

**District of Columbia
Board of Zoning Adjustments**

**Special Exception Application for 1325 Sheridan Street NW
Square 2788, Lot 0091
Zoning District R-3
DCRA Permit #DK2500478**

Preliminary Statement of Compliance with Burden of Proof

Applicants Michael and Nicole Murali (“Applicants”) hereby submit this statement of compliance with the burden of proof as required by 11 DCMR § Y-300.8(e) to the D.C. Board of Zoning Adjustments (“BZA”). Applicants are the owners of 1325 Sheridan Street NW, which is located on Square 2788, Lot 0091 (the “Property”), zone R-3. The full application packet includes:

- (1) the surveyor’s plat;
- (2) a statement of intended uses;
- (3) the D.C. Department of Buildings referral memorandum and computation sheet;
- (4) color photographs of the relevant areas of the Property;
- (5) architectural plans and elevations;
- (6) list of names and mailing addresses of owners within 200 feet obtained from the D.C. Office of Tax and Revenue;
- (7) this burden of proof statement;
- (8) certificate of service to the affected ANC and Office of Planning.

Per communications with D.C. Office of Zoning, Applicants understand that no other documentation is required at this time. Applicants are prepared to submit any supplemental documentation required by the BZA as necessary. Applicants respectfully request that this application be placed on the Expedited Review Calendar because the requested special exception falls under 11 DCMR § D-5201.

I. Nature of Relief Sought

Applicants are requesting a special exception pursuant to 11 DCMR § X-901.2 to construct a rear first-story uncovered deck with stairs and landing that exceeds the minimum 20 ft. uncovered rear yard pursuant to 11 DCMR § D-207.1. Therefore, Applicants request the BZA grant relief from 11 DCMR § D-207.1 as a special exception pursuant to 11 DCMR §§ D-5201.1(b) and X-901.2.

II. Description of the Property

According to the D.C. Department of Buildings Office of Zoning Administration's (the "OZA") Referral Notes and Computations, the Property is a 1,656 sq. ft. non-alley lot (Lot 0091).¹ It is located on Sheridan Street NW between 13th Street NW and 14th Street NW (Square 2788). Square 2788 is bounded by Sheridan Street NW to the south, Somerset Place NW to the North, 13th Street NW to the east, and 14th Street NW to the west. Square 2788 is bisected by an alley. Properties on the north side of the alley that face Somerset Place NW contain zone R-1B detached single-family dwellings. Properties on the south side of the alley that face Sheridan Street NW, including the Property, contain zone R-3 rowhouses (attached and/or semi-attached). The neighborhood is loosely bounded by Ft. Stevens to the south, the Walter Reed complex to the North, Georgia Avenue NW to the east, and 16th Street NW/Rock Creek Park to the west. The Property contains a house (the "House") that is the middle of five adjoining houses in a row.

The OZA Referral's Notes and Computations state that the House occupies 734 sq. ft. (44% occupancy) of Lot 0091, with a 30 ft. rear yard that was previously entirely covered by concrete. The House has no side yards due to the presence of adjoining houses. The House is two stories tall with a below-grade cellar. The House previously had a first-floor rear deck with stairs that has been removed in the last month for safety reasons. Along with removing the deck, Applicants removed all concrete from the rear yard, except for a small square underneath the air conditioner's condenser unit, in order to create a permeable surface and green space. The concrete has been replaced with seed and straw to grow a lawn in a project overseen by the D.C. Department of Energy and Environment's RiverSmart program. The rear yard is bounded on the east and west sides with a wooden fence, and the north side with both a large wooden double-door gate approximately 12 ft. wide and a smaller wooden gate approximately 4 ft. wide separated by a wooden column. The House's rear brick wall marks the southern bound of the rear yard. The rear yard is uncovered and open to the air but for the condenser unit and the prior/proposed deck (images below).

¹ According to the OZA's calculations, Lot 0091 does not meet the minimum 20 ft. lot width nor the minimum 2,000 sq. ft. lot area requirement of 11 DCMR § D-202.1. This is an existing condition of Lot 0091 that cannot be modified without significant changes to many, if not all, properties facing Sheridan Street NW on Square 2788.



Rear Yard Facing North



Rear Yard Facing South

The proposed replacement deck would span the width of the House and extend from the House 16 ft. into the rear yard. The OZA Referral's Notes and Computations state that this would leave a 14-ft. rear yard from the edge of the deck furthest from the House to the rear property line. The proposed deck would therefore deviate from 11 DCMR § D-207.1 by 6 ft.

