

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Burden of Proof
Special Exception Application

To: Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW

From: Stephen E. Voss
Owner/Applicant
3841 Warren Street, NW
Washington DC 20016

Date: January 31, 2025

Re: BZA Application for rear yard relief at 3841 Warren Street, NW
(Square 1833, Lot 23)

Stephen E. Voss, owner of 3841 Warren Street, NW hereby applies for a Special Exception per DCMR chapter 5201 to extend a currently non conforming structure laterally.

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of Stephen Voss (the “Applicant”), owner of the property located at 3841 Warren Street, NW (Square 1833, Lot 23) (the “Property”), located in the R-2 zone. The Property is improved with a two-story plus basement single-family dwelling (the “Principal Building”) with a one-story garage (the “Accessory Building”) located in the “required rear yard” portion of the rear yard. The Applicant is proposing to construct a one-story addition to the rear of the Principal Building (the “Addition”). While no work is proposed to the Accessory Building, that Accessory Building is currently located in the “required rear yard” and this condition will be extended as a result of the Addition to the Principal Building. Accordingly, the Project requires special exception relief pursuant to D-5201 from the accessory building-related rear yard requirements of D-5004.1(a) as well as D-§ 207 for the minimum back yard distance.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-

901, D-5201, as well as D-§ 207 and has the authority to review the Application as an expedited review case pursuant to Y-401.2(b).

III. BACKGROUND.

A. Description of the Property and Surrounding Area.

The Property is a corner lot measuring 4,582 square feet in land area. Abutting the Property to the north is the alley. Abutting the Property to the east is a single family home. Abutting the Property to the south is Warren Street, NW. Abutting the Property to the west is a single family home.

B. Proposed Project.

The Applicant proposes to construct a one-story addition to the Principal Building. The Addition will decrease the distance between the Principal Building and the Accessory Building from 15'8" to 8'8". The Addition will otherwise conform to the development standards, apart from the requested relief.

IV. BASIS FOR GRANT OF SPECIAL EXCEPTION

A. DCMR 11 Subtitle D, 5201.1

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District of Columbia
Case No. 19697

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District of Columbia
Case No. 21162

V. THE APPLICATION 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 D-5201 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.

1. Granting of the Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Property is located in the R-2 zone; the R-2 zone is “intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses.” The Property will remain a detached single-family dwelling. Accordingly, the proposed Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. The granting of the special exception will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

The granting of the special exception will also not tend to adversely affect the use of neighboring properties, as more fully described below.

C. Specific Special Exception Requirements of Subtitle D-5201.

5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

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

The fact that the Addition to the Principal Building will be one story tall and located in the Required Rear Yard results in no impact on the light and air available to neighboring properties. The effect of the relief is internal to the Property, as it merely allows the existing principal Building to be closer to the existing Accessory Building. The Principal Building itself meets all zoning development standards.

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

The fact that the Addition will be located in the Required Rear Yard will not unduly compromise the privacy of use and enjoyment of neighboring properties. The fact that these two buildings will be in closer proximity to each other has no connection to privacy concerns.

(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;

The proposed Addition to the Principal Building will not be visible from Warren Street. The addition is in line with the character, scale, and pattern of houses along the alley. There is no addition proposed to the Accessory Building.

VI. CONCLUSION.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen Voss", written in a cursive style.

Stephen Voss