

**Burden of Proof
Special Exception Application**

423 M Street NE

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

From: **Gerald and Kara Morrissey**
Owner/Applicant
423 M Street SE
Washington, DC 20002

Date: March 6, 2012

Subject : **BZA Application, Morrissey Addition**
423 M Street NE (Square 805, Lot 74)

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Gerald and Kara Morrissey, owners and residents of 423 M Street NE, hereby apply for a special exception to build a third floor addition on top of their existing row house. In order to reduce the current lot coverage to 70%, they propose reducing the size of their rear deck. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

Currently, the existing lot is non-conforming as per 11 DCMR 2001.3 (addition to a non-conforming structure) for lot occupancy (DCMR Section 403.2), lot size, and lot width (DCMR Section 401.3). The existing lot occupancy is 76.4%, which is 16.4% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2). The proposed addition and reduction of the rear deck will reduce the lot occupancy to 70%, but because the lot is non-conforming to 11 DCMR 2001.3, a special exception is needed to construct the third floor addition.

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 footprint of the house will be decreased. The existing two-story house will remain and a third floor addition will be built above the existing house. The existing rear deck will be reduced in size.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18379
EXHIBIT NO. 4

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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:

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 third floor addition is to a permitted single-family residence that is not currently in conformance with Section 2001.3 (*lot occupancy, lot size and lot width*).

The proposed third floor addition will be above the existing house and will not increase the footprint of the existing structure. The front line of the addition will be a mansard set 3' back from the front of the house and behind the existing bay so as to not impose too much on the street view.

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of an abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected.

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421 M Street NE

421 M Street NE lies to the west of the proposed addition at 423 M Street NE. The addition will extend only 5'-7" above the existing structure at 423 M Street and will not extend past the existing structure at 421 M Street or 423 M Street. As the increase in height is modest, the overall addition will have minimal impact on the air or light at 423 M St. NE.

425 M Street NE

425 M Street NE lies to the east of the proposed addition at 423 M Street NE. The addition will extend only 5'-7" above the existing structure at 423 M Street and will not extend past the existing structure at 425 M Street or 423 M Street. As the increase in height is modest, the overall addition will have minimal impact on the air or light at 423 M St. NE.

Neighbors to the South

Neighbors to the south of M St. NE are separated from the property by a 10' wide public alley. The proposed third floor addition at 423 M Street will maintain the existing 13'-0" rear yard. While the proposed third floor addition may obstruct some sunlight, the alley and corresponding backyards are wide enough so that it will have minor impact on the neighbors to the south. Thus, the proposed addition at 423 M Street NE will have minimal impact on the neighbors to the south, across the public alley.

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

421 M Street NE

The proposed addition at 423 M Street will be modest in size and will extend 5'-7" above the existing adjacent structures. The addition will extend above the existing parapet and will not have any windows on the side facing 421 M Street. Additionally, the front of the addition will be a mansard roof that is set back 3'-4" from the property line and angles 2'-0" back, behind the existing bay and turret. This will ensure that the proposed addition does not impose too much on the existing street view. The proposed addition will be proportional in scale, thus the privacy of use and enjoyment of 421 M Street will not be compromised.

425 M Street NE

The proposed addition at 423 M Street will be modest in size and will extend 5'-7" above the existing adjacent structures. The addition will extend above the existing parapet and will not have any windows on the side facing 425 M Street. Additionally, the front of the addition will be a mansard roof that is set back 3'-4" from the property line and angles 2'-0" back, behind the existing bay and turret. This will ensure that the proposed addition does not impose too much on the existing street view. The proposed addition will be proportional in scale, thus the privacy of use and enjoyment of 425 M Street will not be compromised.

Neighbors to the South

The proposed addition at 423 M Street will not affect the existing rear yard or public alley that separates the structure from the neighbors to the south. 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 front of the proposed third floor addition will be set back behind the existing bay and turret and will have a mansard roof that is set back 3'-4" from the property line and angles 2'-0" back, behind the existing bay and turret. This will ensure that the addition will not substantially visually intrude on the street frontage. The proposed addition will be constructed with high quality, historically appropriate materials and will be appropriate in scale for the existing houses. The mansard roof will be sheathed in standing seam metal.

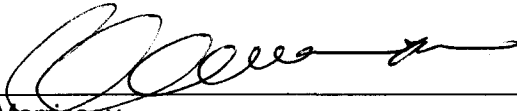
(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

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

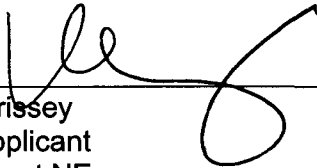
- a) Photos of the existing house and surroundings;
- b) Signatures of support from neighbors for a third floor addition;
- c) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
- d) Official Plat from the DC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



Gerald Morrissey
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Kara Morrissey
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