

## **BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Eric Salzberg/Bialystok Trust  
1812 Kilbourne Place NW (Square 2599, Lot 64)**

### **I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.**

This Statement is submitted on behalf of Eric Salzberg/Bialystok Trust (collectively referred to as the "**Applicant**"), owner of the property located at 1812 Kilbourne Place NW (Square 2599, Lot 64) (the "**Subject Property**"). The Subject Property is currently improved with a 2-story row building used as a single family dwelling (the "**Building**"), and a detached 1-story garage with roof deck abutting the alley (the "**Garage**"). The Applicant is proposing an elevated rear deck off the main level of the house (the "**Deck**"). The proposed Deck would increase the lot occupancy to 67.5% (60% max. allowed)

### **II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle E § 5201 from the lot occupancy requirement of Subtitle E § 210.1.

### **III. BACKGROUND.**

#### **A. Description of the Subject Property and Surrounding Area.**

The Subject Property is located at 1812 Kilbourne Place, NW, and is in the RF-1 zone district. The Subject Property is an attached row dwelling on an interior lot with 2,205 square feet of land area. Abutting the Subject Property to the west is an attached row dwelling. Abutting the Subject Property to the east is an attached row dwelling. Abutting the Subject Property to the north is Kilbourne Place, NW. Abutting the Subject Property to the south is a public alley.

#### **B. Proposed Project.**

The Subject Property is currently improved with an attached row building (flat) with uncovered front stoop, and small above-grade deck off the rear main level of the house. There is also a garage abutting the alley in the rear of the property, with a roof deck above it. The current building, garage, and deck and is calculated to cover 60.5% lot occupancy. The Applicant is proposing to remove the existing small deck off the house and replace it with a 10 foot deep deck in order to use for dining, entertaining, and gardening. The enlarged deck would increase the total lot occupancy to 67.5%, which is within the 70% maximum lot occupancy provided as a Special Exception pursuant to E § 5201.1. The deck would be similar in size and depth to several along the row.

### **III. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.**

#### **A. Overview.**

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under E § 5201 of the Zoning Regulations. In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements.

**B. General Special Exception Requirements of Subtitle X § 901.2.**

The granting of a special exception in this case “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps” and “will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2).

1. Addition will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Applicant is requesting a single-story deck off the main level of the home, for the use and enjoyment of the Applicant, similar to others built along the row, and very common to row dwellings in the city, especially those where the rear yard is a full level below the main level of the home as it is here. Special Exception relief for lot occupancy is specifically permitted in the 2016 Zoning Regulations. Accordingly, the proposed Addition and Garage will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. Addition will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

As described more fully below, the Deck will also not adversely affect the use of neighboring properties.

**C. Requirements of Subtitle E § 5201**

The regulations permit relief from the lot occupancy requirements (for up to 70% lot occupancy) so long as the Application meets the criteria for relief under E § 5201.4-7:

**E § 5201.4: 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;**

The light and air available to neighboring properties shall not be unduly affected by the proposed Deck. The deck is unenclosed, and with a proposed open railing; the light and air available to both neighboring properties will not be unduly affected. The property to the west (1814 Kilbourne Place NW) has a building addition and elevated deck which together extends a total of 14'-4" beyond the rear façade of the Applicant's Building. Therefore the proposed deck will extend 4'-4" less than the neighboring deck.

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

It is generally acknowledged that row dwellings inherently are limited in their privacy due to the nature of their proximity to each other. The proposed deck would not materially change this aspect. The deck would otherwise be granted as a matter of right, however the existing garage, despite being well below the main level of the house, contributes to lot occupancy, thus requiring the Special Exception for Lot Occupancy relief.

**(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; and**

The proposed deck is consistent with others along this row and in 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.**

The Applicant has provided plans, photographs, elevations, and section drawings sufficient to represent the relationship of the proposed Addition and Garage to adjacent buildings and views from public ways.

**Section 5201.5: 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.**

If necessary, the Applicant will comply with any special treatment.

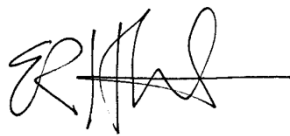
**Section 5201.6: This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.**

This section is not being used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception. The proposed Garage, along with the existing building would be within the 70% lot occupancy allowed as a Special Exception under § 5201.1 (a).

#### **IV. CONCLUSION.**

For the reasons stated above, this Application meets the requirements for approval of special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,



---

Erik Hoffland, AIA  
Hoffland Architects PLLC  
Date: March 31, 2026