

DC Home Improvement
Contractor Lic #420215000094MHIC
License #132356VA Home Improvement
Contractor Lic #2705132717MD Master Plumber
Lic #83998VA Master Plumber
Lic #2705132717MD Master Electrician
Lic #4606VA Master Electrician
Lic #2705132717

BURDEN OF PROOF STATEMENT

Date: 7/1/2026

Project Address: 317 L St NE Washington, DC 20002

1. INTRODUCTION AND PROJECT SCOPE

On behalf of our client, Brian & Katherine Reid, herein referred to as the ***“Applicant”***, and owners of 317 L St NE, Washington, DC 20002, we are proposing an elevated two-tiered 488 SF rear deck, off the main level of the house and above the existing rear parking pad. The proposed deck herein referred to as the ***“Project”***. The existing property currently consists of a two-story + basement, single-family home with four bedrooms and 3.5 baths, located in zone RF-1. The proposed two-tier rear deck addition (the ***“Deck”***) would include tier 1, which is to act as an enlarged landing for circulation off the main level to the parking below or to tier 2 above, and for proper clearances for the existing basement areaway underneath. Tier 2 is to be the main elevated deck that will act to shade and protect the existing parking space below while reclaiming valuable square footage for leisure, entertaining and gardening. The interior square footage of the home would remain as is.

The Applicant seeks relief for the proposed deck through one special exception and one area variance to add a 2-tiered rear deck. The deck does not comply with rear yard requirements, per Subtitle E 207.1, and does not comply with lot occupancy requirements, per Subtitle E 210.1.

2. INTENT TO OCCUPY DWELLING

The Applicant purchased the residence at 317 L St NE, Washington, DC 20002 in November of 2024. The Applicant has been working on design, permitting, and renovations since the purchase and intends to occupy the dwelling when renovations have been completed. Pursuant to the definitions stated in Subtitle B § 100.1, the Project filing fee would be categorized as an

owner-occupied dwelling and subject to only the \$325 fee, “regardless of the number of variances, special exceptions, or alternatives requested” per Subtitle Y § 1600.1.

3. RELIEF BEING SOUGHT: SPECIAL EXCEPTION

The Applicant requests special exception relief pursuant to Subtitle E § 207.1 from the requirements for a minimum required rear yard for a lot. RF-1 requires a rear yard of 20ft from the rear property line. The rear façade is currently 29’-10” from the rear lot line. The Project proposes the rear façade to remain and the proposed deck to extend from rear façade to 2.25’ from the rear lot line, to create clearance for the existing garage door to the alley and the circulation through the yard and tiered deck.

A. Pursuant to Subtitle X § 901.2, the Project would meet the general special exception requirements:

a. Subtitle X § 901.2(a) - The Project would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The project would be in harmony with the general purpose and intent of the zoning regulations and zoning maps as the applicant is requesting a deck for the usage of their rear yard while maintaining existing parking space regulations. The request does not change the usage of the space but rather recaptures space for the enjoyment of the applicant.

The applicants are avid gardeners that were involved in founding the Temperance Alley Garden, which reclaimed unused nonpermeable land in DC. (<https://www.ustreetcommunity.org/temperance-alley-garden>) This was a passion project for them and they would like to have the ability to create their own miniature urban garden in their own backyard. However, with the space required for parking and circulation, space for garden boxes and planters is greatly restricted, especially when considering proper sunlight and shading for the boxes. The 2-tier deck would allow the applicant to reclaim their land in a more sustainable and visually appealing manner.

b. Subtitle X § 901.2(b) - The Project will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The Project is similar to other properties along the row and throughout RF-1 zones as property owners try to utilize valuable outdoor space. The Project would not have negative impacts on the use of neighboring properties as it does not create instances above and beyond typical residential use.

- c. Subtitle X § 901.2(c) - The Project would meet such special conditions as may be specified in this title.***

The Project satisfies the special conditions listed below, under Subtitle E § 5201.4.

B. Pursuant to Subtitle E § 501.4, the Project would meet the special exception requirements from certain required development standards for RF-1:

- a. Subtitle E § 5201.4(a) - The light and air available to neighboring properties shall not be unduly affected by the Project.***

The light and air available to the neighboring properties are not unduly affected by the Project. There are already existing 6' privacy fences on both sides of property line belonging to neighboring properties and both neighboring properties already have deck structures in place with fully paved rear yards for parking. The proposed deck would be open underneath and would let air flow above the privacy fences due to the height needed for parking clearances. Due to the existing decks and nature of the parking spaces on either side, the proposed deck would not be changing existing conditions in any significant way.

