

Burden of Proof Special Exception Application

658 E Street NE

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

From: **Mary Schoelen and Brad Smith**
Owner/Applicant
658 E Street NE
Washington, DC 20002

Date: August 24, 2011

Subject : **BZA Application for an Addition at 658 E Street NE**
(Square 861, Lot 801)

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Mary Schoelen and Brad Smith, owners and residents of 658 E Street NE hereby apply for a special exception to build a one story covered porch addition on the rear of their existing non-conforming row house. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

Relief Requested:

- Special Exception from the lot occupancy requirements under Section 403, pursuant to DCMR 11, Section 223 to construct a one story covered porch not meeting the maximum allowed lot coverage in the R-4 zone.

The existing lot coverage is 786.8 SF (64.97%), which is 4.97% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2). The proposed construction will increase the lot coverage to 847.7 SF (70%).

- Special Exception from open court requirements under Section 406.1, pursuant to DCMR 11, Section 223, to construct a one story covered porch, not meeting the minimum court width required in the R-4 zone.

The existing open court is non-conforming at 3.8'. The proposed addition will be set back 5.0' from the property line, thus requiring relief from open court requirements.

Special Exceptions:

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18316

EXHIBIT NO. 4

I. Summary:

- A. The special exceptions qualify under 11 DCMR Section 223 because the lot occupancy does not exceed 70% (11 DCMR 223.3), and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2).
- B. The proposed one story addition will extend only 10.5' past the existing footprint of the house.

II. Bases for Grant of Special Exception

Board of Zoning Adjustment
District of Columbia
CASE NO.18316
EXHIBIT NO.4

Section 223 provides relief based on satisfying specific criteria under which additions to single-family dwellings may be permitted with a residential district. Those criteria are addressed separately below:

223.1 An addition to a one-family dwelling or flat in those Residence Districts where a flat is permitted that does not comply with all of the applicable area requirements of sections 401, 403, 404, 405, 406 and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under section 3104, subject to the provisions of this section.

The proposed addition will be on the rear (north facing side) of the existing building. The existing structure has a lot coverage of 64.97 percent which will increase to 70% with the proposed construction. This is 10 percentage points over the matter-of-right lot occupancy allowed in the R-4 district, but is at the 70% allowed by Section 223.3 as a special exception.

223.2 The addition shall not have a substantially adverse affect 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.

656 E Street NE

656 E Street NE lies immediately to the west of the property at 658 E Street NE. 656 E Street NE has a one story covered porch similar in size and massing to the one proposed for 658 E Street NE. The proposed addition at 658 E Street NE will extend 1'-6" beyond the porch at 656 E Street NE. The property at 656 E Street has an existing open court that is 3.8' wide along the shared property line. As the addition sits on the north side of the existing house, the impact on the daylight enjoyed by the neighbor will be minimal. The proposed one story addition will have minimal impact on the air or light at 656 E Street NE.

The owners of 656 E Street NE have been presented with the proposed plans, and have not raised any objections.

660 E Street NE

660 E Street NE lies immediately to the east of the property at 658 E Street NE. The proposed addition at 658 E Street NE will extend 10'-6" beyond the rear of 660 E Street NE. As the addition sits on the north side of the existing house, the impact on the daylight enjoyed by the neighbor will be minimal. Because of the modest size of the addition, and the fact that it is one story, the addition will have minimal impact on the air or light at 660 E Street NE.

The owners of 660 E Street NE have been presented with the proposed plans, and have not raised any objections.

Neighbors to the North of 658 E Street NE

The properties to the north are separated from 658 E Street NE by private lots. The rear of the closest house on G Street NE is approximately 60' from the proposed addition. A one story garage sits immediately to the north of 658 E Street NE. Due to the distance between the addition and the houses to the north, there will be no impact on light and air.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised

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656 E Street NE

658 E Street currently has a two level deck. The first floor deck is approximately the size of the proposed covered porch and new deck combined. Because there is a deck already, the addition of the covered porch will not decrease the privacy enjoyed by the neighbor at 656 E Street NE.

The second floor deck will be expanded from 5.0' to 10.5' with the proposed addition. The second floor deck will only minimally impact the privacy enjoyed by 656 E Street NE because there is already a deck there.

The owners of 656 E Street NE have been presented with the proposed plans, and have not raised any objections.

660 E Street NE

658 E Street currently has a two level deck. The first floor deck is approximately the size of the proposed covered porch and new deck combined. Because there is a deck already, the addition of the covered porch will not decrease the privacy enjoyed by the neighbor at 656 E Street NE.

The second floor deck will be expanded from 5.0' to 10.5' with the proposed addition. The second floor deck will only minimally impact the privacy enjoyed by 660 E Street NE because there is already a deck there.

The owners of 660 E St. NE have been presented with the proposed plans, and have not raised any objections.

Neighbors to the North of 658 E Street NE

658 E Street currently has a two level deck. The first floor deck is approximately the size of the proposed covered porch and new deck combined. Because there is a deck already, the addition of the covered porch will not decrease the privacy enjoyed by the neighbors to the north.

The second floor deck will be expanded from 5.0' to 10.5' with the proposed addition. The second floor deck will only minimally impact the privacy enjoyed by the neighbors to the north.

(c) The addition, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage

There is no alley access to the rear of the property, so the proposed addition at 658 E Street NE will not dramatically change the existing view from the alley. The addition is modest in size and minimally extends past the existing structure to the west and extends only 10.5' beyond the existing structure to the east. The proposed addition also maintains the existing scale in the public alley. The proposed addition will not be visible from any street.

The proposed addition will be constructed with high quality, historically appropriate materials.

(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 to adjacent buildings and views from public ways.

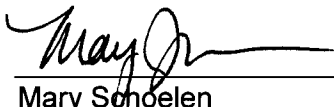
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Along with this application, we have included the following items:

- a) Photos of the existing house and surroundings;
- b) Signatures of support from neighbors for a rear addition;
- c) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
- d) Official Plat from the DC Office of the Surveyor.

If you require any further clarification or have any questions regarding the application, Mary Schoelen, Brad Smith, and authorized agent Jennifer Fowler, A.I.A. are available at any time to discuss them with you.

Thank you,



Mary Schoelen
Owner/Applicant
658 E Street NE
Washington, DC 20002



Brad Smith
Owner/Applicant
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