

Application of
Alexander-Benons, LLC

BZA Application No:
BZATmp4267

Owner: LeRoy Alexander-Benons
Address: 1206 STAPLES ST NE, Washington DC, 20002
Square, Suffix, Lot: Square 4067, Lot 0058
Zoning District: RF-1
DCRA Permit #: B2402277

To:

D.C. Board of Zoning Adjustment
441 4th Street, N.W. Suite 200S
Washington, D.C. 20001

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REVISION HISTORY

Revision	Date	Description	Author
1.0	10/10/2024	Document Created.	LeRoy Alexander Benons (Owner)
2.0	2/11/2025	<p>Additional information was provided on the following relief items per comments from the Office of Planning:</p> <ul style="list-style-type: none">● 1504 SETBACKS related to 1506● 1506 RELIEF FROM PENTHOUSE OR ROOFTOP STRUCTURE REQUIREMENTS● 204 ROOFTOP OR UPPER FLOOR ELEMENTS <p>Information was also added to provide details about the building's facade and to note the removal of a parking pad that was included in a previous version of the application.</p> <p>All changes have been highlighted in yellow.</p>	Jaranne Alexander-Benons (Owner) LeRoy Alexander Benons (Owner) Ken Brookings (Architect)
3.0	4/14/2024	<p>We revised our plans based on feedback from our March 19th BZA hearing, and as shown in Exhibits 42A through 42D, by removing the rooftop stairwell access and replacing it with a hatch, and further setting back the rooftop deck and associated railings from the front façade of the building.</p> <p>These changes remove special exception relief from the following sections:</p> <ul style="list-style-type: none">● Penthouse Uses Requirements of Subtitle C § 1501.1(b)● Penthouse Setback Requirements of Subtitle C § 1504.1(b) <p>This Burden of Proof document has been updated to reflect the reduced scope of exceptions.</p>	Jaranne Alexander-Benons

BURDEN OF PROOF STATEMENT

I. Nature of Application

This is an application by Alexander-Benons, LLC (“Applicant”) for special exception relief from the requirements of the Zoning Regulations to permit the construction of a three-story residential development at 1206 Staples ST NE (Square 4067, Lot 0058) (the “Property”) from a Single-family house to a Two-family house within the permitted RF-1 Zone Districts. The application requests special exception relief pursuant to:

- Subtitle E § 204.4, Subtitle E § 5201 and Subtitle X § 901:
 - E § 204.1 Rooftop and Upper Floor Elements (Architectural features original to the building may not be altered; Alterations of the front façade proposed)
 - E § 207.1 Rear Yard (20 ft. required, 36.83 ft. existing; 17.83 ft. proposed)
 - E § 207.5 Rear Extension (10 ft. maximum, 0 ft. existing; 11.5 ft. proposed)
 - E § 210.1 Lot Occupancy (60% maximum, 42.87% existing; 65.67% proposed)

The project will conform to the Zoning Regulations in all other ways.

II. Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X, §901.2 to §204.1 of the Zoning Regulations.

III. Information Regarding the Property and Project

A. Description of the Project

The Applicant proposes creating a three-story, two-family dwelling, including a rooftop element. The first unit is a two-bedroom unit, consisting of the first floor and a below-grade basement. The second unit comprises a three-bedroom unit, consisting of the second and third floors with a rooftop walkout (the “Project”). The building will total 33.51 feet in height, with rear access allowing for alleyway access shared between Orren St NE and Staples St NE. The materials proposed for the Project will be a combination of brick, wood, and fiber-cement panels, appropriately transitioning the residential neighborhoods behind the Property to match the architectural style of the road. The Project includes 2950 total square feet of livable space on the Property and 1475 square feet per unit.

B. Description of the Surrounding Area

The Property is surrounded by a mix of property uses, including low-density residential and Moderate-Density Commercial/residential uses, as designated in the west portion (H

Street), with excellent access to amenities and public transportation. Along Staples Street are mainly Single, Two, and Multi-unit dwellings. To the north of the Property is a multifamily property with residential uses. To the immediate east of the Property are a few two-family dwellings with redeveloped rear setbacks, third floors, rooftop additions, and front porches. Southwest of the Property are also a few mixed-use buildings with 49-unit apartments.

IV. Description of Relief Requested

The applicant meets the Burden of special exception relief; therefore, the Applicant requests a special exception pursuant to:

- 1) E-210.1/ E § 5201.1 (a)/ X § 901.2 - Proposed project is greater than 60% maximum lot occupancy allowed for the RF-1 Zone.**

The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 210.1/ E § 5201.1 as a special exception pursuant to Subtitle X, Chapter 9.

Response: The Project increases the Property's lot occupancy from 42.87% to 65.67%. The building design aligns with the current two-family dwellings on the Staples ST NE block.

- 2) E § 207.1/ E § 5201.1 (b)/X § 901.2 - Proposed rear setback is less than the 20'-0" required setback for the RF-1 Zone.**

The Board of Zoning Adjustment may grant relief from Subtitle E § 207.1 requirements as a special exception pursuant to Subtitle X, Chapter 9.

Response: The building design aligns with current single-family dwellings in proximity to the dwelling. The building's rear line will match the adjacent 1208 and 1204 residents. The rear yard is currently the largest on the block, with the longest setback from the rear property line. Due to the size of the setback, the parking pad proposed in a previous iteration of the design and this response has since been removed.

- 3) E § 207.4/ E § 207.5/ X § 901.2 - Proposed rear addition is greater than the 10'-0" maximum beyond adjacent structures in the RF-1 Zone.**

Per Subtitle X, Section 901.2 the Board of Zoning Adjustment is authorized to grant special exceptions, provided that the special exceptions:

a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; Under Subtitle X, §901.2, to obtain special exception relief, the applicant must show that the requested relief will be in harmony with the intent and purpose of the Zoning Regulation and will not adversely affect neighboring properties.

