

**Burden of Proof
Special Exception Application**

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426 11th Street SE

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

From: Karl and Julie Moeller
Owner/Applicants
426 11th Street SE
Washington, DC 20003

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18450
EXHIBIT NO. 4

Date: July 25, 2012

Subject : **BZA Application for an Addition at 426 11th Street SE**
(Square 992, Lot 806)

Karl and Julie Moeller, owners and residents of 426 11th Street SE hereby apply for a special exception to build a third floor addition, with a roof deck, to their existing 2-story row house. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

The existing lot occupancy is 56.7% and therefore a third floor addition is allowed by-right because it falls below the allowable 60%. However, the proposed construction extends the existing non-conforming open courts (11 DCMR 406.1) on both sides of the house. The existing non-conforming open court on the north is 3'-0" wide and the existing non-conforming open court on the south side is 2'-0" wide.

I. Summary:

- A.** This special exception qualifies under 11 DCMR Section 223 because the lot occupancy is below 60% (11 DCMR 223.3), and the third floor 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 third floor addition will sit on the rear of the existing two-story house and will be set back 20-9" from the front of the house.

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,

sections 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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 406.1 (open court).

The proposed third floor addition will be on the rear (east facing side) of the existing house and will be set back 20'-9" from the front of the house, so it will not be visible from the street. The existing structure has a lot coverage of 56.7 percent, which will not increase with the proposed addition. The proposed addition will follow the existing footprint of the house, thus extending non-conforming courts on the north and south sides of the property.

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.

424 11th Street SE

424 11th Street SE lies immediately to the north of the property at 426 11th Street SE. At the rear, the proposed third floor addition at 426 11th St. SE will extend approximately 9'-0" above the existing structure at 424 11th Street. The rear of the addition will extend above the existing structure at 426 11th Street, but the rear of 424 11th Street extends 3'-6" further to the east. The front of the third floor addition at 426 11th Street will be separated from the structure at 424 11th Street by the existing 3'-0" wide open court. Thus the overall addition will have minimal impact on the air or light at 424 11th Street SE.

428 11th Street SE

428 11th Street SE lies immediately to the south of the property at 426 11th Street SE. At the rear, the proposed third floor addition at 426 11th St. SE will extend approximately 9'-9" above the existing structure at 428 11th Street. The existing structure at 428 11th Street is not set back from the street as far as the structure at 426 11th Street. Therefore 426 11th Street extends 22'-10" further back to the east. As the new addition sits to the north of 428 11th Street, the proposed third floor addition at 426 11th Street will have minimal affect on the light enjoyed by 428 11th Street. Additionally, the third floor addition at 426 11th Street will be set back from the property line due to the existing 2'-0" wide open court. Thus the overall addition will not unduly impact on the air or light at 428 11th Street SE.

Neighbors to the East of 426 11th Street SE

The proposed third floor addition at 426 11th Street SE will extend 10'-0" above the existing structure 2-story structure, but it will not extend any further to the east. The existing 24'-5" rear yard and will remain unobstructed and the proposed addition will not affect the public alley. While the proposed third floor addition may obstruct some sunlight, the wide alley and corresponding backyards are wide enough so that it will have minor impact on the neighbors to the east. Thus, the proposed addition at 426 11th Street SE will have minimal impact on the neighbors to the east, across the public alley.

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

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424 11th Street SE

The proposed third floor addition will be modest in size. It will not have any windows along the shared property line, therefore limiting any views of the property at 424 11th Street. The proposed roof deck sits to the north of the third floor addition, and will not allow for any views onto the adjacent property. Thus the privacy of use and enjoyment of 424 11th Street SE will not be compromised.

428 11th Street SE

The proposed addition will be modest in size and will be set back 2'-0" from the shared property line. While the addition will have windows on the south side, that portion of the addition is set back 3'-0" from the property line. The proposed windows will be high windows, thus not allowing any views of the property at 428 11th Street SE. Thus the privacy of use and enjoyment of 424 11th Street SE will not be compromised.

Neighbors to the East of 426 11th Street SE

The proposed addition is modest in scale. The rear yard at 426 11th Street SE remains unobstructed and the neighbors to the east of 426 11th St. SE will remain separated from the proposed addition by the rear yard and the public alley. Thus, the privacy of use and enjoyment for the neighbors to the east of 426 11th St. 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 structure at 426 11th Street is set back 16'-5" from the existing sidewalk and street. Additionally, the proposed third floor addition will be set back 20'-9" from the front of 426 11th St. and will not be visible from the street. Therefore it will have no affect on the character, scale and pattern of houses along 11th Street.

There is alley access to the property, but the proposed addition at 426 11 St. SE will not dramatically change the existing view from the alley. The addition will extend straight up from the existing rear façade and the materials will match the existing ones on the house.

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.

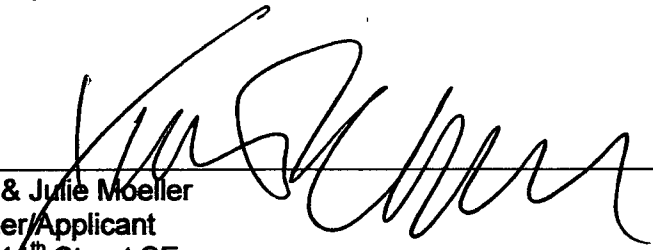
Along with this application, we have included the following items:

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

Thank you,

Karl & Julie Moeller
Owner/Applicant
426 1st Street SE
Washington, DC 20003



7/25/2012