III. Standard of Review

Applicants are requesting relief from the minimum rear yard requirement for zone R-3 houses in 11 DCMR § D-207.1 in order to construct a rear first-floor deck. The Zoning Regulations of 2016 allows for the requested relief at 11 DCMR § D-5201.1(b), where the regulations state that "the Board of Zoning Adjustment may grant relief . . . as a special exception" from the development standards of Subtitle D relating to "yards, including alley centerline setback," where the applicant is requesting approval "[f]or an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot." Furthermore, 11 DCMR § X-901.2 states that:

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.

Finally, 11 DCMR § D-5201.4 requires, in relevant part, that:

An application for special exception relief under this section shall demonstrate that the proposed addition . . . 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 . . . 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
- (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.

IV. Argument

A. Applicant's Request Qualifies for a Special Exception Pursuant to 11 DCMR § D-5201.1(b)

The Zoning Regulations of 2016 allows the Board of Zoning Adjustment to grant a special exception for:

- (1) development standards of Subtitle D;
- (2) related to yards, including alley centerline setbacks;
- (3) for an addition;
- (4) to a principal residential building;
- (5) with one (1) principal dwelling unit;
- (6) on a non-alley lot.

11 DCMR § D-5201.1(b). In the instant application, the relevant development standards of Subtitle D are found at 11 DCMR § D-207.1, satisfying the first element. Subsection D-207.1 sets forth requirements for a yard, satisfying the second element. To ensure that the application complies with the remaining requirement, we must first define an "addition," a "principal residential building," a "principal dwelling unit," and a "non-alley lot."

The Regulations do not define “addition,” but advise in 11 DCMR § B-100.1(g) that “Words not defined in this section shall have the meanings given in Webster's Unabridged Dictionary.” Webster’s Unabridged Dictionary’s second entry for “ADDITION” is “Anything added; increase; augmentation; as, a piazza is an addition to a building.” *ADDITION*, Webster’s Unabridged Dictionary, eBook #29765 (released Aug. 22, 2009, most recently updated July 6, 2025). The Regulations define “Building, Principal” as “The building in which the primary use of the lot is conducted.” 11 DCMR § B-100.2. “Residential” is defined in Chapter 2 as a “Use Category,” where it is defined in relevant part as “A use offering habitation on a continuous basis of at least thirty (30) days[, which is] established by . . . property ownership.” See 11 DCMR § B-200.2(aa) (providing examples such as single dwelling units). Read together, a principal residential building is the building used for habitation on a continuous basis of at least 30 days, established by property ownership. 11 DCMR §§ B-100.2 and 200.2(aa). A “dwelling unit” is defined as “One (1) or more habitable rooms comprising complete independent living facilities for one (1) or more persons, and including within those rooms permanent provisions for living, sleeping, eating, cooking, and sanitation . . . intended for a single household.” 11 DCMR §§ B-100.2. The “principal dwelling unit” is “The primary residential structure on a lot.” *Id.* Finally, an “alley lot” is “A lot that (i) faces or abuts an alley; (ii) does not face or abut a street at any point, and (iii) is recorded either on the records of the D.C. Surveyor . . . or on the records of the D.C. Office of Tax and Revenue.” Therefore, a non-alley lot is one which does not meet the requirements of an alley lot.

Based on these definitions, Applicant’s Property meets the remaining requirements of 11 DCMR § D-5201.1(b). Applicants intend to construct a deck to replace the previous deck, which qualifies as an addition to the House. Although the addition merely replaces a previous addition that required removal for safety, with adjustments to its size, it still qualifies as an addition for the purposes of 11 DCMR § D-5201.1(b). The addition will be affixed to the rear external wall of the House on the Property, satisfying the third element. The House is the principal residential building and is a single-family dwelling unit, where Applicants have resided since at least 2024. The principal residential building satisfies all requirements of a dwelling unit because it contains multiple habitable rooms for one or more persons, including permanent provisions for living (multiple rooms), sleeping (multiple bedrooms), eating (a dining room), cooking (a kitchen), and sanitation (three bathrooms and a laundry area) for a single household. 11 DCMR §§ B-100.2. In addition, Applicants own the Property and all buildings and structures thereon, satisfying the fourth element. The House is the principal dwelling unit and the only residential structure on the lot, thereby satisfying the fifth element. Lastly, the lot faces and/or abuts a street on the south side, therefore qualifies as a non-alley lot in satisfaction of the sixth element.



