

# Burden of Proof Statement – 1151 Abbey Place NE

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## I. Introduction

This statement is submitted in support of a request for zoning relief to legalize an existing rear deck structure at 1151 Abbey Place NE, Washington, DC 20002. The subject property is located in the RF-1 zone and is improved with a two-story row dwelling. The existing deck, already constructed and in use, results in a total lot occupancy of approximately 90%, which exceeds the 60% lot occupancy permitted as a matter of right and the 70% limit permitted by special exception. Additionally, the deck extends to the rear property line, resulting in a rear yard depth of zero feet, whereas a minimum of 20 feet is required.

Accordingly, the Applicant requests:

- An area variance from Subtitle E § 210.1 (lot occupancy), pursuant to Subtitle X § 1002.1 and
- A special exception from Subtitle E § 207.1 (rear yard), pursuant to Subtitle E § 5201.1 (b) and Subtitle X § 901.1.

## II. Exceptional Condition and Practical Difficulty

The subject property is exceptionally small, with a total lot area of just 1,038 square feet—far below the typical RF-1 lot size. The existing dwelling occupies 63% of the lot occupancy, leaving minimal space for by-right additions. Any reasonable effort to provide functional outdoor access from the main living level requires relief from zoning constraints.

Compounding this challenge, the ground level at the rear of the property is not viable for outdoor use. The required off-street parking space—essential due to limited on-street parking—and the placement of stairs consume the entire rear yard. As a result, the Applicant cannot utilize the rear yard in the same way that a typical RF-1 homeowner might.

The only feasible solution is to elevate outdoor space above these obstructions. The deck is not an excessive or optional structure; rather, it is the only practical means of providing safe, usable, and accessible outdoor living space. It is a modest, context-sensitive response to the unique physical constraints of the lot and does not represent overdevelopment. Instead, it enables a reasonable level of outdoor functionality expected in residential use.

## III. No Adverse Impact and Zoning Consistency

The deck is modest in scale, open in design, and built to align with the existing rear façade. It does not enclose habitable space and has no adverse impact on the privacy, light, or air available to neighboring properties. Rear fencing and the alley-facing orientation further mitigate any visibility or privacy concerns.

Importantly, the deck is consistent with the established pattern of rear decks along the alley. Its design is in keeping with the character and scale of the surrounding properties.

The proposal is consistent with the intent of the RF-1 zone to support low- to moderate-density residential uses and preserve neighborhood character.

#### **IV. Rear Yard Relief Justification (Subtitle E § 207.1)**

The existing deck extends to the rear property line, resulting in a rear yard depth of zero feet. Relief is requested from the 20-foot minimum rear yard requirement. Pursuant to Subtitle E § 5201.1 (b) and Subtitle X § 901.1, the BZA may grant a special exception where the addition:

- Will not unduly affect the light and air available to neighboring properties,
- Will not unduly compromise the privacy of use and enjoyment of neighboring properties,
- Will not substantially visually intrude upon the character, scale, or pattern of houses along the alley or street frontage.

The deck meets all of these criteria. It is low-profile, open, and similar to other rear structures on the block. It has not caused any known adverse impacts. The deck has now existed for approximately 10 months without generating any complaints or objections from neighboring property owners. This real-world evidence strongly suggests that the structure does not unduly impact the light, air, or privacy of adjacent homes. Instead, it affirms that the deck is a modest and compatible improvement that aligns with the existing character of the alley-facing residences.

#### **V. Comparable BZA Cases Supporting Relief**

BZA case supports approval of similar relief in the RF-1 zone and ANC 6 Ward:

- BZA Case No. 20928 – 616 7th Street NE (Ward 6): Relief granted for 96.4% lot occupancy and zero rear yard on an approximately 624 sq ft lot.

This case demonstrates that the BZA has consistently granted similar relief under comparable circumstances.

#### **VI. Conclusion**

For the reasons outlined above, the Applicant respectfully requests that the Board of Zoning Adjustment approve:

- An area variance from Subtitle E § 210.1 (lot occupancy), and
- A special exception from Subtitle E § 207.1 (rear yard).

The requested relief is consistent with the goals of the Zoning Regulations, does not harm the public good, and represents a reasonable and appropriate use of a uniquely constrained lot.

#### **VII. Photo Documentation**

The following images show the existing rear deck structure at 1151 Abbey Place NE. These photographs demonstrate the deck's compatibility with surrounding alley-facing structures, its minimal impact on air and light access, and its overall alignment with the neighborhood character.



Figure 1: Rear view of the existing deck at 1151 Abbey Pl NE, including spiral stair and parking area.





Figure 2: Context view of the deck from the alley, showing compatibility with surrounding properties.



Figure 3: Rear view demonstrating similar deck structures on surrounding properties.