

July 22, 2025

Board of Zoning Adjustment

Applicant's Preliminary Burden of Proof Statement

This statement is submitted on behalf of 505 L ST, LLC, owner of the property location at 509 & 507 L ST NE in the RF-1 zone district, which is located on the south side of the block on L ST NE between 5<sup>th</sup> and 6<sup>th</sup> St NE.

The Applicant has constructed (2) 2-family flats, pending Certificate of Occupancies, that are both set back 8' from the front property line. On June 4<sup>th</sup>, 2025, the applicant was informed by the contractor that the zoning reviewer assigned to approve the Certificate of Occupancy for 509 L ST NE had denied their application. All inspections had been complete and approved at that time. The Zoning Administrator then also put the Certificate of Occupancy application for 507 L ST NE on hold and has exacerbated the issue to include both properties. Per the directive of the Zoning Administrator at a meeting on June 11, 2025, the applicant was directed to seek relief from 11 Subtitle E § 206.2 for the front setback of the constructed 2-family flat.

*For all residential buildings, a front setback shall be provided within the range of existing front setbacks of all residential buildings on the same side of the street in the block where the building is proposed.*

The applicant was issued a building permit B2301079 on July 19<sup>th</sup>, 2023 for 509 L ST NE and B2301078 on August 10<sup>th</sup>, 2023 for 507 L ST NE, for two new buildings respectively and relied in good faith on those approvals in completing the approved construction. Construction began in August of 2023 on both properties. The construction was in accordance with these building permits and can be confirmed by the approved wall checks, as recorded in Book 220 of the Office of the Surveyors, page 100. The applicant has spent a significant amount of hard costs for the work pursuant to the approved permits. Construction is completed, all inspections complete, and pending the Certificate of Occupancy for the new owners to close and move in. If the applicant were required to meet the claimed setback requirement as demanded by DOB, it would be a catastrophic financial loss. This would require the demolition of a substantial portion of the building and a complete redesign and new permit process. The building was designed in this way to avoid impacting a heritage tree near the front of the property and per DOEE and DDOT regulations, the tree would be significantly impacted if any excavation is done in

or around this area.

In addition, the applicant has relied on these approvals and the wall check approval in proceeding to market the properties, and these properties are under contract, with closing scheduled for as early as June 20<sup>th</sup>, 2025.

*5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new 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;*
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*
- (c) The proposed addition or accessory structure, together with the original building, or the proposed new 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 and alley frontage; and*
- (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, new building, or accessory structure to adjacent buildings and views from public ways.*

Response:

- (a) The proposed structure does not affect the light and air of the adjacent properties as the adjacent properties rear abuts the shared property line, therefore their rear setback faces the proposed side lot line. This actually increases light to these rear yards as it sets back from the front property line, allowing more light and air onto their properties rear.
- (b) The privacy of use and enjoyment of the adjacent property is not affected as this does not increase or decrease the proposed project towards the adjacent properties. This setback is toward L St NE and their properties face 5<sup>th</sup> St NE. This exception does not affect them as their rear setback faces our side lot line.
- (c) This shall not affect the character, scale, and pattern of the houses along this frontage as it is within a similar range of the other properties and is designed to match the façade of 503 and 505 L St NE, in which 507 is directly attached.
- (d) Plans are provided as requested.

*Subtitle X § 901.2(a), (b), and (c).*

*901.2 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:*

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*
- (c) Will meet such special conditions as may be specified in this title.*

Response:

- (a) The project is in harmony with the general purpose and intent of the zoning regulations and maps as we are conforming with all the aspects of this zone and are requesting relief to align with an existing setback, therefore are not creating a unique situation.
- (b) This will not adversely affect the neighboring properties, as described above as it is not adjoined to any other properties and faces their generous rear yards.
- (c) This shall meet such special conditions as may be specified and as required when requested.