

**Burden of Proof
Special Exception Application**

1439 East Capitol Street SE

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

From: **Ann Pina**
Owner/Applicant
1439 East Capitol Street SE
Washington, DC 20003

Date: November 1, 2011

Subject : **BZA Application, Pina Addition**
1439 East Capitol Street SE (Square 1058, Lot 44)

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Ann Pina, owner and resident of 1439 East Capitol Street SE, hereby applies for a special exception to build a two-story addition on the rear of her existing row house. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The proposed construction increases the lot occupancy from 1078 SF (69%) to 1091.3 SF (70%), which is 10% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 1% above the existing lot occupancy. The rear setback will remain more than the required 20' minimum.

The proposed construction creates a 5'-0" wide non-conforming open court (11 DCMR 406.1)

Currently, the existing lot is non-conforming with regards to lot coverage (11 DCMR 403.2) and open court (11 DCMR 406.1), and 11 DCMR 2001.3 (addition to a non-conforming structure)

I. Summary:

- A.** This special exception qualifies 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 existing two-story covered porch will be demolished and the proposed two-story addition will extend only 10'-8" beyond the rear of the existing house structure.

II. Bases for Grant of Special Exception

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:

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18332
EXHIBIT NO. 4

Board of Zoning Adjustment
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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 two-story addition is to a permitted single-family residence that is not currently in conformance with Section 406.1 (open court) or Section 2001.3 (lot occupancy).

The proposed addition will be on the rear (south facing side) of the existing building. The proposed addition will increase the existing lot coverage from 69% to the maximum allowable 70%. To maintain the light and air in the house, the existing open court will be widened from 4'-0" to 5'-0".

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.*

1437 East Capitol Street SE

1437 E. Capitol Street SE lies to the west of the proposed addition at 1439 E. Capitol Street SE. The addition will extend only 5'-8" beyond the rear of 1437 E. Capitol St. SE. The existing first floor porch structure at 1439 E. Capitol St. SE currently lines up with the porch at 1437 E. Capitol St. SE, while the existing second floor porch structure extends 2'-0" past the existing porch at 1437 E. Capitol St. SE. As the increase in depth relative to 1437 E. Capitol St. SE is modest, the overall addition will have minimal impact on the air or light at 1437 E. Capitol St. SE.

1441 East Capitol Street SE

1441 E. Capitol Street Se lies to the east of the proposed addition at 1439 E. Capitol St. The proposed addition will extend only 3'-5" past the existing house at 1441 E. Capitol Street; however there is an open court at 1441 E. Capitol St. on the west side of the property, along the shared property line. Additionally, the existing 4'-0" open court on the west side of 1439 E. Capitol St. will remain and widen to 5'-0" at the new addition. The open courts on each side of the existing structures at 1439 E. Capitol St. and 1441 E. Capitol St. will allow light and air between the two structures.

The addition may minimally impact the air and light available to 1441 E. Capitol Street; however as there is an open court adjacent to both the addition and the existing structure at 1441 E. Capitol the impact will be minor.

Neighbors to the South

Neighbors to the south of 1439 E. Capitol St. SE are separated from the property by a 10' wide public alley. The proposed addition at 1439 E. Capitol Street will allow for a rear yard of 37'-6". Due to the public alley, existing large tree and rear yard, the proposed addition will have no impact on the air or light for the neighbors to the west

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

1437 East Capitol Street SE

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The proposed addition at 1439 E. Capitol Street will be modest in size and will extend 5'-8" beyond the existing house at 1437 E. Capitol Street. The addition will extend the existing party wall with a face-on-line wall and will not have any windows on the side facing 1437 E. Capitol Street. The proposed addition will be proportional in scale, thus the privacy of use and enjoyment of 1437 E. Capitol Street will not be compromised.

1441 E. Capitol Street SE

The proposed addition will be modest in size, extending only 3'-5" beyond the structure at 1441 E. Capitol Street. Because the addition will widen the existing open court, there will be no construction along the shared property line. Additionally, the proposed addition will not have any windows on the side facing 1441 E. Capitol Street. The addition will be proportional in scale, thus the privacy of use and enjoyment of 1441 E. Capitol Street will not be compromised.

Neighbors to the South

The proposed addition at 1439 E. Capitol will not affect the existing public alley that separates the structure from the neighbors to the south and east. The proposed addition will maintain a large rear yard and will not affect the large tree at the rear of 1439 E. Capitol Street. The proposed addition will be proportional in scale, thus the privacy of use and enjoyment of neighbors to the south will not be compromised.

(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

The existing square is extremely dense. There is alley access to the property, but existing garages near the property will limit the view of the proposed modestly sized addition from the properties in the alley. The proposed addition will not be visible from any street.

The proposed addition will be constructed with high quality, historically appropriate materials and will be appropriate in scale for the existing houses.

(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.

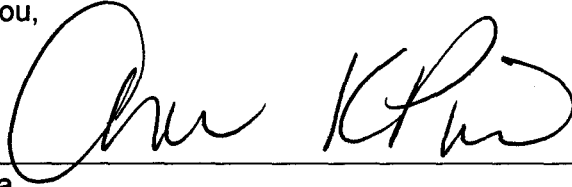
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Along with this application, we have included the following items:

- 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, Ann Pina and authorized agent Jennifer Fowler, A.I.A. are available at any time to discuss them with you.

Thank you,

A handwritten signature in black ink, appearing to read 'Ann Pina', followed by a second signature that appears to be 'Jennifer Fowler'.

Ann Pina
Owner/Applicant
1439 East Capitol Street SE
Washington, DC 20003

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