

**Burden of Proof
Special Exception Application**

1731 Kilbourne Place NW

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

From: **David and Samantha Ross**
Owner/Applicant
1731 Kilbourne Place NW
Washington, DC 20010

Date: May 28, 2013

Subject : **BZA Application, Ross Porch**
1731 Kilbourne Place NW (Square 2602, Lot 98)

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18631

EXHIBIT NO. 4

David and Samantha Ross, owners of 1731 Kilbourne Place NW, hereby apply for a special exception to rebuild a second-story porch on the rear of their property. The existing lot coverage is currently over the allowable 60% and the second level of the porch will be screened in and enlarged. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

The proposed construction increases the lot occupancy from 1233.53 SF (63.5%) to 1267.3 SF (65.2%), which is 5.2% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 1.7% above the existing lot occupancy

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 porch 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 structure will only be slightly larger than the existing porch and will be similar in size and style to the existing rear porches along the alley and in the vicinity.

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 §§ 401, 403, 404, 405, 406 and 2001.3 shall be permitted as a special exception if

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approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The second-story porch is to be an addition to a permitted single-family residence that is currently not in conformance with Section 403.2 (lot occupancy). The proposed porch will be replace the existing second story porch on the rear (northern) portion of the lot. The existing house, including the existing porch, has a lot occupancy of 63.5% which will be increased slightly to 65.2% with the rebuilding and enlargement of the existing structure. This is a 5.2% increase over the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district, 1.7% over the current footprint of the residence, and 4.8% 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.*

1733 Kilbourne Place NW

1733 Kilbourne Place NW lies to the west of the proposed porch at 1731 Kilbourne Place. The existing house at 1733 Kilbourne Place has an existing porch that is similar in size the existing porch at 1731 Kilbourne Place. The proposed porch at 1731 Kilbourne Place will be east of the shared property line and will be set back 5'-0" from the property line. The west wall of the proposed porch will be separated from the existing house and porch at 1731 by a shared dogleg, which is approximately 8'-9" wide and any shadows cast by the proposed garage will not reach the rear windows or side windows of the house. The proposed second story porch at 1731 Kilbourne Place will extend 2'-6" past the existing porch, however it will not substantially impact the light and air available to 1733 Kilbourne Place.

1729 Kilbourne Place NW

1729 Kilbourne Place NW lies to the east of the proposed porch at 1731 Kilbourne Place. The existing house at 1729 Kilbourne Place has an existing porch that is the same size as the existing porch at 1731 Kilbourne Place. The proposed porch at 1731 Kilbourne Place will be west of the shared property line with a face-on-line wall. The proposed wall will be solid on the second level to separate the porch at 1731 Kilbourne from the neighboring porch at 1729 Kilbourne. The existing fence will remain along the shared property line. The proposed second story porch at 1731 Kilbourne Place will extend 2'-6" past the existing porch, however it will not substantially impact the light and air available to 1729 Kilbourne Place.

Neighbors to the North

Directly north of 1731 Kilbourne Place NW are the rear yards and garages of additional rowhouses. The rear yards are separated from the proposed porch by a 20' wide public alley. Given the distance between the proposed garage and the rowhouses across the alley and the garage structures along the alley, the proposed porch will not impact the light and air available to the neighbors to the north.

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

1733 Kilbourne Place NW

The proposed porch will not unduly compromise the privacy or enjoyment of neighbors to the west. The proposed porch will only be 2'-6" deeper than the existing porch. The existing brick privacy wall and fence will remain along the shared property line and the distance between the western wall of the porch and the property line will remain the same. Additionally, the proposed porch at 1731 Kilbourne Place will be similar in style and scale to the existing porches on the rear of the neighboring houses.

1729 Kilbourne Place NW

The proposed porch will not unduly compromise the privacy or enjoyment of neighbors to the east at 1729 Kilbourne Place. The proposed porch will only be 2'-6" deeper than the existing porch and will have a solid wall on the second level to ensure privacy between the two structures. The existing fence will remain along the shared property line, ensuring privacy on the ground level. Additionally, the proposed porch at 1731 Kilbourne Place will be similar in style and scale to the existing porches on the rear of the neighboring houses.

Neighbors to the North

The proposed porch at 1731 Kilbourne Place NW will not unduly compromise the privacy or enjoyment of neighbors to the north. The proposed porch is separated from the neighbors to the north by a 20' public alley as well as garage structures belonging to the rowhouses to the north. The public alley, garages and rear yards of the existing rowhouses to the north allow for adequate distance between the houses and the proposed porch, and therefore will not affect the privacy of the houses to the east. Additionally, the proposed porch at 1731 Kilbourne Place will be similar in style and scale to the existing porches on the rear of the neighboring houses.

- (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 and many of the single-family homes have rear porches. The porch will be built in the same style as other porches in the neighborhood, and to a similar scale. The porch will not be visible from the front of the house.

(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:

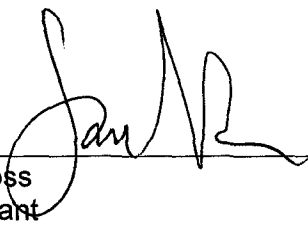
- a) Photos of the existing house and surroundings;
- b) Signatures of support from neighbors for a porch addition;
- c) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
- d) Official Plat from the DC Office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

If you require any further clarification or have any questions regarding the application, David and Samantha Ross, 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 be 'David Ross', written over a horizontal line.

David Ross
Owner/Applicant

A handwritten signature in black ink, appearing to be 'Samantha Ross', written over a horizontal line.

Samantha Ross
Owner/Applicant