

June 5th, 2024

Board of Zoning Appeal
441 4th ST, NW
Washington, DC 20001

RE:
Special Exception at
1331 Randolph St NW
Washington, DC 20011

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction and Nature of Relief Sought

This Statement is submitted on behalf of Hesuk Chun (known as the "Applicant"), owner of the property located at 1331 Randolph St NW (Square 2824, Lot 0084) (the "Subject Property"). The Subject Property is an existing two-story with a cellar, single-family row building (the "Building") located in the RF-1 zone.

The Applicant is proposing to construct a third-story addition to the existing Building and a three-story rear addition to the existing Building (the "Project"). The Applicant is proposing to subdivide the existing Building into three units with an eighteen feet and three inches (18 ft. 3 in) addition. Accordingly, the following relief is required:

1. Special Exception Relief from E § 320.2

Subtitle E § 320.2 limits the RF-1 zone to two (2) dwelling units that may be located within the principal structure or one (1) each in the principal and an accessory structure. This Project proposes to provide three units. One (1) unit will be in the cellar, one (1) unit will be on the first floor, and one (1) unit will be on the second and third floors. This Project requests relief to exceed the maximum dwelling units in the RF-1 zone due to its lot size of 3,105 sq. ft.

2. Special Exception Relief from E § 207.4 pursuant to E § 207.5

Subtitle E § 207.4 limits a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

The proposed addition will be two feet and nine inches (2 ft. 9 in.) further than the home to the east, 1329 Randolph ST NW. The proposed addition will align with the first-floor covered deck structure and be eighteen feet and three inches (18 ft. 3 in) further than the second floor to the house to the west, 1333 Randolph ST NW. This Project requests relief to exceed the maximum ten

feet (10 ft.) extension in the RF-1 zone. A deck is provided on levels one and two which extends an additional eight feet (8 ft.) from the rear addition.

II. Background

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located at 1331 Randolph St NW and is in the RF-1 zone district. It is a rectangular-shaped lot measuring 3,105 square feet in land area. Abutting the Subject Property to the north is a public alley. Abutting the Subject Property to the east is 1329 Randolph ST NW, a single-family row building. Abutting the Subject Property to the south is Randolph ST NW. Abutting the Subject Property to the west is 1333 Randolph ST NW single-family row building.

B. Proposed Project

The existing Building is two stories with a cellar level. The Applicant is proposing to construct a third-story addition on top of the existing Building and a three-story rear addition. The Building will contain three units. One (1) unit will be in the cellar, one (1) unit will be on the first floor, and one (1) unit will be on the second and third floors. The rear yard will provide two (2) parking spaces. The Project proposes a lot occupancy of fifty-eight point one percent (58.1%) and conforms to all other zoning regulations.

III The Applicant Meets the Requirements for Special Exception Relief

A. Overview

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under Subtitle D § 1206.2 of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment, 753 A.2d 984, 986 (D.C. 2000).

B. General Special Exception Requirements of Subtitle X § 901.2.

The granting of a special exception in this case "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps" and "will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ..." (11 DCMR Subtitle X § 901.2).

1. Special Exception Relief will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The Zoning Regulations specifically permit the requested special exception relief for additional dwelling units and to extend a building further than ten feet (10 ft.). The Project meets all other development standards of the RF-1 zone. Accordingly, the proposed Project and use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. Relief will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

As described more fully below, the Addition will also not adversely affect the use of neighboring properties as the proposal meets all other development standards of the RF-1 zone and any potential impacts on light, air, and privacy do not rise to the level of undue.

C. The Application Meets the Specific Requirements of E § 5201.

The proposed Addition will provide three dwelling units requesting relief to increase the number of allowed dwelling units from two (E § 320.2) and extend the rear yard addition further than ten ft (10 ft.) than an adjacent building (E § 207.4). There are six properties with three or more units on Randolph ST. NW (1307, 1317, 1322, 1330, 1349, and 1352) and numerous more in the area. Both adjacent neighbors support this project and have provided signed letters of support.

5201.4(a) The light and air available to neighboring properties shall not be unduly affected;

A shadow study is being submitted with this Application. The study shows the difference between a matter of right addition and the proposed rear yard addition. As demonstrated by the shadow study, during the summer solstice, there is a minor increase in shading at 9:00 am on the property to the west and at 3:00 pm on the property to the east. During the winter solstice, there is a minimal increase in shading at 3:00 pm. The additional proposed area only causes a minor increase in shading.

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

The privacy and use of enjoyment shall not be unduly compromised by the Project. The addition contains windows on the north rear façade and the east side façade on the cellar and first levels. These windows are placed three feet and ten half inches (3 ft. 10.5 in.) from the property line in the dogleg. These windows are located within the existing structure. The second and third-floor windows are in the north rear façade facing the Project's property.

Therefore, the privacy between a matter-of-right Addition and the proposed Addition does not rise to the level of undue.

(c) The proposed addition or accessory structure, together with the original building, or the new principal 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 or alley frontage; and

The area is predominately characterized by two-story dwellings with numerous detached one-story accessory structures. The rear yard addition will use similar design elements as other

properties in the area. Accordingly, the proposed Project, together with the original Building, as viewed from alleys, and other public rights of way, shall not substantially visually intrude upon the character, scale, and pattern of buildings along Randolph Street NW and the public alley.

(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 Applicant has included materials sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

The Applicant will comply with any special treatment.

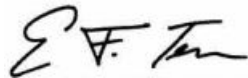
5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The Applicant is not proposing to introduce the expansion of a nonconforming use, lot occupancy beyond what is permitted in this section, height, or number of stories, as a special exception.

IV Conclusion

For the reasons stated above, this Application meets the requirements for a special exception relief by the Board and the Applicant respectfully requests that the Board grant the requested relief.

Sincerely,



Agent

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