

April 22, 2025

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

RE:
Special Exception at
1224 Carrollsburg PL SW
Washington, DC 20024

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction and Nature of Relief Sought

This Statement is submitted on behalf of Kevin and Julia Thomas (known as the "Applicant"), owner of the property located at 1224 Carrollsburg Place SW (Square 0651, Lot 0109) (the "Subject Property"). The Subject Property is an existing two-story building (the "Building") located in the RF-1 zone.

The Applicant is proposing to construct a third story and convert the existing rear deck into habitable space to the existing Building (the "Project"). Accordingly, the following relief is required:

1. Special Exception Relief from E § 207.1

Subtitle E § 207.1 minimum required rear yard shall be twenty feet (20 ft.). The existing rear yard from the main house is twenty six feet nine and one quarter inch (26 ft. 9 ¼ in.) and from the existing deck it is eighteen feet nine and three quarters inch (18 ft. 9 ¾ in.). The Applicant proposes to convert the deck into habitable space thereby making the rear yard eighteen feet nine and three quarters inch (18 ft. 9 ¾ in.) from the house. This Project requests relief to reduce the rear yard setback.

2. Special Exception Relief from E § 210 pursuant to E § 5201.1 (a)

Subtitle E § 210.1 states the maximum permitted lot occupancy allowed for lots within the RF-zone is sixty percent (60%). The Project proposes to maintain the existing lot occupancy on the first and second floor of sixty-seven percent (67%) and sixty one point seven percent (61.7%) for the third-floor addition. 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 1224 Carrollsburg PL SW and is in the RF-1 zone district. It is a rectangular shaped lot measuring one thousand two hundred ninety one square feet (1,291 sq. ft.) in land area. Abutting the Subject Property to the North is 1222 Carrollsburg PL SW, a single-family row building. Abutting the Subject Property to the East is a public alley. Abutting the Subject Property to the South is 1224 Carrollsburg PL SW, a single-family row building. Abutting the Subject Property to the West is Carrollsburg PL SW.

B. Proposed Project

The existing Building is two stories with a rear deck. The Applicant is proposing to construct a third-story addition on top of the existing Building and to convert the deck into habitable space. The building will maintain a single-family residence and the front façade will not be altered.

The first and second floor maintain the existing lot occupancy, however, the deck area will be converted into habitable interior space. The rear setback from the rear facade will now be the rear yard setback from the existing deck. The third-floor addition maintains the rear façade alignment from the first and second floor; however, the front façade is setback creating a balcony. All other bulk regulations are met.

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 D § 1206.2 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.

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 additional dwelling units, lower land area per dwelling unit, and accessory structures over the allowed maximum. 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 Addition 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 home will maintain the existing lot occupancy for the first and second floor. The third-floor lot occupancy is sixty-one-point seven percent (61.7%). All three levels will have a rear yard of eighteen feet nine and three quarters inch (18 ft. 9 $\frac{3}{4}$ in.) 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;

A shadow study is being submitted with this Application. The study shows the difference between a matter of right third floor addition with a twenty foot (20 ft.) rear yard and the proposed addition. As demonstrated by the shadow study, there is some increase in shading throughout the day; however, the addition proposed only causes a minor increase.

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

The privacy and use of enjoyment shall not be unduly compromised by the Project. The addition contains windows on the east façade facing the alley. A rear yard difference of one foot and two one quarter inch (1 ft 2 $\frac{1}{4}$ in) is not significant to alter the privacy from a matter of right to the proposed project. 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 primarily two-story rowhomes with rear decks on numerous homes. There are numerous buildings with third story additions. The proposed elevations continue the aesthetic and massing of other third floor additions.

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 Carrollsburg PI SW 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.

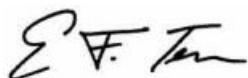
5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The Applicant is proposing to expand the existing nonconforming four dwelling units per subtitle U § 301.4 and by increasing the area of each unit. The Applicant is not proposing to introduce the expansion of 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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