

Owner: LeRoy Alexander-Benons
Address: 1206 STAPLES ST NE, Washington DC, 20002
Square, Suffix, Lot: Square 4067, Lot 0058
Zoning District: RF-1
DCRA Permit #: B2402277

To:

D.C. Board of Zoning Adjustment
441 4th Street, N.W. Suite 200S
Washington, D.C. 20001

BURDEN OF PROOF STATEMENT

I. Nature of Application

This is an application by Alexander-Benons, LLC (“Applicant”) for special exception relief from the requirements of the Zoning Regulations to permit the construction of a three-story residential development at 1206 Staples ST NE (Square 4067, Lot 0058) (the “Property”). Form a Single-family house to a Two-family house within the permitted RF-1 Zone Districts. The application requests special exception relief pursuant to 11 DCMR Subtitle X, §901.2 to Proposed rooftop structure to 11 DCMR Subtitle A, §204.1 to Propose third floor addition, and Front porch roof deck. The project will conform to the Zoning Regulations in all other ways.

II. Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X, §901.2 to §204.1 of the Zoning Regulations.

III. Information Regarding the Property and Project

A. Description of the Project

The Applicant proposes creating a residential Three (3) Story, Two-family dwelling including Rooftop. First unit is Two-bedroom, comprising of 1st floor and below grade basement, second unit comprise of three-bedroom, second and third floor with a rooftop walkout (the “Project”). The building will be 25.51 feet in height, 8 feet below grade, totaling 33.51 feet in height. Rear parking for 1 car much like the adjacent neighbors and allowing for alley way access shared between Orren St NE and Staples St NE. The materials proposed for the Project will be a combination of brick, wood, and fiber cement panel, appropriately transitioning residential neighborhoods behind the Property match the architectural style of the road. The Project

includes 2950 total square feet of livable space on the Property as well, 1475 square feet per unit.

B. Description of the Surrounding Area

The Property is surrounded by a mix of uses, Low Density Residential use, with the west portion (H Street) designated for Moderate Density Commercial/Residential use, with excellent access to amenities and public transportation. Along the Staples Street is a mainly Single, Two and Multi-unit dwellings. To the north of the Property is a multifamily property and residential uses, to the immediate east of the Property is a few Two-family dwellings with redeveloped rear setbacks, third floor, rooftop additions and front porches.

South west of the Property is also a few mix used buildings with a 49 unit apartments mixed-use building including residential condominiums and office leading to H street corridor. Approx. building size 39,200 Square feet.

IV. Description of Relief Requested/ Applicant meets Burden of special exception relief

Therefore, the Applicant requests a special exception pursuant to:

1) E-210.1/ E § 5201.1 (a)/ X § 901.2 - Proposed project is greater than 60% maximum lot occupancy allowed for the RF-1 Zone.

***Response:** The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 210.1/ E § 5201.1 as a special exception pursuant to Subtitle X, Chapter 9. The Project increases the Property's lot occupancy from 42.87% to 65.67% Building design aligns with current Two-family dwellings on the Staples ST NE block.*

2) E § 207.1/ E § 5201.1 (b)/X § 901.2 - Proposed rear setback is less than the 20'-0" required setback for the RF-1 Zone.

***Response:** The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 207.1 as a special exception pursuant to Subtitle X, Chapter 9. Building design aligns with current single-family dwellings adjacent to the dwelling. Building rear line will match build adjacent 1208 and 1204 residents, currently the setback is the lowest on the block, rear improvements allowing for 1 car park space.*

3) E § 207.4/ E § 207.5/ X § 901.2 - Proposed rear addition is greater than the 10'-0" maximum beyond adjacent structures in the RF-1 Zone.

***Response:** Per Subtitle X, Section 901.2 the Board of Zoning Adjustment is authorized to grant special exceptions, provided that the special exceptions:*

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

Response: Under Subtitle X, §901.2, in order to obtain special exception relief, the applicant must show that the requested relief will be in harmony with the intent and purpose of the Zoning Regulation will not adversely affect neighboring properties. The proposed construction of an addition to a single-family, is consistent with the purpose and intent of residential flat zones. Aligning with adjacent neighbors' rear property.

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

Response: The requested relief from listed requirements will not adversely affect the use of the neighboring properties. The extension shall have no adverse effect upon the present character and future development of the neighborhood.

c) Subject in specific cases to the special conditions specified in this title.

Response: This is not applicable to this application.

