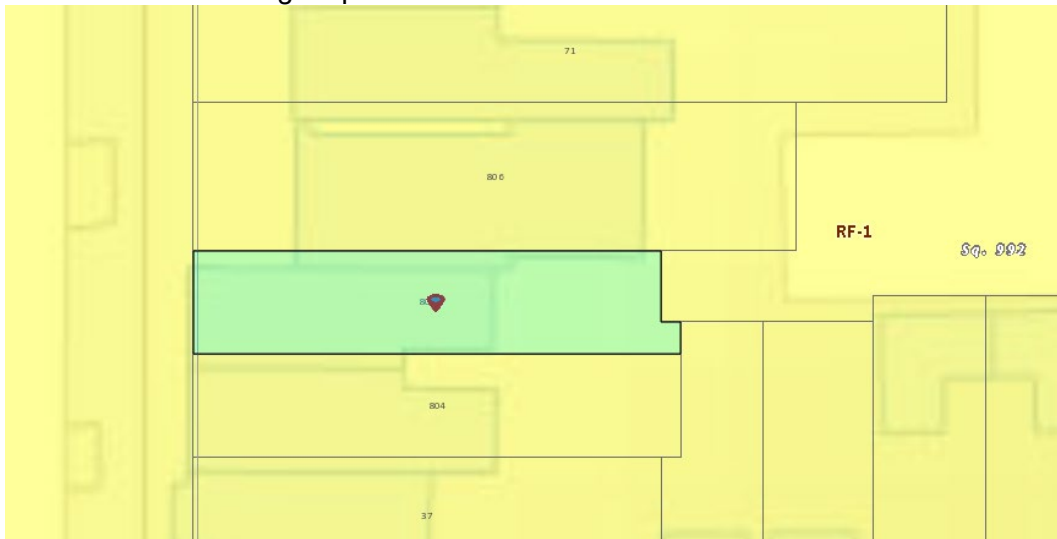
EXISTING REAR YARD: 25'-0"

MAXIMUM ALLOWED 20'-0"

PROPOSED REAR YARD: 17.2'

Based on the existing rear property line. The proposed rear yard is 14'-0" at its shortest point and 17'-0" its deepest point. The rear property line matches the existing building rear plane of north adjoining property (SSL 0992-806). The proposed addition is the minimum feasible based on a 1-bedroom addition.

Source: DCOZ Zoning Map



E-205 Rear Yard

E-205.4 Notwithstanding 205.1 through 205.3 (see 306.1) a rear wall of a row or semi-detached building shall not be constructed to extend farther than 10'-0" beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

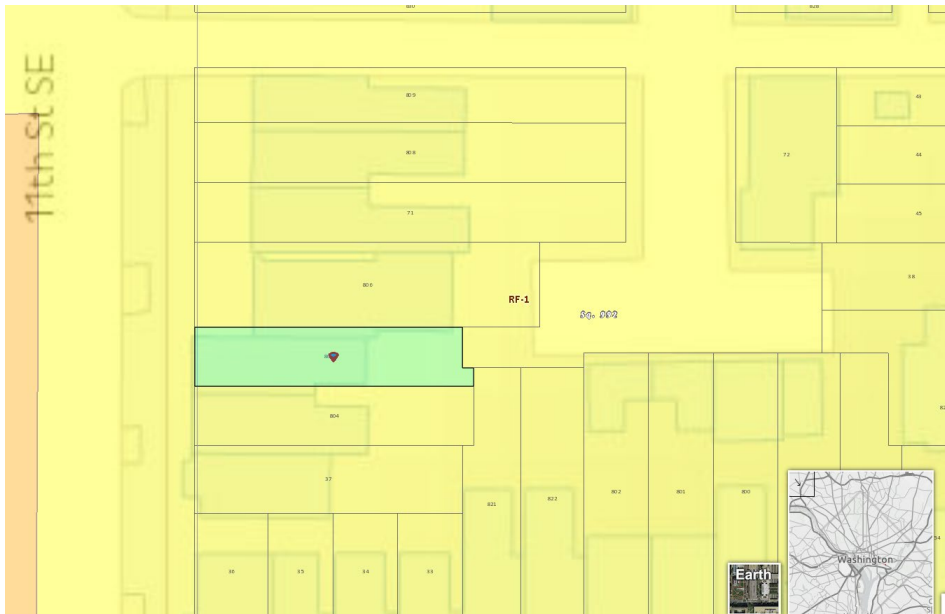
E-205.5 A rear wall of a row or semi-detached building may be constructed to extend farther than 10'-0" beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle U 5201 if applicable

PROPOSED REAR ADDITION 12'-0"

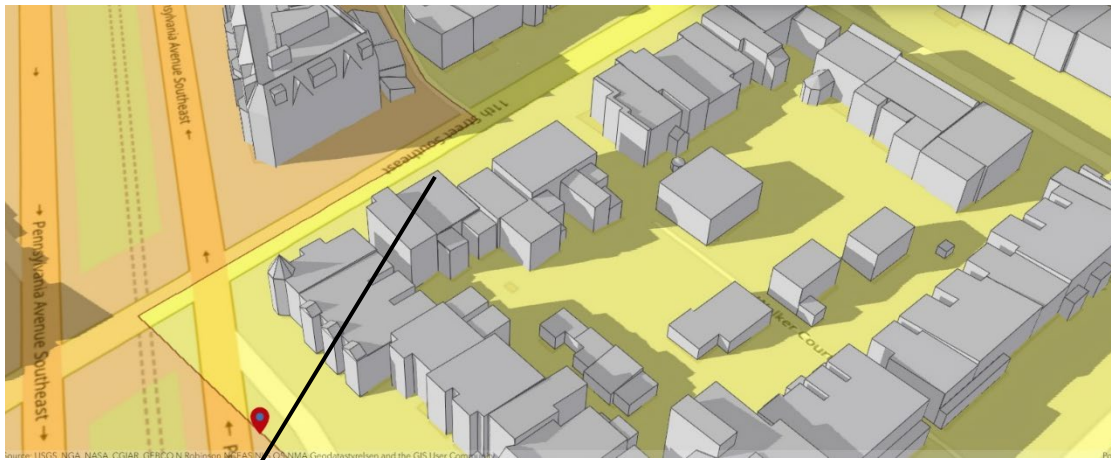
ADJOINING ADDITIONS: 23'-6" NORTH, 0 SOUTH

PARTY WALL LOCATION: NORTH

The 12'-0" proposed rear addition shares the party line with a property to the north. The proposed addition will be 20'-0" less than the existing building to the north (SSL 0992-0806). The proposed 12'-0" addition maintains the open court to the property on the south (SSL 0992-0804).
Source: DC Zoning Map



428 11th Street SE



428 28th Street SE