

December 20th, 2021

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

RE:
Special Exception at
801 20th ST NE
Washington, DC 20002

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction and Nature of Relief Sought

This Statement is submitted on behalf of Arthur Chan (known as the “Applicant”), owners of the property located at 801 20th ST NE (Square 4495, Lot 20) (the “Subject Property”). The Subject Property is an existing two-story with a cellar, single-family row building (the “Building”) and is located in the RF-4 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 ten inches (16 ft. 10 in.) beyond the rear wall of the building to the north. Accordingly, the following relief is required:

1. Special Exception Relief from E § 205.4, pursuant to E § 205.5 and E § 5201 (Ten Foot Rule)
Subtitle E § 205.4 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 ten inches (16 ft. 10 in.) beyond the furthest rear wall of the adjoining building to the north.

II. Background

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located at 801 20th ST, NE, and is in the RF-4 zone district. It is a rectangular lot measuring 3,011 square feet in land area. Abutting the Subject Property to the north is 803 20th Street, NE, a single-family row building. Abutting the Subject Property to the south is H Street, NE. Abutting the Subject Property to the west is 20th Street, NE. Abutting the Subject to the east is a public alley.

B. Proposed Project

The existing Building is two stories with a cellar level. The rear wall of the both stories and the cellar are roughly in-line with the rear wall of the adjoining building to the north. The cellar and first story extend eight feet and four inches beyond the second story. This is a common feature along

this alley. 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 the building length by sixteen feet and ten inches (16 ft. 10 in.) past the adjacent property to the north. The Project proposes a lot occupancy of thirty-six-point eight percent (36.8%), and a rear yard of twenty feet (20 ft.).

III The Applicant Meets the Requirements for Special Exception Relief

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 E § 5201 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. See, e.g., Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment, 753 A.2d 984, 986 (D.C. 2000).

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 lot occupancy and architectural element alteration. The Addition meets all other development standards of the RF-4 zone, and the use, a three-unit apartment dwelling, is in harmony with the intent and purpose of the RF-4 zone, which is to provide for areas predominantly developed with row houses within which no more than three (3) dwelling units are permitted. 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 meets all other development standards of the RF-4 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 sixteen feet and ten inches (16 ft. 10 in.) past the rear wall of the adjoining property to the north. Accordingly, the Applicant is requesting relief from the ten-foot rule (E § 205.4),

5201.4(a) The light and air available to neighboring properties shall not be unduly affected;

The Addition will be similar to the existing massing along H ST. NE at the neighboring property to the west at 800 20th ST., NE, which measures fifty-six feet and zero inches (56 ft. 0 in.) long. The addition will be much smaller than the existing massing along H ST. NE at the neighboring property to the east at 800 21st St., NE which measures seventy-two feet and six inches (72 ft. 6 in.) long. A shadow study is being submitted with this Application. The study shows the difference between the proposed building footprint (16 ft. 10 in. past building to the north) and a matter-of-right building footprint (10 ft. past building to the north).

As demonstrated by the shadow study, the only time of the day and year where there is additional shade on the property is at 12:00 pm on the summer solstices and at 9:00 am on the winter solstices. Even at these two times, the additional shading is confined to a small portion of the rear yard and does not rise to the level of undue.

(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. The only windows within the area requiring relief face directly east overlooking the Subject Property's rear yard towards the alley, and to the south overlooking the Subject Property's front yard towards H ST NE. 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, however, numerous new projects along H ST. NE are now three-story dwellings ranging from one to four units, as demonstrated by photographs of the surrounding area included with this Application. The property at 800 21st NE, across the alley is a recently completed three-story building consisting of a four (4) unit apartment building. The property at 800 20th ST NE, across 20th ST is a two-story single-family building with a rear yard addition in similar massing to the proposed Subject Property. The adjacent property to the north at 803 20th ST NE, is a two-story single-family dwelling. This particular section of relief from the ten-foot provision considers the view from 20th St. NE, H ST NE, as well as the alley. The Applicant is proposing to match the scale of the building to the other homes along the northern side of H ST. NE.

The Applicant is providing the required rear yard of twenty feet (20 ft.). Furthermore, the proposed Project will use similar design elements as other properties in the area. 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 H St. NE, 20th ST NE, 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.

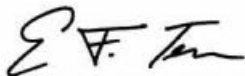
5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

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

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

Sincerely,



Agent

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