



DC Home Improvement  
Contractor Lic #420215000094

MHIC  
License #132356

VA Home Improvement  
Contractor Lic #2705132717

MD Master Plumber  
Lic #83998

VA Master Plumber  
Lic #2705132717

MD Master Electrician  
Lic #4606

VA Master Electrician  
Lic #2705132717

## Burden of Proof

Date: 4/25/2025

Project Address: 2413 I St NW, Washington, DC 20037

### Project Scope

On behalf of our client, Milu Properties, LLC, herein referred to as the Applicant, we are proposing a 9.7' x 11.9' two-story rear addition at 2413 I St. NW, Washington, DC 20037, herein referred to as the Project. The existing structure is currently a two-story, single-family home with two bedrooms and an unfinished basement in zone R-3/FB. The new two-story rear addition would include a larger living room space on the main level and the relocation of existing interior walls to accommodate a third bedroom on the upper level. The basement square footage would remain untouched.

### Intent to Occupy Dwelling

The Applicant purchased the residence at 2413 I St. NW, Washington, DC 20037 in November of 2024. The Applicant intends to occupy the dwelling when renovations have been completed. Pursuant to the definitions stated in Subtitle B § 100.1, the Project filing fee would be categorized as an owner-occupied dwelling and subject to only the \$325 fee, "regardless of the number of variances, special exceptions, or alternatives requested" per Subtitle Y § 1600.1.

### Relief Being Sought: Special Exception

The Applicant requests special exception relief pursuant to Subtitle D § 207.1 from the requirements for a minimum required rear yard for a lot and Subtitle D § 211.1 from the requirements for the minimum percentage of pervious surface for a lot.

The rear façade is currently 25.9' from the rear lot line. The Project proposes a rear façade at 16.2' from the rear lot line, the same distance as the neighboring building's rear façade to the rear lot line.

The existing pervious surface is 106 SF. The Project design would put the pervious surface at 97 SF.

Pursuant to Subtitle X § 901.2, the Project would meet the general special exception requirements.

- a. Subtitle X § 901.2(a) - The Project would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The building is located in the R-3/FB zone and the Project is designed to keep this structure as a single-family home and to keep the size of the structure the same as those on the block.
- b. Subtitle X § 901.2(b) - The Project would not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. Since most building's rear facades on this block project further than the existing rear façade at 2413 I St NW and the Project includes the construction of a rear yard fence for privacy, the Project would not have negative impacts on the use of neighboring properties.
- c. Subtitle X § 901.2(C) - The Project would meet such special conditions as may be specified in this title. The Project satisfies the special conditions listed under Subtitle D § 5201.4.
  - i. Subtitle D § 5201.4(a) - The Project would not affect the light and air available to neighboring properties. We have completed a sun study of the Project and have determined that there would be little to no change in the light and air available to the neighboring properties.
  - ii. Subtitle D § 5201.4(b) - The Project would not unduly compromise the privacy of use and enjoyment of neighboring properties. There is currently a fence around the existing rear yard and the Project design includes the construction of a new fence around the completed rear yard.
  - iii. Subtitle D § 5201.4(c) - The Project would not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage. The Project would align the property's rear façade with the neighboring rear façades. The majority of rear building facades on the block already project further back than the existing building at 2413 I St NW. Creating a rear addition would further the uniformity of the block. The project design includes using brick similar to the original brick of the

structure for the exterior of the rear addition so as not to visually intrude upon the character of the home. The Project would not impact the front façade.

- iv. Subtitle D § 5201.4(d) - As part of this statement, to demonstrate compliance with the above paragraphs, we are providing plans, elevations, photographs, etc. as graphical representation of the Project to sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways.

#### **Relief Being Sought: Area Variance**

The Applicant requests area variance relief pursuant to Subtitle D § 210.1 from the requirements of a maximum permitted lot occupancy of 60% for R-3 zones. The Project design would not be considered a special exception under Subtitle D § 5201.1 due to the proposed lot occupancy being 73.5%.

Pursuant to Subtitle X § 1002.1, the following apply:

- a. The strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of the property - In accordance with Subtitle X § 1000.1, due to the narrowness, shallowness, and small area of the existing lot, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to the Applicant. With an existing lot area of 813 SF, the Applicant is already at a disadvantage when compared to the current DC Ordinance Subtitle D § 202.1 stating that R-3 zone lots cannot be less than 2,000 SF and the lot occupancy cannot be more than 60%. This means that a typical R-3 lot could have a lot occupancy of up to 1200 SF without applying for special exception. While the Project design lot occupancy is 73.5%, the square footage would only be 598 SF, half the square footage of what a conforming lot in the R-3 zone could have.
- b. The strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property - Though most of the residential buildings on the block have similarly sized non-conforming lots, the majority of the lots have larger structures with rear facades nearly 10' further back than the Applicant's home. The Project proposes only bringing the rear façade to be in line with the existing neighboring façade, creating further uniformity in the block's buildings. Without the expansion of the rear façade, a growing family is at a disadvantage to their neighbors and is caused undue hardship.

**Conclusion**

In this document the Applicant has demonstrated that the existing lot's exceptional conditions puts the Applicant at a disadvantage and that the requested relief would not adversely affect the public good. Based on the presented information and reasons in this documentation, the application meets the requirements needed for approval and we ask that the Board grant the relief to the Special Exceptions and Variance as requested.



Alyssa Gorman  
[alyssa@moorecg.com](mailto:alyssa@moorecg.com)  
703-960-0253  
Moore Construction Group