

## BURDEN OF PROOF STATEMENT

To: Frederick Hill, Chairperson, and honorable Members of the Board  
Board of Zoning Adjustment  
441 4th Street NW  
Washington, DC. 20001  
Re: Special Exception Application for 1832 15th Street, NW

Dear Chairperson Hill and Members of the Board,

Attached please find our Special Exception Application for 1832 15th Street, NW.

**A. We are requesting reliefs via Special Exception for a proposed rear addition matching height of existing primary structure, and a proposed second floor to an existing one story garage.**

The specific reliefs respectfully being sought from the Board are:

1. the 10' maximum projection of rear additions, from 10' to 13.25', plus a first story 4'-4" deck/landing and steps to the rear yard.
2. the 60% maximum lot coverage for RF-2, increased from 60% to 70%, for the proposed rear addition.
3. the required setback of 12' from the centerline of the adjacent alley for accessory structures and the proposed 2nd story addition, so that the proposed 2nd story matches the footprint of the existing one story garage.

The above reliefs are referenced by Sections 404.1, 5004.1, and 205.4 of the 2016 DC Zoning Ordinance.

**B. The Property and Surrounding Area:**

1. The subject Property is a mid-block, RF-2 zoned lot, improved with a two story brick row house with walk-out basement, and a freestanding one story garage aligned with the rear alley.
2. The lot size is 1824.20 SF. Current lot coverage is 57%. Proposed lot coverage is 70%.
3. The subject Property is flanked immediately on both sides by row houses of equal depth.
4. The proposed rear addition will extend 13.25' beyond the existing rear plane of these row houses, which is greater than the 10' depth of a rear addition allowed by right [Subtitle E205.4], with an additional 4.33' of open deck on the first floor, to enable access to the rear yard.
5. However, it should be noted that within two row houses away from the subject Property, there is an existing rear addition that extends 26' in depth, as well as a disparate assortment or other rear additions of differing depths and styles.

6. Also, the proposed second story addition to the existing one story garage on the subject Property will be immediately adjacent to an existing two story garage on the south side, as well as an existing one story garage on the north side, whose owners have expressed an interest in adding a second story to their garage as well.

Both flanking neighbors have expressed support for the subject Property's owners to add a second floor to the existing garage.

7. The subject Property is within the bounds of ANC 2B, and within the Historic District of U Street Corridor. This proposal has been approved by the ANC Historic Committee by an 8 to 1 vote in support.

### **C. Summary of Proposal:**

The Applicant seeks to renovate the interior of the existing row house, and add a two story plus walk-out basement to the rear of their row house. Also, the Applicant seeks to add a second story to an existing one story detached garage in the rear.

### **D. Outreach to ANC:**

The Applicant has reached out to ANC 2B, as well as the Dupont Circle Conservatory, and all neighbors on the block of 1800 15th street NW. All email communications are documented.

### **E. Jurisdiction of the Board:**

The Board of Zoning Adjustment has jurisdiction to grant the Special Exception requested herein pursuant to 11 DCMR Subtitle. X-901.2, as well as any other relevant parts of the 2016 Zoning Regulations.

### **F. Special Acceptance Approval:**

#### **The Applicant Satisfies Special Exception Requirements of 110X DCMR 901.2, 11-E DCMR 5201, and Subtitles 404.1, 5004.1, and 205.4 of Title 11 DCMR Zoning Regulations.**

Pursuant to D. C. Code, the Board is authorized to grant a Special Exception where it finds 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 adversely the use of neighboring properties. Relief granted through a Special Exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met.

Also, in reviewing an application for Special Exception relief "the Board's discretion...is limited to a determination of whether the exception sought meets the requirements of the regulation."

### **G. Requirements of DCMR Zoning:**

Granting a Special Exception in this application "will be in harmony with the general purpose and intent of the Zoning Regulation and Zoning Maps," and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The proposed improvements to the subject Property are in harmony, and in fact on a smaller scale than adjacent properties. The number of living units will not be increased.

## **H. Further requirements of 5201.3 for RF Zones:**

### **a. The light and air affecting neighboring properties shall not be unduly affected:**

The Applicant's BZA submission includes a solar/shade study that demonstrates both the existing shade configurations and the proposed shade configurations for every month throughout the year. It is clear the shading consequences to neighbors are minimal. One flanking neighbor, 1830 15th Street, has installed a 10' deep awning, and has supported in writing an already approved by BZA and Historic a full height addition and new two story garage immediately to its right, 1828 15th Street.

The proposed rear yard is well within the rear yard dimensions required by Zoning regulations.

### **b. The privacy of neighboring properties shall not be unduly reduced:**

The proposed addition appears to actually increase the privacy of the adjacent neighbors, as the party walls of the proposed addition by law and building code are featureless, without windows.

### **c. The proposed addition or accessory structure, together as viewed from the street, alley and other public way, shall not visually intrude upon the character, scale, and pattern of houses along the subject street's views.**

The proposed improvements to the subject Property will not be visible from the street. The proposed rear addition will be partially visible from the alley, but will be harmonious with the scale and massing of the entire block, which includes a number of large rear additions, as well as a multistory apartment building four houses away. The proposed second story to the existing garage will be in harmony and scale with the flanking garage, 1830 15th Street, which is already two stories tall, as well as the approved new two story garage, approved by BZA and Historic at 1828 15th Street, two houses away. The owners of 1834 15th Street, who currently have a one story garage, have expressed to the subject Property's homeowners their desire to perhaps add a second story to their own garage.

### **d. The Applicant shall convey intent with plans, photographs, elevations, massing studies and related data:**

The attached documents to this submission include plans of both proposed interior and exterior improvements, including contextual massing studies and schematics, photographs of neighborhood and existing subject Property, sections, side views, renderings, and solar/shade studies.

For reasons stated above, the Applicant satisfies the Special Exception requirements for the proposed improvements to the subject Property.

The Applicant respectfully asks that the Board grant this Special Exception.

Respectfully,

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