

BURDEN OF PROOF STATEMENT

Case Number: 21412

Application to the Board of Zoning Adjustment

Application of: Taleesha Scott Richardson

Address: 3708 24th Street NE Washington, DC 20018 Square: 4242 Lot: 0044

Zone: R-1-B (ANC 5B07)

Relief Requested: Special Exception pursuant to Subtitle D § 5201 and Subtitle X § 901.2, from the requirements of Subtitle D §§ 208.7 (side yard), 210.1 (lot occupancy), and 211.1 (pervious surface).

I. Jurisdiction and Applicable Standards.

Pursuant to Subtitle X § 901.2, the BZA may grant a special exception where the relief is (a) in harmony with the general purpose and intent of the Zoning Regulations and Map, (b) will not tend to affect adversely the use of neighboring property, and (c) meets any specific conditions of the zone.

For one-family dwellings in R zones, Subtitle D § 5201 authorizes special exception relief from side yard, lot occupancy, and pervious surface, subject to findings on light, air, privacy, and character.

Pursuant to Subtitle X § 901.2 and Subtitle D § 5201 of the District of Columbia Zoning Regulations, the Applicant seeks special exception relief from the following provisions to allow the reconstruction and expansion of a detached single-family dwelling with a basement Accessory Dwelling Unit (ADU):

Regulation Relief Requested	Description
D § 210.1 Lot Occupancy	To increase lot occupancy from 33% to 50%
D § 208.7 Side Yard	To allow side yards of 0'-3" (left/south) and maintain the existing 4'-6" (right/north) on an existing non-conforming 25-ft-wide lot

D § 211.1 Pervious Surface

To reduce pervious surface from 61% to 39%

Regulation Relief Requested Description

II. Property Description and Proposed Work

The property is located in the R-1-B Zone and consists of a 25-foot-wide nonconforming lot improved with a detached single-family home and detached rear garage. This narrow lot poses design and spatial challenges that have been further compounded by the loss of the home in a devastating fire that originated in the neighboring property. The fire left the structure uninhabitable and displaced our family, but it also strengthened our resolve to return and rebuild our forever home within the neighborhood that has supported us through this trauma.

The proposal seeks to reconstruct the dwelling, adding a third story and a three-story rear addition to create a residence that responds to the evolution of the surrounding neighborhood. While the home will not mirror the older one destroyed by the fire, its design thoughtfully reflects the style and material character of newer, redesigned homes nearby, including those such as 2214 Otis Street NE (R-1-B). The proposed height will be balanced within the block: the neighbor to the right/North 3710 24th Street NE extends as far to the rear as our proposed addition, and a home directly across the street 3705 24th Street NE (R-1-B) has recently increased its roof height, which will help visually integrate our three-story profile within the broader streetscape. Our design strives to respect the rhythm of the neighborhood by maintaining setbacks, massing transitions, and materials that complement existing and new architecture alike.

Within the reconstructed structure, we propose a basement Accessory Dwelling Unit (ADU) that will provide attainable housing, aligning with the District's housing goals and our own commitment to community inclusivity.

The 25-foot-wide nonconforming lot presents unique hardships in achieving a functional floor plan suitable for a growing family. Our objective is to design a home that can grow with us and accommodate multi-generational living, recognizing the importance of a "village" for raising young children. Both applicants are professional musicians, educators and co-owners of a local music school—one a concert pianist, recording artist, music producer, and piano instructor, the other an opera singer, voice teacher, and public-school educator. The design incorporates acoustically appropriate virtual teaching and personal rehearsal spaces within a compact footprint. Should the

applicants decide to offer in-person private lesson instruction oppose to only virtual, they are aware of the home occupancy permit regulations and have considered them in the design of the home. They'll be required to handle the noise pursuant to the zoning regulations for home occupancy permits..

The proposal also includes relocating the detached garage (proposed home office) to the opposite side of the lot. This adjustment will increase light and air to our adjoining neighbor, improve site circulation, and create a new parking pad beside the garage (proposed home office). These changes balance functionality with respect for neighboring properties and contribute to the overall harmony of the streetscape.

For our family, this project represents more than rebuilding walls—it is the restoration of a home, a return to community, and a promise of stability for future generations.

III. Compliance with the Special Exception Standards (D § 5201)

A. No Undue Impact on Light and Air – D § 5201.3(a)

The proposed addition and third-story expansion have been designed to minimize impact on adjacent properties. The addition's depth aligns with the neighboring property to the right (north), ensuring equitable access to light and air. A shadow study has been completed and submitted, and while there is some additional impact from the requested relief, it is minimal and not undue.

