

January 30th, 2025

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

RE:
Special Exception at
917 Constitution Ave, SE
Washington, DC 20002

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction and Nature of Relief Sought

This Statement is submitted on behalf of Pat and Cheri DeQuattro (known as the “Applicant”), owner of the property located at 917 Constitution Ave. NE (Square 0940, Lot 0017) (the “Subject Property”). The Subject Property is an existing two-story with a cellar and accessory building, single-family row building (the “Building”) located in the RF-1 zone.

The Applicant is proposing to construct a second story to the existing four hundred twenty-two square foot (422 sq. ft.) accessory building being used as a detached garage in the rear yard (the “Project”). Accordingly, the following relief is required:

1. Special Exception Relief from U § 301.1(g)

Subtitle U § 301.1(g) requires any proposed expansion of an accessory building for residential purposes be permitted only as a special exception approval pursuant to Subtitle X, and shall be evaluated against the standards of this section. We are proposing a second-floor addition to be used by the principal dwelling unit.

2. Special Exception Relief from E § 210.1

Subtitle E § 210.1 states the maximum permitted lot occupancy allowed for lots within the RF-zone is sixty percent (60.00%). This project existing lot occupancy is sixty-four and forty percent (64.4%). This Project second floor addition proposes maintaining the existing sixty-four and forty percent (64.4%) lot occupancy by building the second floor walls over the first floor walls. This Project requests relief to exceed the maximum lot occupancy in the RF-1 zone.

II. Background

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located at 917 Constitution Ave. NE and is in the RF-1 zone district. It is a rectangular-shaped lot measuring 2,539 square feet in land area. Abutting the Subject Property to the north is Constitution Ave. NE. Abutting the Subject Property to the east is 919 Constitution Ave a single-family row building. Abutting the Subject Property to the south is a public alley. Abutting the Subject Property to the west is 915 Constitution AVE NE a single-family row building

B. Proposed Project

The Applicant is proposing to construct a second-floor addition above the existing first floor accessory building being used as a detached garage. The Project will maintain the existing four hundred twenty-two square foot (422 sq. ft.) accessory building maintaining the existing lot occupancy of sixty-four and forty percent (64.4%). The Project conforms to all other zoning regulations.

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 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 an accessory structure to be used as a dwelling unit before the five-year guideline. The Project meets all

other development standards of the RF-1 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 accessory structure will also not adversely affect the use of neighboring properties as the proposal meet all other development standards of the RF-1 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 accessory structure will be four hundred fifty square feet (450 sq. ft.) and comply with all other zoning regulations for matter of right accessory structures.

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

The accessory structure is the allowed maximum of four hundred fifty square feet (450 sq. ft.) and the Project proposes maintaining the existing four hundred twenty-two square foot (422 sq. ft.) complying with the zoning regulations. The building height is allowed up to twenty two feet (22 ft 0 in) and the Project's building height is eighteen feet and seven half an inches (18 ft 7-1/2 in). This will not cause any adverse affects on the light and air of neighboring properties.

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

Privacy and use of enjoyment shall not be unduly compromised by the Project. The accessory structure contains windows on the south and north façade facing the rear yard and the alley. 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 dwellings with numerous detached one and two-story accessory structures in the rear yards. The accessory structure will be similar to the existing massing of the adjacent home to the east. The total length of the accessory structure will be twenty two feet (22 ft. 0 in.) by twenty feet (20 ft. 0 in.) and the height falls within the zoning standards.

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 13th 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

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

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