

**Burden of Proof -
Special Exception Application**

To: **Board of Zoning Adjustment**
Government of the District of Columbia
441 4th Street NW, Suite 210 South
Washington, DC 20001

For: **Christopher Boehmler**
Owner/Applicant
1350 East Capitol Street NE
Washington, DC 20003

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Date: 30 January 2026

Subject: BZA Application, Special Exception
1350 East Capitol Street NE
Washington, DC 20003
Square 1035 Lot 0087

Mr. Christopher Boehmler, owner of 1350 East Capitol Street, NE, in the RF-1 zone, hereby applies for zoning relief to construct a two-story plus cellar addition at the rear of the residence along the western property line, and a one-story plus cellar addition along the eastern property line by authorization of 11 DCMR Subtitle X, Chapter 9 [Special Exceptions] lot occupancy requirements of Subtitle E, Chapter 2, Section 210.1 [Lot Occupancy].

The aspects of the proposed project that fall outside the current zoning regulations are as follows:

The proposed lot occupancy is 65.0% which exceeds the allowed lot occupancy of 60% (11 DCMR Subtitle E, Section 210.1). The proposed lot occupancy will be below the 70% maximum allowed by a special exception in the RF-1 district (11 DCMR Subtitle E Section 5201).

I. Summary:

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the lot occupancy does not exceed 70%, and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

II. Qualification of Special Exception:

901 Special Exception Review Standards

The Board of Zoning Adjustment will evaluate and either approve or deny a special exception application according to the standards of this section.

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;

The north side of the thirteen hundred block of East Capitol Street, NE has predominately two story row homes with front facades that are uniform in appearance and scale.

Along the Alley, many of the properties in this row have additions into the rear yard, each with its own character and material. These include open porches, covered porches, additions constructed of brick, and additions with lap siding etc..

Lot Occupancy:

The requested relief is for lot occupancy of 65.0%

The existing lot occupancy of the subject property is 60%.

The existing home, front and rear porches occupy 43.4%

The one story garage occupies 16.6%

The proposed addition touching the west lot line will be within the footprint of the existing double porches and will not add lot occupancy.

The requested additional lot occupancy for an addition along the east property line will occupy an additional 111 square feet, or 5.0%

b. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The requested relief does not affect the use of either neighboring property.

c. Will meet such special conditions as may be specified in this title.

Subtitle E, Section 5201.4 provides relief based on the following criteria:

"An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure 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;

1350 East Capitol Street is an attached single family rowhome on the north side of East Capitol Street. The proposal at the rear of 1350 East Capitol Street consists of two additions constructed around the existing massing of the existing dogleg. One addition, along the west property line, sits in the same footprint as an existing two-story porch structure. This addition would have an areaway at the cellar level with a two story structure above. The second addition proposes to infill the dogleg on the cellar and first levels only along the shared property line on the east. Both of these additions are on the rear (north side) of the building.

1348 East Capitol Street, NE (Neighbor to the West): The proposed one story + cellar addition in the dogleg would have no affect on light and air on 1348 East Capitol. The proposed addition in the rear yard would occupy the same footprint as the existing double porches, so there would be no change to light or air access on the cellar and first levels. At the upper level, the addition will have a modest effect, shading the second story rear porch at 1348 in the early morning. But currently, there is a trellis at 1350 that shades that porch at the same time periods.

1352 East Capitol Street, NE (Neighbor to the East): The rear wall of the proposed two story + cellar addition along the west property line will roughly align with the existing rear wall of an existing addition at 1352 East Capitol and will set back four and a half feet from the shared property line. The proposed addition will occupy the same footprint as the existing double porches, so there would be no change to light or air access from this addition. Along the east property line, 1350 & 1352 currently have a mirrored dogleg condition, currently providing nine feet of open space between the facades. This proposal would enclose the area on the cellar and first levels, leaving four foot six inches of yard to provide light and air to 1352. At the second level, the facades will remain nine feet apart to provide greater access to light and air at both levels.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

1348 East Capitol Street, NE (Neighbor to the West): On the west side, the proposed addition will be on the property line with no windows, on the rear (north) facade, windows will be screened on each level by a projection beyond the rear wall offering privacy to both properties.

1352 East Capitol Street, NE (Neighbor to the East): The wall of the proposed addition in the dogleg, along the east property line, will be brick and have no windows. The facade at the second level will be stepped back and will only have high windows in the bathroom and closet, allowing privacy to both properties. On the addition along the west property line, windows on the rear facade will be screened on each level by a projection beyond the rear wall offering privacy to both properties.

- (c) The proposed addition or accessory structure, together with the original building, or the proposed new 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 and alley frontage;

The addition will not be visible from East Capitol, 12th or 13th streets, NE. Along the Alley, a vast majority of the properties along this row have garages or roll up doors. As a result, the rear facade of 1350 is not visible from the alley directly behind the home and for over one hundred and fifty feet in either direction. There is an 'S' curve on the east end of the alley, where the subject property is barely visible due to the distance, and due to a deep addition at 1354 East Capitol NE.

The proposed addition will be modern in its character, but will be designed and constructed with high quality, low maintenance materials. Its proportion and scale will be respectful to the existing home as well as the scale of the neighborhood.

- (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.

Along with this application, we have included the following items:

A block plan showing the density of the block;

A site plan showing the existing and proposed conditions;

Photos of the existing house and adjacent structures to the east and west;

Plan and elevation drawings of proposed addition with materials labeled;

Official Plat from the DC Office of the Surveyor.

Shadow studies