- b. Subtitle E § 5201.4(b) - The privacy of use and enjoyment of neighboring properties shall not be unduly compromised by the Project.***

The Project does not compromise the privacy of use and enjoyment of neighboring properties as its use would consist of typical residential activities such as leisurely enjoyment of the outdoors, entertainment and gardening. There is currently a fence around the existing rear yard and the proposed design includes the construction of a solid 36" tall railings at the new deck structure to be in compliance with fire codes and give additional privacy. Added screenings can be added at the request of the Board or adjacent properties.

- c. Subtitle E § 5201.4(c) - The Project 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 Project would not impact the front façade. The Project would mimic neighboring properties in terms of character, scale and pattern as seen in neighboring row homes.

- d. Subtitle E § 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 to adjacent buildings and views from public ways.

As part of this statement and BZA application, to demonstrate compliance with the above paragraphs, we are providing plans, elevations, and photographs as graphical representation of the Project to sufficiently represent the relationship of the proposed deck to adjacent buildings and views from public ways.

4. RELIEF BEING SOUGHT: AREA VARIANCE

The Applicant requests area variance relief pursuant to Subtitle E § 210.1 from the requirements of a maximum permitted lot occupancy of 60% for RF-1 zones. The Project design would not be considered a special exception under Subtitle E § 5201.1 due to the proposed lot occupancy being 76%.

A. Pursuant to Subtitle X § 1002.1, the Project would meet the variance review standards:

a. An applicant for an area variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property.

In accordance with Subtitle X § 1000.1, due to the narrowness, shallowness, and small area of the existing lot, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in a rather small deck that would be more akin to a glorified landing or balcony, while the rest of the rear yard be unusable as an exterior living space. The existing lot does have a slightly undersized area of 1,757 SF, which does have the Applicant starting at a slight disadvantage when compared to the current DC Ordinance Subtitle D § 202.1 stating that RF-1 zone lots cannot be less than 1,800 SF and the lot occupancy cannot be more than 60%. This would have given the owners an additional 30SF of lot occupancy by matter of right. It is understood that this in itself is not exceptional hardship as there are lots far smaller, but we request that that doesn't bar the applicant from creating a more usable backyard space. The hardship comes from the owner's seeing the potential space that similar decks, or carports with decks above, in RFZ-1 zones are capturing that does not seem achievable with the existing regulations. The proposed deck would push the lot occupancy to 76%, but it really serves to recapture the space from the required parking spot and upgrade the owner's quality of life.

- b. An applicant for a use variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property.***

The strict application of the zoning regulations would result in exceptional and undue hardship upon the owner of the property as usable land and potential leisurely space would be forced to remain idle by the owners except in the most utilitarian of instances. Due to the requirement of keeping the existing parking space and access points to the basement and main levels of the house, the properties backyard is almost entirely unusable from a leisurely standpoint, despite being over 500 SF of prime real estate. The project herein proposed would not only maintain compliance but upgrade the current parking space to be shaded and would not change any drainage or existing impervious surfaces as the entire rear yard is already concrete. This Project would add immense value to the usage property in regards to adding usable outdoor space to an otherwise vacant concrete pad. In these densely populated areas of DC having covered parking access as well as private outdoor space are highly sought after, and being restricted by a 60% lot coverage deprives the owners from adding value to their property and utilizing it in ways that are extremely common for these row houses.

The additional hardship this property faces is that the backyard feels like a concrete recessed hole with 3 stories of townhomes and raised decks on one side and 2 commercial spaces on the rear and side that block sunlight, airflow and are unsightly. The commercial spaces in question, context photos included in packet, are Fry Plumbing, Heating And Air Conditioning Corp. , an HVAC business located at Square 0774 Lot 0056 and zoned for RF-1 and The Washington Center for Internships and Academic Seminars, a large, multifamily building located at Square 0773, Lot 0058 and zoned for MU-5A. The proximity and height of these buildings to the backyard loom over and enclose the lower space, casting long shadows, restricting additional sunlight and airflow at the alley level and creating unique attributes that are not representative of typical RF-1 zoning areas. Through the design of this 2-tiered deck the applicant is attempting to mitigate the peculiar and exceptional practical difficulties of diminished sunlight and air by building a rear deck that allows for better access to light and air to attempt to partially reclaim the intent of the RF-1 zoning for single family rowhouses. The proposed deck will still be open to the sky and does not reach the second story of our house, consistent with 324.1 This proposed deck still maintains respect for our neighbors, the DC code, and the character of the neighborhood while improving the quality of the backyard space and creating more usable space for the aforementioned gardening and leisure.

5. CONCLUSION

Based on the information presented and reasons detailed in this documentation, we conclude that the applicant meets the requirements needed for approval and we respectfully ask that the Board grant the relief to the Special Exception and Variance as requested.



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