

Burden of Proof

Special Exception Application

1817 Irving Street NE

To: **The Office of Zoning**
Government of the District of Columbia
Suite 210 South
441 4th Street NW
Washington, DC 20001

From: Aaron and Lauren Eastlack
Owner/Applicant
1817 Irving Street NE
Washington, DC 20018

Date: May 2nd, 2022

Subject: BZA Application, Repair and Replace Existing Deck
1817 Irving Street NE (Square 4208, Lot 0035)

Aaron and Lauren Eastlack, owners and occupants of 1817 Irving Street NE, hereby apply for a special exception pursuant to Subtitle X § 901.2(a),(b), and(c), as well as Subtitle F § 5201.4(a),(b),(c), and (d) , to repair and replace the existing deck on the rear of our semidetached single family home in RA-1. The zoning relief requested is as follows:

Application of Aaron and Lauren Eastlack, Subtitle X § 901.2(a),(b), and(c), as well as Subtitle F § 5201.4(a),(b),(c), and (d) , to repair and replace the existing deck on the rear of our semidetached single family home in RA-1 at the premises 1817 Irving Street N.E. (Square 4208, Lot 0035).

I. Summary:

This special exemption qualifies under X-901.2 as well as Subtitle F § 5201.4(a),(b),(c), and (d) because the lot occupancy does not exceed 70%, and the repair and replacement of the existing deck will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

The special exemption will allow the existing nonconforming deck to maintain the existing conditions of the lot occupancy at 1636 SF (52.2%).

II. Qualification of Special Exemption

5201 Special Exemptions Review Standards

By satisfying the requirements of F 5201.4(a),(b),(c), and (d) the application also meets the general special exemption requirements of X-901.2.

5201.4 An applicant for special exemption under this section shall demonstrate that the accessory structure 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;
The repair and replacement of the existing rear deck will continue the existing conditions.
- (b) The Privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
The repair and replacement of the existing rear deck will continue the existing conditions.
- (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 repair and replacement of the existing rear deck will continue the existing conditions.
- (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

Plans, photographs, and elevational drawings have been submitted into the record.

901 Special Exemption Review Standards

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The rear structure will be visible from the public way. Additionally, the proposed structure will be constructed with high quality materials and will be appropriate in scale for the existing houses.
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

As described more fully above, the structure will minimally impact the light and air or privacy of the neighboring properties.
- (c) Will meet such special conditions as may be specified in this title.

If you require any further clarification or have any questions regarding the application, we are available at any time to discuss them with you.

Thank you,

Lauren and Aaron Eastlack