The third floor is intentionally set back from the rear wall of the second story, creating an open terrace that prevents additional shadowing and maintains direct light and air for the adjacent property to the right (north). This design choice ensures that the neighboring dwelling continues to receive ample sunlight to its rear façade and yard.

The proposed height, while introducing a third story, remains visually balanced within the surrounding context. The home across the street features an increased roof height that helps establish a consistent rhythm of vertical massing along the block, mitigating the visual perception of height from public ways.

The relocation of the garage to the opposite side of the lot further improves light and air for the immediate neighbor. The resulting form remains consistent with other three-story homes within the neighborhood context.

B. No Undue Impact on Privacy – D § 5201.3(b)

All new windows and doors are oriented to preserve privacy between adjacent

dwelling. Windows facing the north do not align with any windows on that neighbor's building. The rear façade, while expanded, will maintain typical residential glazing patterns and landscaping buffers to mitigate potential sight-line impacts.

C. No Substantial Visual Intrusion from Public Ways – D § 5201.3(c)

From the public street, the proposed home will read as a natural continuation of evolving design trends within the neighborhood. While the structure introduces a height compliant third story, the massing and articulation are balanced by existing three-story forms in the neighborhood and by the varied rooflines visible along the block. The proposed materials and proportions reinforce compatibility with the mixed character of traditional and newer homes.

D. Complete Plans – D § 5201.3(d)

Complete architectural drawings, site plans, and elevations have been submitted with this application, demonstrating the project's relationship to adjacent properties and compliance with zoning requirements except for the requested relief.

IV. Compliance with the General Special Exception Standards (X § 901.2)

A. Harmony with the Purpose and Intent of the Zoning Regulations

The project remains in harmony with the intent of the R-1-B Zone by continuing the property's use as a single-family dwelling and maintaining detached form and appropriate open space. The addition and garage relocation are modest in scale relative to lot area and serve to enhance the property's livability without disrupting neighborhood character.

B. No Adverse Effect on the Use of Neighboring Property

The design has been carefully crafted to avoid adverse impacts on neighboring light, air, and privacy. The third-floor setback and terrace have been intentionally incorporated to reduce the project's rear massing and maintain equitable access to light and air for neighboring residents. By terminating the upper floor earlier than the lower addition, the design limits shadowing and preserves open sky exposure for adjoining rear yards.

The new garage location (proposed Home Office) specifically improves these conditions. The relocation of the detached garage to the opposite side of the lot further reduces potential light and air conflicts with the most proximate neighboring structure.

The project continues to respect privacy through window placement and typical residential glazing patterns. Combined with the setbacks, terrace, and open yard area, the proposal ensures no adverse effect on the use or enjoyment of neighboring property.

The proposed ADU introduces a modest increase in density consistent with the District's goals for diverse housing opportunities and will not burden infrastructure or on-street parking.

V. Compliance with Accessory Apartment Requirements – Subtitle U § 253.7(a-d)

Pursuant to Subtitle U § 253.7, the Applicant provides the following evidence of compliance with the requirements applicable to an accessory apartment located within the principal dwelling:

(a) Minimum Gross Floor Area.

The principal dwelling will contain more than 2,000 square feet of gross floor area exclusive of garage space, satisfying the minimum size requirement of Subtitle U § 253.7(a) for properties located in the R-1-B zone. The proposed principal building is 3,958 SF

(b) Maximum Size of Accessory Apartment.

The proposed accessory apartment is 551 GSF which is 16% of the total building GSF of 3,958. As such it will occupy less than thirty-five percent (35%) of the gross floor area of the principal dwelling, consistent with Subtitle U § 253.7(b). The accessory apartment is 465 net square feet and will remain subordinate in size, scale, and function to the primary residence.

(c) Entrance Location.

No new entrance facing a street will be created to serve the accessory apartment. The entrance to the accessory apartment is located on a side elevation that does not face a street, in conformance with Subtitle U § 253.7(c).

(d) Zone-Based Exception.

The exception in Subtitle U § 253.7(d) applies only to Zones R-3, R-13, R-17, and R-20. Because the subject property is located in the R-1-B zone, this provision does not apply, and the project complies fully with Subtitle U § 253.7(c) without reliance on that exception.

Accordingly, the proposed accessory apartment satisfies all applicable requirements of Subtitle U § 253.7(a-d) for accessory apartments located within the principal dwelling in the R-1-B zone.

VI. Conclusion

The requested relief will allow the Applicant to rebuild a home lost to fire, to remain in the neighborhood that defines their family's life, and to create a residence that supports multi-generational living, artistic and educational work. The project satisfies all criteria under Subtitle D § 5201 and Subtitle X § 901.2, and the Applicant respectfully requests that the Board of Zoning Adjustment approve this application.