

## Burden of Proof Statement

05/06/19  
05/31/19 **REV 1**  
RE: 1263 Owen Place NE,  
Washington, DC 20002

Owen Place Development, LLC, the owner of the property at 1263 Owen Place NE, Washington, DC 20002, is seeking a Special Exception for two rear balconies, a spiral stair, and a roll-up door at the rear of the property. The use of the property is currently a single-family dwelling unit (Use group R-3) and is being changed to a two-unit flat (Use group R-3) per Building Permit #B1802940. The lot is zoned RF-1 and is a fully attached row-house on both sides (east & west).

Owen Place Development, LLC is specifically seeking relief from the following DC Zoning Regulations of 2016 rules:

1. Subtitle E – 304.1: The maximum permitted lot occupancy in the RF-1 zone shall be as set forth in the following table: Row dwellings & flats: 60%  
*The current lot is 1298.12 square feet, while the minimum allowed for a lot in the RF-1 zone is 1800 square feet. This is +/- 27.8% less lot area than the minimum size allowed in the RF-1 zone. At the current lot size, the improvements desired will result in a 64.2% lot coverage. If the lot was 1800 square feet, then the improvements noted in the drawings would equal 46% lot occupancy. Moreover, the steel balconies & spiral stair we desire to add to the rear of the property have the same footprint & dimensions as the existing main floor rear yard access stair directly below, and are to be built as a steel tube structure with steel grating floors, to provide as "light & airy" of a structure as possible.*
2. Subtitle E – 306.1: A minimum rear yard of twenty feet (20 ft.) shall be provided in the RF-1 zones.  
*The current lot is only 77'-6" deep. A majority of lots in the RF-1 zone are 100' deep (which would also assist in the lot coverage per Item #2 above). The steel balconies & spiral stair we desire to add to the rear of the property have the same footprint & dimensions as the existing main floor rear yard access stair directly below. By adding balconies and a spiral stair, we are not encroaching into the rear yard setback more than the existing stair, and we are providing for a more functional and usable rear yard by maintaining the minimum parking space depth for two compact cars – 8'-0" X 16'-0".*

By seeking relief from items in Subtitle E-304.1 & Subtitle E-306.1 above, we are confirming we meet the requirements of Section E 5201.3 (a-e) as follows:

5201.3 (a) – The light and air available to neighboring properties shall not be unduly affected. *The light and air of adjacent buildings are not adversely affected by the balconies & spiral stair as proposed. The balconies & stair consist in a steel tube structure, steel bar railings & perforated grating floor, and have a minimal impact in obstructing light or air in any direction. The attached sun study (see Addendum 1) shows the rear proposed work's impact on the neighbors' properties.*

5201.3 (b) – The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

*The privacy of use and enjoyment of neighboring properties will not be unduly compromised by the construction of the balconies & spiral stair as proposed. They are restrained in size and located on the Southern side and are not favorable to a prolonged use by the future inhabitants. On the 1265 Owen Pl side, the balconies do not span all the way to the property line, providing a buffer space with the neighbors. The spiral stair is also located on that same side, and it is a circulation space not meant for prolonged use. On the 1261 Owen Pl side, both properties (1261 & 1263 Owen Pl) are intended as a joint development, with an understanding of the proximity of the proposed balconies.*

5201.3 (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.

*The new rear balconies & spiral stair match in width and in height the neighboring houses, and do not substantially visually intrude upon the character, scale, and pattern of houses along the subject alley frontage.*

5201.3 (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.

*Plans / Elevations / Sections / Renderings of proposed / Photos of existing conditions have been included with the BZA Application sufficiently representing the relationship of the proposed rear balconies & spiral stair to adjacent buildings.*

5201.3 (e) – The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

*We are requesting relief for a lot occupancy of 64.2%, and therefore are maintaining the lot occupancy request within the special exception approval process.*

By seeking relief from items in Subtitle E-304.1 & Subtitle E-306.1 above, we are confirming we meet the requirements of Section X-901.2 (a-c) as follows:

901.2 (a) – The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

*The rear balconies & spiral stair, along with the roll-up door are in harmony with the general purpose and intent of the Zoning Regulations and zoning Maps since they stay within the 70% lot occupancy allowable through Special Exception, and because all balconies are located directly above and have the same footprint of an existing egress balcony, maintaining sufficient open space on the lot.*

901.2 (b) – The special exception will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

*The balconies & spiral stair, along with the roll-up door will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps since the balconies and spiral stair will not adversely impact the neighbor's light and air. We also have support of the balconies & spiral stair designs from the immediate neighbors. Last, the*

*roll-up door will provide better security to this property and not create a significant shadow on neighboring properties.*

901.2 (c) – The special exception will meet such special conditions as may be specified in this title

*The balconies & spiral stair, along with the roll-up door meets special conditions as may be specified in this title.*

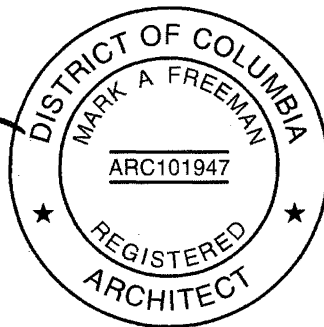
The Owners' efforts to improve the property have been shared with their adjacent neighbors at 1265 Owen PI NE who have provided their approvals to these efforts and see the modifications to Owen Place Development's property as an enhancement to all properties. *Please see attached correspondence.*

If there are any questions or concerns, I am happy to discuss further as necessary.

Respectfully,



Mark Freeman, AIA



**Addendum 1: Sun Study**



June 21<sup>st</sup>, 9 AM



June 21<sup>st</sup>, 10 AM



June 21<sup>st</sup>, 11 AM



June 21<sup>st</sup>, 12 PM



June 21<sup>st</sup>, 1 PM



June 21<sup>st</sup>, 2 PM



June 21<sup>st</sup>, 3 PM



June 21<sup>st</sup>, 4 PM



June 21<sup>st</sup>, 5 PM



June 21<sup>st</sup>, 6 PM