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Burden of Proof

I. Introduction and Nature of Relief

This statement is submitted on behalf of Anthony & Lindsey Hill (“the applicant”), the Owners of 222 17th Place NE (“the property”). The property is zoned RF-1. The improvements on the property consist of a two story with basement, single family attached dwelling (“the building”). The applicant proposes to construct two infill additions at the rear of the property above and below where they have an existing rear two story + basement addition. The property also has an existing rear deck that was built by the previous homeowner in 2010 (based on google maps imagery). This deck has a rear setback of 4’-1” and no work is proposed to this deck. The existing rear addition has a full width first floor, $\frac{3}{4}$ width second floor and $\frac{1}{2}$ width basement. Both the proposed additions will not exceed the existing rear yard setback at the addition of 16’-10 $\frac{1}{2}$ ”. The second-floor addition is 33 SF and will overhang the first-floor by 8” on the north side, but will still maintain the same setback. The basement addition is 79 SF and will be located entirely below the existing first floor footprint. Accordingly; the applicant requests special exception approval for the structure pursuant to Subtitle E207.1 and E210.1.

II. Background

- a. The minimum lot area for an RF-1 zone is 1,800 SF while this property’s lot area is only 1,432 SF. The property does not meet the minimum lot requirements for an RF-1 zone.
- b. The property is located on 17th Place NE. The property has an existing lot occupancy of 65.3% and a rear setback of 16’-10 $\frac{1}{2}$ ” to the house and rear setback of 4’-1” to the deck. The deck is elevated to be 8” higher than the first-floor level. There is a set of stairs from the rear door to grade that is aligned with the first-floor level and 8” lower than the deck. These stairs are not contributing towards lot occupancy.
- c. The Baist Atlas from 1967 depicts that there was a rear addition that closely resembles what exists there now, see image A below.
- d. It is understood that this deck was built without a permit and does not meet the required rear yard setback of 20’-0”. The homeowners wish to keep this deck as part of this special exception application, but are amenable to demolishing the deck if the BZA requires it to allow the homeowner to build the proposed additions.
- e. The property directly to the north and south has a rear addition that is the same setback as the applicant’s and their additions are the full width at the second floor. See Image B below.

- f. Every house on the same side of the street (17th Place NE) has a rear addition of varying sizes, all with a setback of ~16'-10 ½" based on visual observation only. The Architect did not field verify other properties on the block. Refer to Image C.
- g. The Owners are seeking to construct this second-floor addition to reconfigure the existing two bedrooms to be of comparable size and meet current egress and code requirements for a bedroom. The Owners are seeking to construct the basement addition to be utilized as a guest bedroom for visiting elderly parents.
- h. The Owners do not intend to utilize the basement as an illegal accessory apartment.
- i. The proposed additions conform to the development standards, apart from relief from Subtitle E, section 207.1 and 210.1.

III. The Application Meets the Requirements for Special Exception Relief

- a. Pursuant to subtitle X Chapter 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgement 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 the neighboring property.
- b. The board may grant relief from the requirements of subtitle D 5003.1 as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions;

The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- 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 construction, 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.
- c. The granting of the special exception would be in harmony with the general purpose of the zoning regulations. The proposed rear addition will not have a substantially adverse effect on the adjacent properties and the light and air will not be unduly affected nor will the privacy of the neighbors be impacted. The proposed modification will not be visible from the street.

IV. Conclusion

Granting this special exception request will enable the Owners to have code compliant bedrooms for their children and a guest bedroom. The proposed additions consider the impact to the neighbors and sought to infill areas under and above the existing rear addition and not extend beyond the existing rear setback. The applicants chose to remove the windows on the south side of the second floor to give more privacy to the southern neighbor. The applicants hope to remain in their home indefinitely with this proposed work in this application. The rear additions have been designed to be contextual with respect to the surrounding neighborhood in terms of character, scale, proportion and pattern. The Owners engaged in discussion with the adjacent homeowners at 220 and 224 17th Place NE. Attached you will find letters of support from both these homeowners as well as the neighbors at 219 17th Street NE, 1711 C Street NE, and 218 17th Place NE. These letters will

For the reasons stated above, this application meets the requirements for the special exception approval by the Board, and the applicant respectfully requests that the Board grant the requested relief. Thank you for your time and consideration.

RFall

Image A

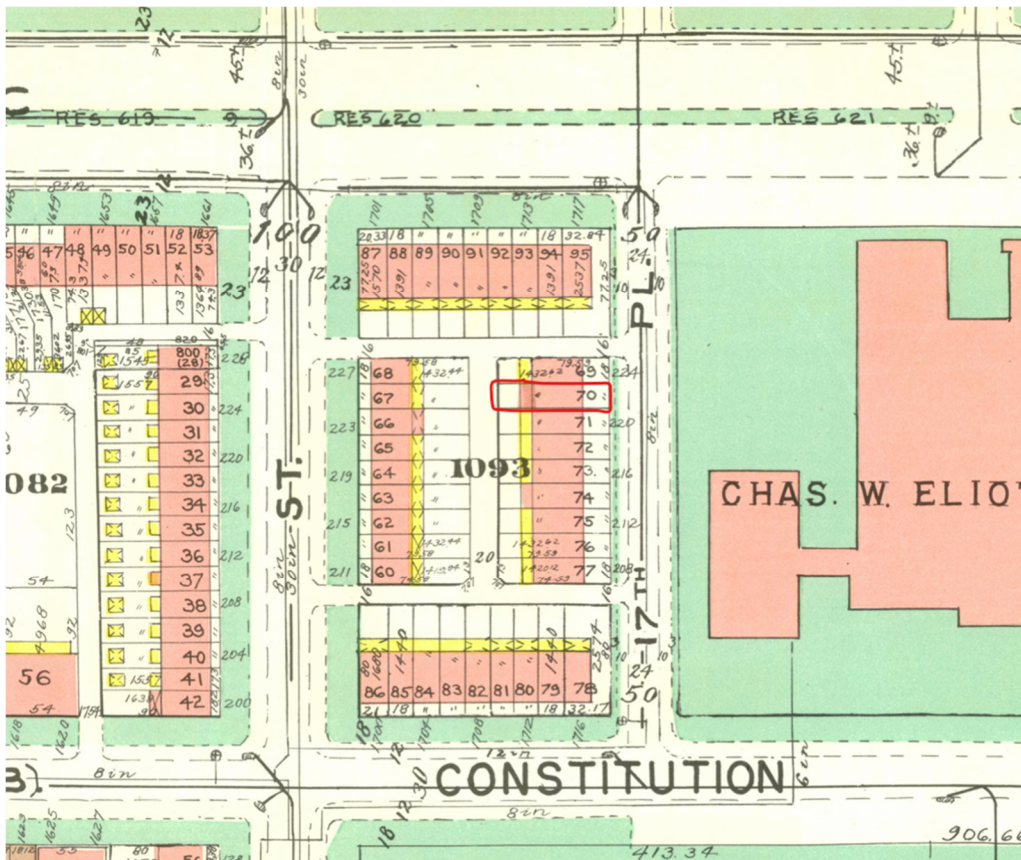


Image B



Image C