Response: The proposed construction of an addition to a single-family building is consistent with the purpose and intent of residential flat zones, as we will not be exceeding two units. The rear extension will align with the adjacent neighbor's rear building structure property.

b) Will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and the requested relief from the listed requirements will not adversely affect the use of the neighboring properties.

Response: The extension shall have no adverse effect upon the present character and future development of the neighborhood. As mentioned, an adjacent neighbor has a similarly sized rear extension. We will be building to match.

c) Subject in specific cases to the special conditions specified in this title.

Response: This does not apply to this application.

**4) E § 204.1/ E § 204.4/E § 204.3(d) X § 901.2 - ROOFTOP OR UPPER FLOOR ELEMENTS
Proposed third-floor addition, and Front porch roof deck do not comply with the rooftop architectural elements requirements in the RF-1 Zone**

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” President & Dirs. of Georgetown College v. D.C. Bd. of Zoning Adjustment, 4 LEGAL\67903977\1 837 A.2d 58, 68 (D.C. 2003); see also Stewart v. District of Columbia Bd. of Zoning Adjustment, 305 A.2d 516, 518 (D.C. 1973)). The Board must ordinarily grant the application if the applicant meets its burden. Id.

Response: To name a few, 1209, 1201, 1202, 1119, and 1118 also have front porch walk-outs, rooftop elements, and additional third-floor additions. See the signed letter from adjacent neighbors and in the Color Photograph section “**1206 Staples Street DCRA Permit Walkout Variance document**” and other documents.

Pursuant to 11 DCMR Subtitle X, Chapter 9, the applicant is seeking a special exception from the third rooftop or upper floor addition requirements E § 204.1. The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 204.1 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

(a)The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

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

Response: The adjacent property to the south has a full fence along that edge and a garage door. The proposed addition would have minimal impact on light and air. Additionally, the adjacent property faces Southeast and will continue to benefit from the light on that exposure. The proposed rear addition also aligns with the neighbor's rear addition improvements, providing additional privacy to the neighboring yard.

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

Response: The privacy of use and enjoyment of neighboring properties is essentially unchanged with the proposed addition.

(3) The proposed construction, 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;

Response: 1209 and 1206 Staples are of similar mass and composition. Therefore, the proposed addition is generally harmonious, both in scale and architectural character, and is similar to projects at neighboring properties. 1209, 1201, and 1202 have rooftop elements, a front porch walkout, and additional third-floor additions. In the Exhibit titled 'A101 - RENDERINGS FOR ZONING APPROVAL', we have provided a 3D rendering of the front and rear facade of the home. It also includes a digital overlay of the extension to represent the visual impact of the top extension, which aligns with the look of similar properties in the area. In Exhibit 6A, we also provide a proposed site plan with an image showing the alignment of the rear extension with neighboring properties. To ensure alignment with the neighborhood, we plan to match the textures and paint colors of the original design, where possible. We will continue the front facade's stucco up the extension, sticking to the original yellow of the building or a similar soft, neutral paint color. In the back facade, we will have hearty siding that is similar to the current design. The deck materials will be wood in the back of the house, with wooden railings, while in the front, we will use Trex tiling and metal railings to provide a sleek, low-profile look on the balcony walkout and rooftop decks. The roofline and dormers will remain unchanged, and we will integrate the third-floor extension into the current roof architecture. All windows will match.

(4) E § 204.3(d) Any new building, or alteration or addition to an existing building, including a penthouse or rooftop structure (the "proposed construction") at the time of application, shall not significantly interfere with the operation of a solar energy system on an abutting property, unless agreed to by the owner of the solar energy system, subject to the following:

Response: Our neighbor with the impacted solar system, Angela Nicholas, has signed the Notification template. Exhibit 11- 1208 Staples Notification and Signature. Additionally, we

negotiated with Angela to compensate her for the loss of solar production (estimated \$1,042.50 annually), resulting from our third-floor extension. An executed contract is included in Exhibit 30. Also, as seen in Exhibit 23, our proposed structure does not significantly affect the use or enjoyment of the abutting property. Excluding the impact to our neighbor, Angela, the placement of the porch roof does not excessively affect the light and air or the privacy of the use and enjoyment of adjacent properties, and the placement of the porch does not significantly affect the character and aesthetic of the houses along the street.

V. Applicant meets the Burden of Special Exception Relief

The Project is consistent with the general intent of the RF zones as residential areas with “limited conversions of dwellings or other buildings into more than two (2) principal dwelling units.” The proposed two dwelling units provide for increased housing stock in the H Street corridor, with excellent access to amenities and public transportation. The Project proposes a modest increase of two dwelling units compared to existing conditions.

Concerning the proposed alteration of rooftop architectural elements, the Project will renovate and reinvigorate the Existing Building and its architectural features while maintaining the general rhythm and form of row homes on Staples Street. The third-floor addition will be set back from the existing mansard and dormer, which will remain in place. The front porch will also remain, but the Applicant proposes to add a balcony with railings on top of the porch. Several nearby homes have rooftop features similar to those of the existing building. Several other homes on Staples Street also have third-story additions and front porch balconies. Therefore, the Project will not disrupt the neighborhood's consistent architectural style.

VI. Conclusion

The Applicant is entitled to the special exception relief requested in this case for all of the above reasons.

Respectfully submitted,
LeRoy Alexander-Benons

Owner Signature:



LeRoy Alexander-Benons