Facing South Showing Position of Prior Deck, Rear Yard, Fence, and Gate

Because Applicant's request, the Property, and the House meet the requirements of 11 DCMR § D-5201.1(b), the Board of Zoning Adjustment may grant Applicant's request for a special exception to the minimum rear yard requirement of 11 DCMR § D-207.1.

B. Applicant's Request Satisfies the Review Standards for a Special Exception Pursuant to 11 DCMR § X-901.2

Subsection X-901.2 of the Zoning Regulations of 2016 requires that the special exception requested:

- (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.

The general purpose and intent of the Zoning Regulations and Zoning Maps can be found in Subtitle A-101 governing the interpretation and application of the regulations. Specifically, the general purpose and intent of the Zoning Regulations are to provide "minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare to:

- (a) Provide adequate light and air;
- (b) Prevent undue concentration of population and the overcrowding of land; and

(c) Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services.”

11 DCMR § A-101.1. Applicant’s requested special exception to the rear yard setback to accommodate an uncovered deck will continue to provide adequate light and air to neighboring properties. The House, fences (both Applicants’ and neighbors’), and adjoining rowhouses already cast significant shadows across the alley during the day.



Shadows During Day in Western Adjoining Rear Yards Shadows During Day in Eastern Adjoining Rear Yards

The degree of shading seen in the images above is consistent throughout the day, as can be seen in the images on pp. 3 and 6, which were taken at different times of day and on different days during the summer and early fall. A mere 6-foot deviation from the rear yard setback requirement, reducing it to 14 feet from the alley to the edge of the proposed deck, will not cast any appreciable additional shadow on neighboring structures given the already significant shadow cast by the buildings, nor will it block sunlight and air. The deck itself is an exterior first-floor addition exposed to the elements. Subsection b and c do not apply to Applicant’s request for a special exception as there will be no change in the number of occupants of the House and Property, and no change to the use of land. The Property will remain a single-family residence with front and rear yards for the use and enjoyment a single family.

The Zoning Map and related regulations “are designed with consideration of the:

- (a) Character of the respective zones;
- (b) Suitability of each zone for the uses permitted in each zone under this title;
- (c) Encouragement of the stability of zones and of land values in those zones; and
- (d) Requirement that zoning shall not be inconsistent with the Comprehensive Plan for the National Capital.”

11 DCMR § A-101.2. Applicants' request for special exception does not affect the intent and general purpose of the Zoning Map. The requested exception to the rear yard setback maintains the character of zone R-3, the Property will still contain a rowhouse, not affect the uses permitted in zone R-3 or R-1B (across the alley from the Property), maintain the stability of the zone and land value by ensuring a safe first-floor deck is still present on the Property, and otherwise maintains consistency with the Comprehensive Plan for the National Capital. In fact, Applicants have already removed impermeable concrete from the rear yard and replace it with permeable surfaces in order to both create more green space in the District and allow for groundwater replenishment, consistent with the District's goals.

Furthermore, the requested special exception to the rear yard setback will not adversely affect the use of neighboring properties in accordance with the Zoning Regulations and Zoning Map. The requested special exception will exist entirely on the Property, slightly reducing the completely uncovered area in the rear yard, which is now a permeable surface but not otherwise affect the size of the rear yard or other features of the Property. The proposed first floor rear deck that would exceed the rear yard requirement in 11 DCMR § D-207.1 by 6 ft. will not affect the light and air available to neighboring properties, as discussed above. Finally, the requested special exception to the rear yard setback and propose deck conform to the requirements of 11 DCMR § D-5201.4, namely "(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; [and] (c) the proposed addition . . . 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 street or alley frontage," supported with graphical representations.

1. The light and air available to neighboring properties will not be unduly compromised.

As discussed above in Section IV(B), the difference between the 20 ft. minimum rear yard required by 11 DCMR § D-207.1 and the 14 ft. rear yard requested by Applicants will result in no appreciable difference to the light and air available to neighboring properties. Applicants' removal of impermeable concrete and replacement with a permeable surface in the rear yard have in fact already improved the air quality by significantly reducing the temperature in warmer months in the rear yard and surrounding area, as well as creating a green space.² Applicants' proposed deck will not appreciably change this improvement.

