

BZA Application

Application # B2505209	Re: Statement of review standards and Burden of proof
To: Board of Zoning Adjustment	Project location: 1231 F St NE Washington DC 20002 SSL 1007 0113
From: Ileana Schinder, Architect ile@ileanaschinder.com Applicant's Name: Smita Rawoot rawootsmita@gmail.com	Date: August 26, 2025

BURDEN OF PROOF

Subtitle E-5003.1 MAXIMUM BUILDING AREA

Standard: The maximum building area for an accessory building in an RF zone shall be the greater of 30% of the required rear yard area or 450 sq ft.

Applicant Comment: The proposed project does not alter the existing footprint of the accessory structure. All alterations to the existing mass do comply with zoning requirements.

- No alterations to the existing footprint 450 sq ft.
- Existing rear yard 796 sq ft.

Subtitle X 901.2 (a), (b), and (c)

Standard: The Board of Zoning Adjustment is authorized under #8 of the Zoning Act, DC Official Code 6-641.07(g)(2), to grant special exceptions, as provided in this title where, in the judgment of the BZA, the special exceptions:

a	Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps	The proposed building complies with massing regulations except the footprint requirement
b	Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and	The proposed building will not interfere with the privacy, access to natural light or security of adjoining properties.
c	Will meet such special conditions as may be specified in this title	The proposed project complies with all other requirements except surface parking.

Subtitle U 301.1 c 1, 2, (e) (f)

The following uses shall be permitted as a matter of right in the RF Zone subject to the applicable conditions.

Applicant's Comment: Based on the Zoning Commission July hearing, the sections detailed below are subject to be modified in the late fall/winter as seen in [page 52](#) of this Memorandum Re: ZC Case 25++ Setdown Report for an "Omnibus zoning Text Petition to Modify and clarify the text of various provisions

of the Zoning Regulations". We understand that, based on the proposed modifications of the code, the detailed subsections below will be compliant with the exception request for this case.

c.1	The accessory building was in existence on January 1, 2013	A 1 story Accessory Structure with was added to the property in September 2011. BZA Case 18243, Building Permit B1103568 approved January 2012
c.2	No expansion or addition may be made to the accessory building to accommodate an apartment except as a special exception	The proposed project intends to add a 2 nd story to the existing garage.
e	An accessory building constructed as a matter-of-right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception	The proposed project will add a dwelling to be used immediately after construction is complete.
f	An accessory building that houses a principal dwelling unit shall not be used simultaneously for any accessory use other than as a private vehicle garage for a dwelling unit on the lot, storage, or as an artist studio	The proposed project will be used for housing above the existing garage.

Applicant's Comment: Based on the arguments cited in other sections of this application, along with the "Omnibus zoning text petition" we reinforce the commitment that this project does comply with the intention of the existing code and its future anticipated modifications.

Subtitle E 5201.3 (a), (b), (c) and (d)

Standard: An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property. In particular:

	Requirement	Applicant's Comment
a	The light and air available to neighboring properties shall not be unduly affected	Based on the existing height and massing of adjacent structures won't be unduly affected by the proposed project.
b	The privacy of use and enjoyment of neighboring properties shall not be unduly compromised	The location and size of fenestration in the proposed project do not intrude in the neighboring properties preserving privacy and enjoyment of open spaces.
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 alterations proposed are not visible from the street. The rear property is located farther back from neighboring properties, and its visibility is reduced from the alley. This addition will not visually intrude upon the character of the alley compared to existing neighboring structures

Subtitle E 5201.4

Standard: 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.

Applicant's Comment: The proposed project replicates the use of existing materials that matches neighboring structures. It proposes openings on public and private spaces which reduces the intrusion of views into neighboring structures. No exterior lighting will be located above 10'-0" above ground



which reduces light intrusion while maintaining privacy within the project. No other elements will intrude nor interfere in the use or enjoyment of neighboring properties that may require enclosure or protection.

Applicant's Conclusion

Based on the existing lot conditions, its surroundings, neighboring properties -including a multi-story building- only by granting the variances the project is feasible. The combination of all requirements will put the homeowner in a material disadvantage compared to similar properties in the area. Moreover, the granting of the variances will not adversely affect neighboring properties, the neighborhood or the public way.