

December 2, 2021

Board of Zoning Adjustment

Applicant's Preliminary Burden of Proof Statement

This statement is submitted on behalf of Oladapo Kolawole, owner of the property located at 1933 2nd St NE. The property is in the RF-1 zone, between U St. NE and Todd Pl NE, and is currently an attached 4-unit Multifamily building

The Applicant would like to remove the existing mansard roof in order to provide a front balcony at the new third floor, as well as additional living space. To do so, the Applicant is requesting a Special Exception from **Title 11 Subtitle E § 206.1** (modification of rooftop elements).

A roof top architectural element original to the building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure.

As permitted under Title 11 Subtitle E § 206.4

Relief from the design requirements of Subtitle E § 206.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the conditions of Subtitle E § 5207

The proposed construction fully complies with Subtitle E § 5207 as outlined below –

(a) 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:

- 1. The light and air available to neighboring properties shall not be unduly affected;***

The proposed rooftop element modification will have a minimal or positive effect on the light and air of the neighboring properties. The property to the north (1937 2nd ST NE) has already had its original mansard removed for a third story addition and front balcony. Removing the mansard and setting back the 3rd story addition at the subject property will provide more light and air to the balcony and front 3rd story windows at 1937 2nd ST NE. The property to the south (1929 2nd ST NE) still has its mansard roof, however the setback of the third story at the subject property will prevent the removal of the mansard from having an impact on the light and air at 1929 2nd ST NE.

2. *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and*

The proposed rooftop element modification will have a minimal effect on the privacy and enjoyment of neighboring properties. As stated above, it will increase the amount of light available to the balcony and 3rd story windows at 1937 2nd ST NE, which will increase the occupant's enjoyment of the space. The modification requested is not anticipated to have any effect on the privacy of use and enjoyment of 1929 2nd ST NE, as it will not be blocking any light, or introducing any additional visibility into the property.

3. *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;*

The proposed rooftop element modification is consistent with existing and ongoing development along this block of 2nd ST NE. The subject property is located on the east side of the street in the southern half of the block, amid similar apartment row buildings. Of these buildings, 1917, 1921, 1937 and 2001 have had their existing mansard roofs removed or modified to accommodate a 3rd story addition. The proposed modification on the subject property is most similar to the property next door at 1937 2nd ST NE. The mansard will be removed, and the 3rd story addition will be set back to create a balcony at the front of the 3rd story.

The existing building is a 4-unit apartment building eligible for conversion to a 6-unit apartment building based on U § 301.5 (c) and A § 304.2 (a) (minor flex granted by the Zoning Administrator on June 25th 2021). To accommodate 6 units (two 2-bedroom and four 3-bedroom), the applicant is also requesting relief from **Title 11 Subtitle E § 205.4** to allow an addition extending more than 10 ft past the furthest rear wall of the adjoining building to the south (1929 2nd ST NE)

Notwithstanding §§ 205.1 through 205.3, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

As permitted under Title 11 Subtitle E § 205.5

A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if

approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle E § 5201 if applicable.

Subtitle E § 5201 is not applicable to this request.

Both requested exceptions (**Subtitle E § 206.1** and **Subtitle E § 205.4**) are subject to the standards set out in Subtitle X, Chapter 9

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;

Both requested exceptions are in harmony w/ the general purpose and intent of the zoning regulations. The general purpose of **Subtitle E § 206.1** is to preserve neighbor character, scale and building patterns. As mentioned above, the proposed rooftop element modification is consistent with existing and ongoing development along this block of 2nd ST NE.

The general purpose of **Subtitle E § 205.4** is to project residential properties from the substantially adverse effects of overdevelopment on neighboring properties and to protect neighborhood character and scale. As mentioned above, the proposed addition is consistent with other additions that have been constructed on apartment buildings on this block.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The proposed exceptions are not anticipated to have any substantially adverse effects on the neighboring properties. For the exception requested to **Subtitle E § 206.1**, the impacts on neighboring properties have been detailed above under required compliance with Subtitle E § 5207.

For the exception requested to **Subtitle E § 205.4**, the property the most impacted will be the neighbor directly to the north, 1937 2nd ST NE. This building has already been extended 10 ft past the current building on the subject property. Once the proposed addition is constructed, it will extend only 10 ft past the rear wall of the building at 1937 2nd ST NE, which is consistent with the intent of the code.

The proposed construction will extend 20 ft past the current rear wall of the property directly to the south, 1929 2nd ST NE, however since subject property is on the north side, there will be no substantial impact on the light available to 1929 2nd ST NE. There will be no windows along either side of the proposed addition, and the proposed roof deck is located toward the front of the building. Consequently, there is no anticipated impact on the privacy of either adjacent property.

(c) Will meet such special conditions as may be specified in this title.

This title does not specify any special conditions for the relief requested, other than what has already been outlined in this statement.