4) E § 204.1/ E § 204.4/ X § 901.2 - Proposed third floor addition, and Front porch roof deck does not comply with the roof top architectural elements requirements in the RF-1 Zone

Response: *Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” President & Dirs. of Georgetown College v. D.C. Bd. of Zoning Adjustment, 4 LEGAL\67903977\1 837 A.2d 58, 68 (D.C. 2003); see also Stewart v. District of Columbia Bd. of Zoning Adjustment, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. Id.*

*1209, 1201, 1202, 1119 and 1118 to name a few also have a front porch walk out, roof top elements and additional third floor additions. See signed letter from adjacent neighbors and in Color Photograph section “**1206 Staples Street DCRA Permit ^B2402277 Walkout Variance document**” and other documents.*

Pursuant to 11 DCMR Subtitle X, Chapter 9 the applicant is seeking a special exception from: the third rooftop or upper floor addition requirements E § 204.1.

The Board of Zoning Adjustment may grant relief from the requirements of Subtitle E § 204.1 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

(a)The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

a) (1) **The light and air available to neighboring properties shall not be unduly affected;**

Response: The adjacent property to the south has a full fence along that edge and garage door. The proposed addition would have minimal impact to light and air. Additionally, the adjacent property faces Southeast and will continue to benefit from the light on that exposure. The proposed rear addition also lines up with the neighbor's rear addition improvements, provides additional privacy to the neighboring rear yard.

b) (2) **The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;**

Response: The privacy of use and enjoyment to neighboring properties is essentially unchanged with the proposed addition.

c) (3) **The proposed construction, 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;**

Response: 1209 and 1206 Staples are of similar mass and composition. Therefore, the proposed addition is generally in harmony, both in scale and architectural character and is of a similar scale to projects at adjacent properties. 1209, 1201 and 1202 have rooftop elements, front porch walkout and additional third floor additions.

5) **C § 1501.1(b)/ C § 1501.1(c)/ X § 901.2- Proposed rooftop structure exceeds the maximum allowable height in the RF-1 Zone.**

Response: Pursuant to 11 DCMR Subtitle X, Chapter 9 the applicant is seeking a special exception from: the rooftop or upper floor addition requirements per Subtitle C § 1501.1(b) / C § 1501.1(c) to alter the existing rooftop in an RF-1 zone at 1206 Staples Street NE (Square 4067, Lot 058). Total height of building is within 33.51 feet including below grade which is 8 feet (above grade is 25.51" feet), within the maximum building limit 35 feet. Seeking exception for Rooftop that is 2 feet 3.5". See "Building Section plans" in Architectural Plans & Elevations sections.

6) **C § 1504.1(a)/ C § 1506.1/ X § 901.2- Proposed rooftop structure setback does not provide the required setback from the existing front building wall.**

Response: Pursuant to 11 DCMR Subtitle X, Chapter 9 the applicant is seeking a special exception from: the rooftop or upper floor addition requirements per Subtitle C § 1501.1(b) / C § 1504.1(a) to alter the existing rooftop and construct a third-floor addition in an RF-1 zone at 1206 Staples Street NE (Square 4067, Lot 058).

V. Applicant meets Burden of Special Exception Relief

The Project is consistent with the general intent of the RF zones as residential areas with “limited conversions of dwellings or other buildings into more than two (2) principal dwelling units.” The proposed two dwelling units provide for increased housing stock in the H Street corridor, with excellent access to amenities and public transportation. The Project proposes a modest increase of two dwelling units as compared to existing conditions. The shortage for afford housing The DC metro region’s share of that void comes to 320,000 units, US lacks 4 million homes currently.

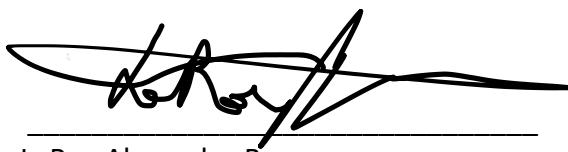
With respect to the proposed alteration of rooftop architectural elements, the Project will renovate and reinvigorate the Existing Building and its architectural features while maintaining the general rhythm and form of rowhomes on Staples Street. The third-floor/ rooftop addition will be setback three feet from the existing mansard and dormer that will remain. The front porch will also remain, but the Applicant proposes to add a balcony with railings on top of the porch. While several nearby homes have similar roof top features to the Existing Building, there are several other homes on Staples Street that have third story additions as well as front porch balconies. Therefore, the Project will not disrupt a consistent architectural style in the neighborhood.

VI. Conclusion

For all of the above reasons, the Applicant is entitled to the special exception relief requested in this case.

Respectfully submitted,
LeRoy Alexander-Benons

Owner Signature:



LeRoy Alexander-Benons