

**Burden of Proof**

July 22, 2020

Board of Zoning Adjustment  
District of Columbia  
Suite 200S  
441 4th St NW  
Washington, DC 20001

**RE: BZA Special Exception Application  
Jeffrey Wagener  
741 12<sup>th</sup> St SE**

To the Board of Zoning Adjustment,

The following analysis demonstrates how the proposed addition to the property located at 741 12<sup>th</sup> St SE will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps as evaluated against the criteria of Subtitle E 205.5, 304.1, 306.1, 5004.1, and 5201.3 through 5201.6;

*205.5 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.*

A Special Exception is being sought pursuant to the criteria detailed in Subtitle E §§ 5201.3 through 5201.6 as subsequently detailed in this Burden of Proof.

*304.1 The maximum permitted lot occupancy in the RF-1 zone shall be as set forth in the following table: row dwellings – 60%*

A Special Exception is being sought pursuant to the criteria detailed in Subtitle E §§ 5201.3(e) as subsequently detailed in this Burden of Proof.

*306.1 A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-1 zones.*

A Special Exception is being sought pursuant to the criteria detailed in Subtitle E §§ 5004.1 as subsequently detailed in this Burden of Proof.

*5004.1 No minimum rear yard is required for an accessory building in an RF zone except when abutting an alley, where it shall be set back at least twelve feet (12 ft.) from the center line of the alley.*

The alley directly behind 741 12<sup>th</sup> St SE is thirty feet (30 ft.) in width between abutting property lines, therefore the accessory building being proposed exceeds the minimum distance from the center line of the alley.

*5201.3 An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

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

The property to the south (743 12<sup>th</sup> St SE) of the proposed addition consists of a two-story addition which would align with the proposed addition. The property to the south also includes a two-story covered deck which extends beyond the proposed addition. Because this southern neighbor's addition and deck are on the south side of the proposed addition, the proposed addition will not block the optimal southern daylighting exposure to this neighbor. The neighboring property to the north (739 12<sup>th</sup> St SE) currently aligns with the rear façade of 741 12<sup>th</sup> St SE. The proposed addition will not cover or block existing windows of the northern neighboring property.

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

There are no windows on the north and south walls of the proposed addition, providing neighbors with privacy. The window and door openings in the rear (west) facade of the proposed addition are similar to other openings on the block as shown in the West Elevation.

*(c) The addition or accessory structure, together with the original 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 subject street frontage;*

Along the east side of the subject block, nine of the thirteen properties have rear additions that align with the proposed addition for 741 12<sup>th</sup> St SE. The proposed addition does not exceed the height of the existing building, so it is not possible to view the proposed addition from the front façade on 12<sup>th</sup> St SE. The proposed brick addition responds to the character and prevalent material of the existing two-story homes and their respective additions, where applicable, in the neighborhood and within the block.

*(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.*

Drawings have been provided to represent the relationship of the proposed addition to the adjacent buildings from public ways.

*(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The proposed lot occupancy would be increased to 69.4%, which requires a Special Exception and approval by the Board of Zoning Adjustment, but does not exceed the maximum allowable lot occupancy of 70%.

*5201.4 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 is open to any comments or suggestions regarding special treatment suggested by the BZA in the way of design, screening, building materials, or otherwise.

*5201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The applicant is currently using and intends to continue to use the rowhome as an owner-occupied single-family dwelling as permitted in the RF-1 zone.

*5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The existing building height is 30'-11" and the proposed addition will not exceed this height. This height conforms to the Zoning Regulations.

We look forward to the opportunity to discuss this material together in the near future. Should you have any comments or questions, please do not hesitate to reach out directly.

Thank you for your attention and consideration to this matter,

AGENT (ARCHITECT)

A handwritten signature in black ink, appearing to read 'KDC', written over a horizontal line.

signature

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