

Burden of Proof Statement for Special Exception

Subject Property: 3295 Fort Lincoln Drive NE, Washington, DC 20018

Zone District: RA-1

Proposal: Construction of an 18' x 10' rear deck

I. Introduction

The Applicant seeks special exception relief pursuant to Subtitle F § 5201.4 and Subtitle X § 901.2 of the Zoning Regulations to construct an 18-foot by 10-foot rear deck at the subject property, located within the RA-1 zone. The proposed deck will provide functional outdoor space for residential use while maintaining compatibility with the surrounding neighborhood and the purposes of the RA-1 district.

II. Zoning Requirements and Relief Requested

The RA-1 zone permits residential structures and their customary accessory uses. Decks are permitted, subject to compliance with development standards. Pursuant to Subtitle F § 5201.4, the Applicant requests special exception approval from the Board of Zoning Adjustment (“BZA”) to allow the construction of the proposed rear deck.

III. Burden of Proof – Subtitle F § 5201.4

Subtitle F § 5201.4(a): The light and air available to neighboring properties shall not be unduly affected.

The proposed 18' x 10' rear deck is modest in scale and will be constructed at the rear of the dwelling. Its depth and height are typical of accessory residential decks in the RA-1 district. Because the deck will not extend above the main floor level, it will not cast significant shadows or obstruct airflow. Neighboring properties will continue to receive adequate access to light and air.

Subtitle F § 5201.4(b): The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

The deck will be at the first-floor elevation, consistent with standard residential design. It will not introduce elevated views or intrusive sightlines into neighboring yards or windows beyond what is typical in a residential zone. Accordingly, the privacy and enjoyment of neighboring properties will not be unduly compromised.

Subtitle F § 5201.4(c): The proposed addition or accessory structure, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage.

The deck will be located entirely at the rear of the residence and will not be visible from the street frontage. From the public alley, the deck will appear as a customary residential feature that is compatible in scale and design with similar improvements in the neighborhood. It will not visually intrude upon the character, scale, or pattern of nearby homes.

Subtitle F § 5201.4(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 will submit architectural drawings, photographs, and elevation depictions that demonstrate the proposed deck's relationship to the existing residence, adjacent properties, and the alley. These materials confirm that the deck meets the requirements of § 5201.4(a)–(c).

IV. General Special Exception Requirements – Subtitle X § 901.2

§ 901.2(a) – In harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps

The RA-1 district is intended to encourage moderate-density residential development. Decks are customary residential amenities that enhance livability without increasing density. The proposed deck is in harmony with the purposes of the RA-1 district and the Zoning Map.

§ 901.2(b) – Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps

As demonstrated under Subtitle F § 5201.4, the proposed deck will not unduly affect light, air, privacy, or character. The project is consistent with nearby improvements and will not interfere with neighboring properties' use or enjoyment.

§ 901.2(c) – Will meet such special conditions as may be specified in the zoning regulations for the special exception

The project fully satisfies the special conditions set forth under Subtitle F § 5201.4 for relief.

V. Conclusion

The proposed 18' x 10' rear deck meets the specific requirements of Subtitle F § 5201.4(a)–(d) and the general special exception standards under Subtitle X § 901.2. The project will not adversely affect light, air, privacy, or neighborhood character; it is consistent with the purposes of the RA-1 zone; and it will not impair the public good.

For these reasons, the Applicant respectfully requests that the BZA grant special exception relief for the proposed rear deck.