The deck is an external structure with no roof that will allow air to freely pass through it, providing only minimal obstruction through fencing with gaps, the base of the deck, and its supports. The deck will not create any noticeable change to light available to neighboring properties as the rowhouses and fences already cast shadows throughout the day that are larger than what the deck will likely produce as seen in the images above on page 7. Indeed, the deck

² The light-colored concrete reflected light and increased heat.

will be situated on the north-facing wall behind the mass of the existing House, so will already be covered by the shadow of the house. Additionally, the deck will not have walls to cast additional shadows, just support pillars that may create minimal shadows, mostly on the Property itself and not the neighboring properties. Applicants have no reason to believe any neighboring properties across the alley will have their light or air affected.

2. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

Applicants' intent is solely to build a deck on their property to replace a prior deck that needed to be removed. Applicants wish to have a larger deck for their own use and enjoyment, and have no intention of infringing on the privacy of use and enjoyment of neighboring properties. The deck will remain entirely on Applicants' Property and will not cross property lines or otherwise interfere with neighboring properties. Similarly, Applicants' requested special exception to the rear yard setback requirements only affects their own property, it has no effect on any neighboring properties. Finally, the proposed deck will not create an appreciable difference in the privacy of neighboring properties. Most properties visible from the prior deck already have decks and it is already possible to see the yards of several properties down the alley both to the east and west with minimal obstruction except for trees as seen in the images on page 7. Existing fencing on the Property and neighboring properties continues to provide additional privacy.

3. The proposed addition together with the original building as viewed from the alley does not substantially visually intrude upon the character, scale, and pattern of houses along the alley frontage.

Due to the preexisting fence and gates, Applicant's rear yard is not visible to anyone at street level. Therefore, anyone viewing the Property from the alley will not be able to observe any difference in the rear yard compared to neighboring properties. In fact, no one would be able to gauge the size of the rear yard to observe the six-foot special exception requested by Applicants without entering the Property itself or viewing it from a neighboring deck.

In addition, Applicants' proposed deck will not result in a significant change in the character, scale, and pattern of the rear of houses along the alley frontage. The houses on either side of Applicants' property already have decks and/or landings with stairs of varying sizes and materials as seen in the images on page 7. Other houses on the south side of the alley have decks of different materials, covered and uncovered, and of varying lengths and quality, as seen in the below images.



Rear of Zone R-3 Properties to the West with Varying Deck and Landing Sizes and Styles



Rear of Zone R-3 Properties to the West with Varying Deck and Landing Sizes and Styles

Therefore, the special exception requested here will not create a noticeable difference in the appearance, character, scale, and pattern of the rear of houses on the south side of Square 2788. Indeed, the BZA's grant of Applicant's request for a special exception will allow for the construction of deck with stairs from the first floor to the rear yard, thereby bringing the Property even more into conformity with the rest of the houses on the south side of Square 2788.

C. Additional Considerations

Applicants' proposed deck will improve fire safety on the Property by creating an additional means of safe egress to the rear of the property from the first floor and a larger landing area that is a shorter vertical distance from the second floor than the drop from the second floor to the rear yard. This will in turn require shorter fire escape ladders from the second floor, improving safety and reducing the risk of falls in the event of an emergency. The proposed stairs will lead directly to a gate that opens to the alley, allowing for a quick exit from the House and Property in case of emergency. All existing fire safety measures are otherwise unaffected.

V. Statement of Public Outreach to Neighbors and ANC

Applicants have discussed the proposed project and need for special exception with several neighbors along Sheridan Street NW between 13th Street NW and 14th NW. Applicants' have also discussed the proposed project with their immediate neighbors in their row through the summer of 2025, as well as other homeowners who share the alley bisecting Square 2788. Applicants contacted their ANC via e-mail on October 1, 2025, to inform them of the proposed project and forthcoming application for special exception. Applicant will provide their ANC with a copy of the final application shortly after submitting it to the Board of Zoning Adjustments and will attend an ANC meeting on October 7, 2025, to present the project.

VI. Conclusion

For the foregoing reasons, Applicants respectfully submit that their proposed rear first-floor deck project meets the requirements for a special exception pursuant to 11 DCMR §§ D-5201.1(b) and X-901.2 from the 20-ft. minimum rear yard requirement in 11 DCMR § D-207.1, allowing a 6-ft. variance so that the rear yard setback from the alley to the proposed deck is 14 ft. Applicants respectfully request that the Board of Zoning Adjustments grant their application for special exception. Applicants further respectfully request that their application be placed on the Expedited Review Calendar because their proposed addition falls under 11 DCMR § D-5201, thereby waiving their right to a hearing. However, Applicants are willing and able to attend a hearing should the Board require them to do so.

Date: October 3, 2025

Respectfully Submitted,



Michael J. Murali
Homeowner – 1325 Sheridan Street NW