

9 March 2018  
Rev. 16 May 2018

**BURDEN OF PROOF STATEMENT**

Proposed Third Floor and Rear Addition  
Cassimus Renovation  
1307 S Street, NW

I. Introduction

Christopher Cassimus (the "Applicant") is the owner of the property and improvements located at 1307 S Street, NW, Square 0238, Lot 803. The improvements include an attached duplex unit dwelling. The duplex is made up of two attached structures: (1) A south (fronting S Street) two story stucco on frame dwelling and (2) a north (rear) two story masonry dwelling unit. The Applicants hereby request a Special Exception to the rear yard requirements of Subtitle E § 205.4.

The Board of Zoning Adjustment is authorized to grant relief from development standards of Subtitle E as a Special Exception as noted in Subtitle E § 5201.1 and specifically by Subtitle E § 205.5 and Subtitle E § 206.2 of the Zoning Regulations.

II. Description of the Property, Existing and Proposed Use, and Proposed Additions

The property is located at 1307 S Street, NW near the Fourteenth and U Street Corridors and is in the RF-1 zone district. It is situated on the north side of S street and is located in the mid-block between 13<sup>th</sup> and 14<sup>th</sup> streets. The lot is located within the ANC 1B.

The Property is rectangular shaped, is 2,400 sf in area (District of Columbia Tax Record), is 24 feet wide and is 100 feet deep. The lot is surrounded by other lots. It does not have alley access.

The structure on the lot is a front-to-rear oriented semi-attached duplex made up of two structures. The front structure is a two-story stucco on frame residence which is attached to 1309 S Street NW to the west and to the rear unit. The rear unit is a two-story masonry residence. A five and a third foot side yard exists on the east side of the structure separating it from 1305 S Street NW to the east.

Due to the front-to-rear oriented nature of the duplex, the existing rear wall of the rear unit is thirty-six and a half feet behind the rear wall of 1309 S Street NW, the attached three story masonry residence to the west.

The property is surrounded by other attached, semi-attached and free standing dwellings, both two and three story, as well as a larger institutional building on S Street.

The dwelling currently serves as a two-family dwelling unit and will continue to do so after the proposed work is completed.

Due to the front-rear orientation of the existing dwelling units, a rear and upper floor addition is required to create an additional bedroom to the existing rear structure. The additional bedroom to the rear unit will make it a three-bedroom dwelling unit. Subtitle E § 205.4 limits any rear addition to ten feet beyond the furthest rear wall of any adjoining principal residential building on an adjoining property. This would significantly impact the ability to create a usable bedroom and living space at the rear of the building. The applicant is seeking relief to extend the non-conforming nature of the existing structure by an additional four and a half feet. This will extend the existing thirty-six and a half feet distance to the rear wall of 1309 S Street to forty-one feet.

The upper floor addition will be requiring the applicant to create a Mansard roof structure above the existing metal coping cornice on the rear unit. As such, we are also seeking relief from Subtitle E §206.1 to allow the applicant to modify the existing modest cornice.

III. The Application Satisfies Special Exception Requirements of Subtitle E §5201.3

Subtitle E §5200 grants the Board of Zoning Adjustment the power to grant relief to the development standards and regulations in the RF zones as a special exception. Per §5201.3 “the applicant shall demonstrate that the addition shall not have 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;*

The proposed addition to 1307 S street will have minimal impact on the light and air available to the western neighbor as the existing structure already encroaches beyond the 10’ rear yard limit. In addition, the proposed upper floor structure is of modest height, is well under the taller neighbor to the west and will have limited impact on light. To the east, the neighbor’s light and air is not affected as the proposed addition maintains the existing side yard.

In addition, letters of support from the direct neighbors have been obtained. See section IX of this application.

- b. *The privacy and use and enjoyment of neighboring properties shall not unduly be compromised*

The proposed addition does not affect the privacy or enjoyment of the neighboring properties. As the addition is partially party wall to the west, there will be no windows overlooking the neighbor’s yard. On the east side of the property, the new addition will have limited windows along the privacy fenced property line. In addition, the new structure will have less windows than the existing glazed porches.

- 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:*

The proposed upper floor addition and rear addition is located on the rear structure of the duplex. As such, it has limited views from the street. The upper floor addition, by utilizing a Mansard roof massing, is in keeping with the residential character and historic nature of the surrounding residences.

- d. *In demonstration compliance with a, b, and c of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and sectional drawings sufficient to represent the relationship of the proposed addition or accessory structure to the adjacent buildings and views from public ways;*

Please see Item IV. Architectural Plans and Elevations in the application file.

IV. Granting Special Exceptions

- a. *Per Subtitle X § 901.2 the Board of Zoning Adjustment is authorized to grant special exceptions, provided that the special exceptions:*
  - i. *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps*

The proposed addition to the existing two-family dwelling is consistent with the purpose and intent of the residential flat zones.

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

The requested relief from the 10 foot rear addition limit will not adversely affect the use of the neighboring properties.

- iii. *Subject in specific cases to the special conditions specified in this title.*

This is not applicable to this application.

V. Historic Preservation Review Board Review

The proposed addition was presented to the HPRB and was amended for staff approval in February of 2018.

VI. Neighborhood Outreach, ANC and Office of Planning

The Applicants have contacted the neighbors at 1305 and 1309 S Street NW as well as rear lot line neighbors on 13<sup>th</sup> Street NW (lot 77) and neighbors across from 1307 S Street. Responses have been collected from immediate adjoining property owners and those owners directly across S Street from the property. The non-objection letters are found in section IX of this application

The Applicants will be notifying the local ANC (1B) and the Office of Planning regarding this application.

VII. Conclusion

We feel that through approving this Special Exception, there is no detriment to the public good or impairment of the intent, purpose and integrity of the zone plan as embodied in the regulations as stated above.

Respectfully Submitted,

Michael P. Rouse, AIA NCARB  
Principal Architect  
Michael Patrick Rouse Architecture, PLLC