

July 17<sup>th</sup>, 2024

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

RE:  
Special Exception at  
4426 Harrison St NW  
Washington, DC 20015

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

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

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This Statement is submitted on behalf of Christos Demopoulos (known as the “Applicant”), owner of the property located at 4426 Harrison St NW (Square 1581, Lot 0059) (the “Subject Property”). The Subject Property is an existing two-story with a cellar, single-family semi-detached building (the “Building”) located in the R-2 zone.

The Applicant is proposing to construct a third-story addition to the existing Building and a three-story rear addition to the existing Building (the “Project”).

**1. Special Exception Relief from D § 207.4 pursuant to D § 207.5**

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Subtitle D § 207.4 limits a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

The proposed addition will be sixteen feet (16 ft. 0 in.) further than the home to the West, 4428 Harrison St NW. The proposed addition will be four feet (4 ft. 0 in) further than the house to the East, 4424 Harrison St NW. This Project requests relief to exceed the maximum ten feet (10 ft.) extension in the R-2 zone.

## **II. Background**

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

The Subject Property is located at 4426 Harrison St NW and is in the R-2 zone district. It is a rectangular-shaped lot measuring 4,239 square feet in land area. Abutting the Subject Property to the South is a public alley. Abutting the Subject Property to the East is 4424 Harrison St NW, a single-family semi-detached building, which is detached from the Subject Property. Abutting the Subject Property to the North is Harrison St NW. Abutting the Subject Property to the West is 4428 Harrison St NW, single-family semi-detached building, which is attached to the Subject Property.

### **B. Proposed Project**

The existing Building is two stories with a cellar level. The Applicant is proposing to construct a third-story addition on top of the existing Building and a three-story rear addition. The Building will contain one dwelling unit. The Project proposes a lot occupancy of thirty-six point seven percent (36.7%) and conforms to all other zoning regulations.

## **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. 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 to extend a building further than ten feet (10 ft.). The Project meets all other development standards of the R-2 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 meets all other development standards of the R-2 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 D § 5201.**

The proposed Addition will provide three dwelling units requesting relief to extend the rear yard addition further than ten ft (10 ft.) than an adjacent building (D § 207.4).

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 rear yard addition. As demonstrated by the shadow study, during the summer solstice, there is a minor increase in shading at 9:00 am on the property to the West and at 3:00 pm on the property to the East. During the winter solstice, there is a minimal increase in shading at 9:00 am on the property to the West and at 3:00 on the property to the East. The additional proposed area only causes a minor 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 contains windows on the South rear façade and the East side façade on the first, second, and third levels. The project also contains three windows on the North front façade on the third floor. The East façade windows are placed nine feet and 4 inches (9 ft. 4 in.) from the property line on the detached side. The windows on the South rear façade are facing the Project’s property. The windows on the North front façade are facing Harrison St NW.

Therefore, the 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 semi-detached dwellings with numerous detached one-story accessory structures. The rear yard addition 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 Harrison Street NW 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.

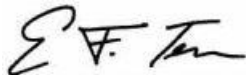
The Applicant is not proposing to introduce the expansion of a nonconforming use, lot occupancy beyond what is permitted in this section, height, or number of stories, as a special exception.

#### **IV Conclusion**

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

Sincerely,



Agent

Eric F. Teran  
Architect, LEED AP BD+C  
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