

**Burden of Proof -  
Special Exception Application**

To: **Board of Zoning Adjustment**  
Government of the District of Columbia  
441 4th Street NW, Suite 210 South  
Washington, DC 20001

For: **Mr. Steven Kaplan & Mrs. Kelly Voss**  
Owner/Applicant  
530 5th Street, SE  
Washington, DC 20003

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Date: 11 June 2024

Subject: BZA Application, Rear Addition to Voss Kaplan Residence  
530 5th Street, SE  
(Square 0846, Lot 0022)

Mr. Steven Kaplan and Mrs. Kelly Voss, owners of 530 5th Street, SE hereby apply for zoning relief to construct a two-story plus cellar addition at the rear of their home in the RF-1 zone, by authorization of 11 DCMR Subtitle X, Chapter 9 [Special Exceptions] lot occupancy requirements of Subtitle E, Chapter 2, Section 210.1 [Lot Occupancy] and by rear yard requirements of Subtitle E, Chapter 2, Section 207.4 [Rear Yard].

The aspects of the proposed project that fall outside the current zoning regulations are as follows:

1. The proposed lot occupancy is 69.8% which exceeds the allowed lot occupancy of 60% (11 DCMR Subtitle E, Section 210.1). The proposed lot occupancy will be below the 70% maximum allowed by a special exception in the RF-1 district (11 DCMR Subtitle E Section 5201).
2. The proposed rear wall of the subject property extends 14'-10" beyond the furthest rear wall of any adjoining principal structure, which exceeds the allowed 10' (11 DCMR Subtitle E Section 207.4).

## **I. Summary:**

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the lot occupancy does not exceed 70%, and the addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

## **II. Qualification of Special Exception:**

### 901 Special Exception Review Standards

*The Board of Zoning Adjustment will evaluate and either approve or deny a special exception application according to the standards of this section.*

*The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

*a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

**Lot 0022 is a rectangular shaped lot adjacent to a larger lot to the north and a lot of similar size to the south. The subject property is one of two lots that have identical homes.**

*b. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

*c. Will meet such special conditions as may be specified in this title.*

*Subtitle E, Section 5201.3 provides relief based on the following criteria:*

*"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;*

**528 5th Street, SE (Neighbor to the North):** The property at 528 5th Street, SE is an existing 3 story semi-attached brick multi-family residential building. The rear wall of the existing building extends beyond the rear wall of the subject property at 530 5<sup>th</sup> St, SE. The existing dogleg condition at 528 5<sup>th</sup> Street, SE is such that there are windows along the south façade, facing the subject property at 530 5<sup>th</sup> St, SE, that look directly to the north masonry wall at the rear portion of 530 5<sup>th</sup> St, SE. With the proposed addition, three additional windows at 528 5<sup>th</sup> St, SE will look directly to the proposed north frame wall of the addition. However, their location in the dogleg still maintains some access to light and air.

**532 5th Street, SE (Neighbor to the South):** The home at 532 5th Street, SE has a 1-story covered porch. Available light and air will not be adversely restricted, as the subject property is located due north to the property at 532 5th Street, SE.

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

**On the north side, the proposed addition will be set next to the property line and will not have any windows along the shared property line with the neighbor.**

**On the south side, the proposed addition will be set next to the property line and will not have any windows along the shared property line with the neighbor.**

*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.*

**The proposed rear addition will be not visible from any of the streets that surround Square 0846. The proposed addition will be constructed with high quality, low maintenance materials. The proposed addition will be designed to be contextual with respect to the surrounding neighborhood in terms of character, scale, and proportion.**

#### 902 Application Requirements

*An application for a special exception shall meet the requirements of Subtitle Y § 300.*

**Along with this application, we have included the following items:**

**A block plan showing the density of the block;**

**A site plan showing the proposed addition and adjacent properties;**

**Photos of the existing house and adjacent structures to the north and south;**

**Plan and elevation drawings of proposed addition with materials labeled;**

**Official Plat from the DC Office of the Surveyor.**