

**Burden of Proof
Special Exception Application**

712 A Street SE

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

From: **Juliet Macur and David Michaels**
Owner/Applicants
712 A Street SE
Washington, DC 20003

Date: May 15, 2012

Subject : **BZA Application for an Addition at 712 A Street SE**
(Square 898, Lot 50)

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Juliet Macur and David Michaels, owners and residents of 712 A Street SE, hereby apply for a special exception to build a two-story rear addition on the rear of their existing semi-detached row dwelling. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The existing lot coverage is 1079.8 SF (49%), which is 9.7% over the allowed lot occupancy for a semi-detached row dwelling in the R-4 zoning district (11 DCMR Section 403.2). The proposed construction will increase the lot coverage to 1265.3 SF (57.6%), which is 17.6% over the allowed lot coverage. Additionally, the existing house has a non-conforming side setback that is 2.93', which will be extended with the proposed addition (11 DCMR Section 405.9).

Additionally, the existing property does not conform to 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 proposed two-story addition will not extend past the adjacent strictures.
- C.** The proposed two-story addition will follow the same side yard of the existing house therefore maintaining the existing 2.93' side yard on the west side of the property.

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. 18414
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 proposed addition will be on the rear (north facing side) of the existing building. The existing structure has a lot coverage of 49 percent, which will be increased to 57.6 percent with the proposed addition. This is 17.6 percentage points over the matter-of-right lot occupancy allowed in the R-4 district for a semi-detached dwelling, but is below 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.

710 A Street SE

710 A Street SE lies immediately to the west of the property at 712 A Street SE. The proposed addition at 712 A Street SE will not extend past the existing structure at 710 A Street SE. The rear of 710 A Street SE sits approximately 4'-7" beyond the rear of the proposed addition. The size of the existing side yard will not be reduced. There is a party wall that is shared by 710 A Street SE and 712 A Street SE, which extends the length of 710 A Street SE. The party wall is approximately 27' tall, 4'-9" taller than the proposed addition.

The proposed addition will have no impact on the air and light enjoyed by 710 A Street SE.

714 A Street SE

714 A Street SE lies immediately to the east of the property at 712 A Street SE. The proposed addition at 712 A Street SE will not extend past the existing structure at 714 A Street SE. The rear of 714 A Street SE sits approximately 10'-7" beyond the rear of the proposed addition. There is a party wall that is shared by 710 A Street SE and 712 A Street SE, which extends the length of 714 A Street SE. The party wall is approximately 32' tall, 9'-9" taller than the proposed addition.

The proposed addition will have no impact on the air and light enjoyed by 714 A Street SE.

Neighbors to the North of 712 A Street SE

The proposed addition at 712 A Street SE will not extend past the existing adjacent two story structures. The majority of the rear yard will remain unobstructed; the remaining rear yard setback will be 41'-6". There is no public alley behind 712 A Street SE, and the rear yard is deep. Thus, the proposed addition at 712 A Street SE will have no impact on the neighbors to the north.

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

710 A Street SE

710 A Street SE lies immediately to the west of the property at 712 A Street SE. The proposed addition at 712 A Street SE will not extend past the existing structure at 710 A

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Street SE. The rear of 710 A Street SE sits approximately 4'-7" beyond the rear of the proposed addition. The size of the existing side yard will not be reduced. There is a party wall that is shared by 710 A Street SE and 712 A Street SE, which extends the length of 710 A Street SE. The party wall is approximately 27' tall, 4'-9" taller than the proposed addition.

Because of the depth of the adjacent house, and the modest size and massing of the addition, there will be no impact on the privacy of use and enjoyment enjoyed by 714 A Street SE.

714 A Street SE

714 A Street SE lies immediately to the east of the property at 712 A Street SE. The proposed addition at 712 A Street SE will not extend past the existing structure at 714 A Street SE. The rear of 714 A Street SE sits approximately 10'-7" beyond the rear of the proposed addition. There is a party wall that is shared by 710 A Street SE and 712 A Street SE, which extends the length of 714 A Street SE. The party wall is approximately 32' tall, 9'-9" taller than the proposed addition.

Because of the depth of the adjacent house, and the modest size and massing of the addition, there will be no impact on the privacy of use and enjoyment enjoyed by 714 A Street SE.

Neighbors to the North of 712 A Street SE

The proposed addition at 712 A Street SE will not extend past the existing adjacent two-story structures. The majority of the rear yard will remain unobstructed; the remaining rear yard setback will be 41'-6". There is no public alley behind 712 A Street SE, and the rear yard is deep.

Because of the depth of the adjacent houses, and the modest size and massing of the addition, there will be minimal impact on the privacy of use and enjoyment enjoyed by the neighbors to the north of 712 A Street SE.

(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, thus the addition will not be visible from the rear. There may be slight visibility from the front of the house through the narrow side yard, but it will have no impact on the character, scale, or pattern of the houses on the block. The addition is modest in size and does not extend past the existing adjacent structures. 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.

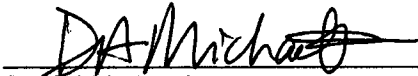
If you require any further clarification or have any questions regarding the application, we, as well as our authorized agent Jennifer Fowler, A.I.A., are available at any time to discuss them with you.

Thank you,



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