

**CAROLYN AND RONALD HANTZ**

**28 – 46<sup>TH</sup> Place NE**

**Washington, DC 20019**

**February 2, 2025**

**Burden of Proof**

**Special Exception Application**

**28 – 46<sup>th</sup> Place, Northeast**

**To: Office of Zoning**

Government of the District of

Columbia Suite 210 South

441 4<sup>th</sup> Street, NW

**From: Carolyn R. (Milbourne) Hantz**

Owner/Applicants

28 46<sup>th</sup> Place NE

Washington DC 20019

**Date:** February 2, 2025

**Re: BZA Application for special exception 15ft extension to home on three levels (basement, main level, and upper level) at 28 46<sup>th</sup> Place, NE (Square 513, Lot 0077)**

Carolyn R. Milbourne Hantz, owner of 28 46<sup>th</sup> Place, Northeast, hereby apply for a Special Exception to Zoning Sections D-207.4, D-207.5, and X-901.2 for the as built extension of 15ft to the basement, main level, and upper level at 28 46<sup>th</sup> Place NE.

The as built extension exceeds the maximum of 10ft per **D-207.4 zoning in DC** that specifies that a rear wall of a row or semidetached building should not extend beyond ten feet from the farthest rear wall of any adjoining principal residential building on any adjacent property.

The Property is located at 28 46<sup>th</sup> Place, N.E. The home is a duplex attached on one-side to 30 46<sup>th</sup> Place, N.E. Both are single family dwellings. Abutting the Property to the rear is a public alley. In reliance on Building Permit B2205045, the Applicant constructed a 15-foot extension to the Building at the rear of the Building on all three levels with rear exterior stairs and interior renovations. The Extension increase the Property by 266 square feet, 15 feet beyond the rear wall of the adjoining single family dwelling.

On Friday, December 20, 2024, our contractor Melvin Taylor [of MT Home Builders LLC, 9113 Linhurst Dr., Clinton, Maryland 20735, (240) 778-4512] was notified that the zoning approval from Ms. Brittany Bullock along with the associated Permit B2205045, was issued in "error." The reason provided was that our house extension is more than 10 feet beyond the adjacent property's rear building wall. We were perplexed that the building permit issued for 28 46th Place NE, was issued in "error" for which was not our fault. The originally approved drawings approved by Ms. Bullock had indicated the addition was 15 feet beyond the wall of the property, more than the 10 feet allowed by zoning regulations.

Our property has been under construction since March 2024. I would also like to note that our building permit took two years to get through onerous reviews. We have now neared the final construction stage only to be told an error was made within the DC Building Department. We had no reason to believe after undergoing a 2-year permitting approval process that we could rely on that approval process. We in good faith relied on the approval of the building permit.

In our opinion, requiring us to defend the zoning adjustment of the 15 feet extension is unfair, particularly with requests of neighbors to attest that they have no problems with the size of our addition is counter to the bounds of fairness and sound conscience.

Also, X-901.2 states that 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 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.

## **I Summary**

The project qualifies for special exception because:

- A. 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). The Extension will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps, and will not adversely affect the adjoining single-family dwelling at 30 46<sup>th</sup> Place NE. The Extension will not adversely affect the other neighbors within 200ft.
- B. The extension is reasonable and beneficial to the neighborhood, as it provides much-needed enhancements to the home while maintaining the character and integrity of the surrounding community and showcasing thoughtful, modern development. The Extension was carefully designed to minimize any impact on adjacent properties. The Extension is also consistent with the zoning board's broader mission to accommodate responsible growth that benefits local residents and enhances property values.



## II Basis for Grant of Special Exception

**DCMR 11 Subtitle D, 5201.1** *The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.*

The applicant's house is in R-2 zone and the relief sought is the extension of the home 15ft into the rear yard.

### **A. 5201.2**

*Special exception relief under this section is applicable only to the extension of the single family dwelling at 28-46<sup>th</sup> Place with a shared wall (duplex structure) with 30 – 46<sup>th</sup> Place NE.*

*(a)*

The relief sought is for a building with only one principal dwelling unit attached on one-side to 30-46<sup>th</sup> Place NE.

