

**B OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION
APPLICANT'S STATEMENT**

RECEIVED
D.C. OFFICE OF ZONING

New Vision Properties, LLC (Applicant)
229 12th Street, SE; Square 990, Lot 817

2013 JUL 24 PM 3:06

I. Introduction.

New Vision Properties, LLC (the "Applicant"), the owner of the property and improvements located at 229 12th Street, S.E., Square 990, Lot 817 (the "Property"), hereby requests special exception approval pursuant to Section 223 of the District of Columbia Zoning Regulations (the "Zoning Regulations") to allow construction of an addition to the one-family semi-detached dwelling on the Property (the "Home"). The Property is located in the R-4 zone district. In order to complete the proposed addition (the "Addition"), the Applicant is requesting § 223 relief from the maximum permitted lot occupancy (§ 403.2), the expansion of a building which is nonconforming as to lot occupancy (§ 2001.3), the creation of a nonconforming court (§ 406.1) and minimum lot area requirements (§ 401). The Applicant is proposing to construct a two-story addition to the rear of the Home that would result in a lot occupancy of 65.1%.

II. Description of the Property and Surrounding Area.

The Property, built in 1900, is located on 12th Street, S.E., in the Capitol Hill area of the District. The Home faces east on 12th Street, in the middle of the block between Independence Avenue and C Street. Unlike the other properties on this side of 12th Street, SE, the Applicant's lot does not go through to the alley. In the rear, the Property abuts two small alley lots which have small dwellings facing the alley. As a result, the Applicant's lot is slightly smaller in area than the neighboring lots. The proposed addition will not extend beyond the existing improvements on the two neighboring properties and will not change the residential use of the dwelling, which is allowed in an R-4 zone.

III. The Application Satisfies Special Exception Requirements of Sections 3104.1 and 223.

~~As Overview:~~ Pursuant to Section 3104.1 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18639
~~EXHIBIT NO.~~ 6
EXHIBIT NO. 6

Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under Section 223 of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000). This application provides sufficient evidence to show that the Applicant has satisfied the relevant zoning requirements of Sections 3104.1 and 223, as described herein and, therefore, supports a decision granting the application.

B. Requirements of Section 3104.1.

The granting of a special exception in this case *"will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property..."* (11 DCMR 3104.1.)

For reasons explained further below, the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. The addition will not extend beyond the existing structures on either side, and will not have a negative impact on these homes or on the homes bordering the rear property line.

C. Requirements of Section 223.

The proposal in this application satisfies the requirements of Sections 223, as follows.

Section 223.2 *"The addition or accessory structure 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:

According to § 223.2 subsection a, in order to be eligible for a special exception the light and air available to neighboring properties shall not be unduly affected. The proposed addition will not unduly affect the light and air available to any abutting property. The applicant's addition will be approximately six feet short of the abutting neighbors buildings.

The height of the proposed addition will also be less than either abutting property, which is consistent with the existing structure's natural slope to the rear of the property. The applicant is seeking a lot occupancy of 65.1% which is less than the permitted 70% for a special exception.

(b) According to § 223.2-subsection b, in order to be eligible for a special exception the privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

The proposed addition will not compromise any privacy of use and enjoyment of the neighboring properties due to the extent of existing construction and subsequent additions to the abutting properties. Our proposed addition will result in the abutting properties remaining approximately six feet longer than our property. The design of the addition remains consistent with the abutting properties to the North and South as well as other residences on the block. We propose no windows on the North side of the property addition, so there will be no adverse affect on 227 12th Street SE. With respect to 231 12th Street SE, they currently have no windows on their North-facing wall as it currently sits on the property line. Our intention would be to build on the property line as well, creating an attached dwelling in the rear of the property.

The rear wall of the proposed addition will have glass doors on the first floor exiting to a ground level patio and the windows on the second floor will remain consistent with the existing configuration as seen in our permit set drawings. We also propose leaving the existing six to seven-foot fence separating all of the properties in order to maintain the ground level privacy and security. In addition, the large cherry tree in the rear of our lot provides significant privacy to the abutting neighbors as well as the two dwellings facing the alley in between 11th and 12th Street SE. Under current regulations, the property is also required to have a minimum depth of Rear Yard of no less than 20 feet. The existing property conforms to this regulation and provides a Rear Yard depth of 43". The proposed addition will decrease the Rear Yard depth to 25'^{6"}, which still conforms to the zoning requirements.

Lastly, with respect to the height of the addition, as depicted in the drawings, our existing roofline is lower than the abutting neighbors and the slope of the addition's roof will remain consistent throughout, leaving no visible impact on the neighbors from their roof, the 12th Street view and alley views.

For these reasons, we submit that the proposed addition is in compliance with this requirement.

(c) According to § 223.2 subsection c, the addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

There is indirect alley access behind the rear of the property, but the proposed addition at 229 12th Street SE will not dramatically change the view because the existing two-story residential alley properties backing the subject property blocks any direct view of our backyard. In addition, the neighbor to the North has a garage and several large trees, which also block any direct line of sight of the subject property and proposed addition. Both abutting properties are nearly double the size of our existing dwelling and will continue to remain approximately six feet longer after our proposed addition has been built. The neighbor to the South has a tall fence and foliage, which significantly limits any view from the Southwest corner of the alley looking back to the subject property. Additionally, as illustrated in our permit set drawings, the proposed renovation will bear limited to no visibility from the 12th Street frontage. There is a three-foot court on the South side of our property in between the subject property and 231 12th Street SE, which is closed off by an existing 9'8" wood fence gate (as shown in the attached photograph). The gate, along with the narrow court, obstructs almost all, if not all, of the view from the street to the rear of the property. The proposed addition will be constructed with high quality, historically appropriate materials leaving the addition nearly unnoticeable from 12th Street. Lastly, the façade on the front will remain completely untouched from a structural standpoint having no visible changes from the 12th Street view. For these reasons, we submit that the proposed addition is in compliance with this requirement.

(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 or accessory structure to adjacent buildings and views from public ways."

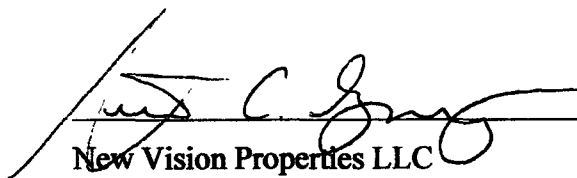
Section 223.3 *"The lot occupancy of all new and existing structures on the lot shall not exceed seventy (70%) in the R- Districts..."*

The percentage of lot occupancy, including the addition and the area of the nonconforming court, will be 65.1%.

IV. Conclusion.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin C. Sprinzen", is written over a horizontal line.

New Vision Properties LLC

c/o Justin C. Sprinzen

Owner/Applicant

229 12th Street SE

Washington, DC 20001