

July 8<sup>th</sup>, 2026

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

RE:  
Special Exception at  
443 17<sup>th</sup> St SE  
Washington, DC 20003

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

**I. Introduction and Nature of Relief Sought**

This Statement is submitted on behalf of Adam Finkel and Megan Crowe (known as the “Applicant”), owners of the property located at 443 17<sup>th</sup> ST SE (Square 1090, Lot 0042) (the “Subject Property”). The Subject Property is an existing two-story single-family row building (the “Building”) with a cellar and is located in the RF-1 zone.

The Applicant is proposing to construct a third story addition on top of the existing Building and a three-story rear addition (the “Addition” or “Project”). The Addition will extend the existing Building sixteen feet and zero inches (16 ft. 0 in.) beyond the rear wall of the building to the south. Additionally, the existing cornice on the front façade of the house will be removed. Accordingly, the following reliefs are required:

1. Special Exception Relief from E § 207.4

Subtitle E § 207.4 limits an addition to ten feet (10 ft.) past the furthest rear wall of any adjoining building. The Addition will extend the rear of the building sixteen feet and zero inches (16 ft. 0 in.) beyond the furthest rear wall of the adjoining building to the north.

2. Special Exception Relief from E § 204.1 Architectural Elements

The removal of the roof and dormer shall not impact the light and air available to neighboring properties. The privacy and use of enjoyment of neighboring properties shall not be compromised by the proposed addition as it does not have any windows facing the adjacent property. Therefore, the removal of the roof and dormer, and the third-floor addition would not visually intrude upon the character, scale, and pattern along 17<sup>th</sup> Ave. SE.

**II. Background**

**A. Description of the Subject Property and Surrounding Area.**

The Subject Property is located at 443 17<sup>th</sup> ST SE and is in the RF-1 zone district. It is a lot measuring 2,161 square feet in land area. Abutting the Subject Property to the North is 441 17<sup>th</sup> ST

SE, a two-story residential row house. Abutting the Subject Property to the East is 17<sup>th</sup> ST SE. Abutting the Subject Property to the South is 445 17<sup>th</sup> ST SE, a two-story residential row house. Abutting the Subject Property to the West is a public alley

#### **B. Proposed Project**

The existing Building is a one unit, two story rowhome with a cellar level and a detached garage in the rear yard. The Applicant is proposing to construct a third story Addition on top of the existing two-story portion of the Building and a three-story rear Addition. The Addition will extend from the front façade of the house, and past the existing rear of the building length by sixteen feet and zero inches (16 ft. 0 in.) further than the adjacent property to the south. The Project proposes a lot occupancy of fifty percent (50.0%).

### **III The Applicant Meets the Requirements for Special Exception Relief**

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#### **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.

#### **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. 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 meet 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 rear addition will extend 16 feet and zero inches (16 ft. 0 in.) past the rear wall of the adjoining property to the north. The front façade will be aligned with the walls below. Accordingly, the Applicant is requesting relief from the ten-foot rule (E § 207.4) and to remove the existing architectural rooftop elements (E § 204.1).

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 second story addition. As demonstrated by the shadow study, the additional proposed area only causes a minor increase in shading. The removal of the existing cornice does not result in any 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 will not have any windows facing the neighboring building to the north or south. The only windows within the area requiring relief face directly west overlooking the Subject Property's rear yard towards the alley. Therefore, the difference in 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 a few three-story structures to the north of the property. The existing rowhomes further south down the block of 17<sup>th</sup> St SE feature similar cornices to the proposed Project. However, the two adjacent buildings to the proposed Project do not feature the same cornices. The southern adjacent building features siding to the roof level and the northern adjacent building features a stepping brick cornice. These two buildings already serve as a disruption to the rhythm of the 17<sup>th</sup> St SE block. Additionally, building additions on top of existing cornices provides an added challenge for contractors because it creates difficult waterproofing conditions. These difficult conditions can affect both neighbors and the homeowners as waterproofing issues can have catastrophic and costly implications. 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 17<sup>th</sup> St SE 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.

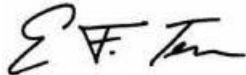
The Applicant is not proposing to introduce the expansion of a nonconforming use, lot occupancy beyond what is permitted in this section, height, or number of stories, as a special exception.

#### **IV Conclusion**

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

Sincerely,



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Agent

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