

**Board of Zoning Adjustment
Special Exemption Request – Burden of Proof Statement****Date: 11/1/2023**

Owners: Michele Lieber
Address: 151 D Street SE
Square: 0734
Lot: 0075
Zone: RF-1 /CAP

Project Description:

The applicants would like to add a 10', one story rear addition to their existing three story row house.

Special Exception Relief Sought:

Because the proposed plans include increasing the lot coverage over 60%, the applicant is requesting zoning relief from per E5201.1:

1. Lot Coverage (E210.1): The current house covers 56.31% of the lot and there are no accessory structures, decks, or covered areas. The addition will increase lot coverage to 67.13%.

In accordance with E5201.4, these special exception requests will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property. The addition is only one story (9'-4.25" high at the attachment point and sloping downward from that point), the project will have negligible impact on the adjacent neighbors' properties or the block/neighborhood. Specifically:

- α. The light and air available to neighboring properties will hardly be affected, if at all. The project will not have any impact on any of the bordering lots. There is a 7' property line fence surrounding the back yard, so the applicant's addition will only have less than 3' visible from the adjacent property. Though property line fences are removeable, it is highly unlikely that there will never be a fence between the row house lots.
- β. Privacy of use and enjoyment of neighboring properties will not be impacted for the same reasons explained above regarding light and air. Also, there are no openings in the addition (or the main house) along the property lines.
- χ. The project will maintain the historic and scale intentions of the RF-1 and CAP Zone. The project will not have any impact on the character, scale, and pattern of houses along the street frontage as it is not visible from D Street, and only minimally visible from the alley. In addition, the project maintains a 28' rear yard setback, where the RF-1 Zone only requires a 20', making the addition even more difficult to see from the alley. The addition is very modest in height and depth, staying well below the threshold for lot coverage special exception relief at 67.13%.
- δ. Architectural elevations and sections demonstrating the above compliance have been submitted as part of this zoning relief application.

The special exception requests can be granted under X901.2 due to the facts:

- α. The general purposes and intent of the Zoning Regulations and Zoning Maps are maintained. The property is in RF-1 Zone, which intends to maintain neighborhoods predominantly filled with row houses on small lots, with no more than 2 dwelling units per lot. The subject property is a row house on a small lot and does not propose changing that status.
- β. The neighboring properties will not be adversely affected by the proposed special exception requests. As noted above in items addressing E5201.4, the project, due to its minimal scale and height, will not negatively the adjacent neighbors in terms of access to light, air, and enjoyment. The neighborhood will not be affected because the scale and character of the block will not be affected, again due to the minimal size, scale, and height of the project.
- χ. There are no other special conditions that will affect this application.

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