

July 18<sup>th</sup>, 2025

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

RE:  
Special Exception at  
1829 Massachusetts Ave. SE  
Washington, DC 20003

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

**I. Introduction and Nature of Relief Sought**

This Statement is submitted on behalf of Aswathi Zacariah and Richard Greene (known as the "Applicant"), owner of the property located at 1829 Massachusetts Ave. SE (Square 1113, Lot 0067) (the "Subject Property"). The Subject Property is an existing two-story with a cellar, one unit row building (the "Building") located in the RF-1 zone.

The Applicant is proposing to construct a third-story addition to the existing Building (the "Project"). Accordingly, the following relief is required:

**1. Special Exception Relief from E § 204 Architectural Elements**

The removal of the roof and dormer shall not impact the light and air available to neighboring properties. The privacy and use of enjoyment of neighboring properties shall not be compromised by the proposed addition as it does not have any windows facing the adjacent property. Therefore, the removal of the roof and dormer, and the third-floor addition would not visually intrude upon the character, scale, and pattern along Massachusetts Ave. SE.

**II. Background**

**A. Description of the Subject Property and Surrounding Area.**

The Subject Property is located at 1829 Massachusetts Ave. SE and is in the RF-1 zone district. It is a rectangular shaped lot measuring 1,330 square feet in land area. Abutting the Subject Property to the North is Massachusetts Ave. SE. Abutting the Subject Property to the East 1831 Massachusetts Ave SE. Abutting the Subject Property to the South is a public alley. Abutting the Subject Property to the West is 1827 Massachusetts Ave. SE.

**B. Proposed Project**

The existing Building is two stories with a cellar and a rear yard deck. The Applicant is proposing to construct a third-story addition on top of the existing Building. The addition shall extend

to the front façade with a new roof and dormer. The building will remain a single-family residence. The Project proposes the lot occupancy to remain the same at fifty-one-point nine percent (51.9%).

### **III The Applicant Meets the Requirements for Special Exception Relief**

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#### **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 the removal of architectural elements. 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 third floor addition will have a lot occupancy of fifty-one-point nine percent (51.9%) with the front façade aligned with the walls below.

5201.4(a) The light and air available to neighboring properties shall not be unduly affected;

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The relief requests to remove the architectural elements thereby removing the required setback for the third-floor addition. To minimize additional shading a steep sloped roof is provided with a dormer as opposed to a straight wall. The roof and dormer will cause a minor increase in shading in the morning and evening hours to the two adjacent properties front yard.

(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 north front façade and the south side façade facing the public alley. All the windows provided are within the matter of right addition. 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 predominantly characterized by two-story dwellings with third story additions at 1815 and 1829 Massachusetts Ave. SE. Both these additions provided similar solutions for the third-story additions by providing a sloped roof with a dormer.

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 Randolph Street NW 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 not proposing to introduce the expansion of a nonconforming use, lot occupancy beyond what is permitted in this section, height, or number of stories, as a special exception.

**V Conclusion**

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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 and variance.

Sincerely,



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Agent

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