### **B. 5201.3**

*An applicant for special exception under this section shall demonstrate that the proposed 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;*
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised*
- (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;*
- (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 property extension for which I am seeking relief at 28-46<sup>th</sup> Place NE will not affect the abutting properties by the as-built extension. The as-built extension will have no impact on the character, scale, and pattern of houses along subject street.

Enclosed in this application for relief are photographs and drawings that illustrate that the proposal will not adversely impact the adjacent properties.

The owner is submitting letters from two neighbors of "no objection."  
(Attachments) We will work to obtain other letters from neighbors as well.

Please do not hesitate to contact me with any questions.

Respectfully submitted,

*Carolyn R. Milbourne Hantz*  
Carolyn R. Milbourne Hantz  
(202) 812-1999

See Attachments

**Subject:** Letter of Support for Zoning Variance Application Permit B2205045

Dear Members of the Board of Zoning Adjustment,

I am writing to express my strong support for the Hantz family's application to obtain a zoning variance allowing them to extend their property addition to 15 feet beyond the rear building wall of the adjacent property. This request is both reasonable and beneficial to the neighborhood, as it provides much-needed enhancements to their home while maintaining the character and integrity of the surrounding community.

To my understanding, the permit to extend the property addition was originally approved on March 20, 2023 by Ms. Brittany Bullock. However, on December 20, 2024 the Hantz's contractor Melvin Taylor received an email correspondence from Greg Garland, Zoning Technician that the previously approved permit application was issued in error. And that the addition is not in compliance with Sub D 207.4 and Board of Zoning Adjustment (BZA) relief is required,

The Hantz family has consistently demonstrated their commitment to the betterment of the neighborhood through their active involvement in community initiatives. Allowing this addition would not only improve their quality of life by addressing their family's housing needs but also reflect positively on the neighborhood by showcasing thoughtful, modern development.

The proposed addition was carefully designed to minimize any impact on adjacent properties, ensuring privacy and harmony with existing structures. Furthermore, this expansion aligns with the zoning board's broader mission to accommodate responsible growth that benefits local residents and enhances property values.

I am confident that granting this variance will set a positive precedent for addressing the evolving needs of families in our community while preserving the aesthetics and function of our shared spaces. I respectfully urge the board to approve the Hantz family's application and support their efforts to create a home that meets their family's needs.

Thank you for considering our request. Please feel free to contact me if further clarification is required.

Sincerely,

*Michael Wells*

Michael Wells

145 28<sup>th</sup> Place NE

Washington, DC

Micwells42@gmail.com



**Subject:** Letter of Support for Zoning Variance Application Permit B2205045

Dear Members of the Board of Zoning Adjustment,

As homeowners residing next to 28 46<sup>th</sup> Place NE, we are writing to express our strong support for the Hantz family's application to obtain a zoning variance allowing them to extend their property addition to 15 feet beyond the rear building wall of the adjacent property. This request is both reasonable and beneficial to the neighborhood, as it provides much-needed enhancements to their home while maintaining the character and integrity of the surrounding community.

The proposed addition was carefully designed to minimize any impact on adjacent properties, ensuring privacy and harmony with existing structures. Furthermore, this expansion aligns with the zoning board's broader mission to accommodate responsible growth that benefits local residents and enhances property values.

The Hantz family has consistently demonstrated their commitment to the betterment of the neighborhood through their active involvement in community initiatives. Allowing this addition would not only improve their quality of life by addressing their family's housing needs but also reflect positively on the neighborhood by showcasing thoughtful, modern development.

I am confident that granting this variance will set a positive precedent for addressing the evolving needs of families in our community while preserving the aesthetics and function of our shared spaces. I respectfully urge the board to approve the Hantz family's application and support their efforts to create a home that meets their family's needs.

Thank you for considering our request. Please feel free to contact me if further clarification is required.

Sincerely,

Handwritten signatures of James E. Killens and Dolphina M. Ashton in black ink.

James E. Killens and Dolphina M. Ashton  
Homeowners 36 46th Place NE  
Washington, DC 20019