

**Burden of Proof
Special Exception Application**

761 10th Street SE

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

From: **Barry Jackson**
Owner/Applicant
761 10th Street SE SE
Washington, DC 20003

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18640

EXHIBIT NO. 4

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Date: July 26, 2013

Subject : **BZA Application for an Addition at 761 10th Street SE**
(Square 0950, Lot 0094)

Barry Jackson, owner and residents of 761 10th Street SE, hereby applies for a special exception to build a two-story addition and a two story garage addition, connected with a covered walkway, on the rear of his existing single family row dwelling. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The existing lot coverage is 1967.9 SF (53.1%), which is below the allowed lot occupancy for a row dwelling in the R-4 zoning district. The proposed construction will increase the lot coverage to 2593.3 SF (70.0%), which is 10% over the allowed lot coverage (11 DCMR Section 403.2). Additionally, the proposed structure will decrease the rear yard setback from 31.1'-51.3 to 0.0'-30.6'. Thus relief is being sought pursuant to 11 DCMR Section 404.1

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 additions 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 only extend 2.5' past the adjacent structure at 757 10th Street SE.
- C.** The proposed garage addition will be a replacement of an existing one story garage.

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.

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The proposed addition will be on the rear (west facing side) of the existing building. The existing structure has a lot coverage of 53.1 percent, which will be increased to 70 percent with the proposed addition. This is 10 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.

757 10th Street SE

757 10th Street SE is a two story multi family dwelling that lies immediately to the north of the property at 761 10th Street SE. The proposed addition at 761 10th Street SE will extend approximately 2.5' beyond the existing structure at 757 10th Street SE. As the building at 757 is almost as deep as the proposed addition, the additional square footage will minimally impact its occupants. The proposed addition at 761 10th Street SE will be very similar in massing to 757 10th Street SE

Additionally, the residence at 761 10th Street SE has a high deck that extends several feet past the proposed rear addition.

The proposed garage addition will replace an existing one story garage with a two story addition. The garage addition will be approximately 33 feet to the west of the structure at 757 10th Street SE. The substantial distance means that the impact on light and air will be minimal.

Based on the above, the proposed addition will not have an undue impact on the air and light enjoyed by 757 10th Street SE.

763 10th Street SE

763 10th Street SE is a two story single family dwelling that lies immediately to the south of the property at 761 10th Street SE. The proposed addition at 761 10th Street SE will extend past the existing structure (to be demolished) by approximately 6", however the existing open court will be enclosed with the proposed addition.

Neighbors to the West of 761 10th Street SE

There is a 30 foot wide alley behind 761 10th Street SE, and the building on the other side of the alley will be approximately 137 feet away from the proposed rear addition. It will be approximately 86 feet from the proposed garage addition. Due to the distance separating the proposed additions to the residences along 9th Street SE, as well as the presence of several garages on the alley, there will be minimal impact on the neighbors along 9th Street SE.

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

757 10th Street SE

757 10th Street SE is a two story multi family dwelling that lies immediately to the north of the property at 761 10th Street SE. The proposed addition at 761 10th Street SE will extend approximately 2.5' beyond the existing structure at 757 10th Street SE. The proposed rear

addition will not have windows facing 757 10th Street as the wall will be fire-rated. Proposed windows will be west facing, allowing only limited views into the rear yard of 757 10th Street SE. Thus there will be no decrease in privacy enjoyed by the residents of 402 Independence Avenue.

The proposed garage addition will replace an existing one story garage with a two story addition. The garage addition will be approximately 33 feet to the west of the structure at 757 10th Street SE. The substantial distance, as well as the presence of trees in the rear yards, will minimize the impact on privacy.

763 10th Street SE

763 10th Street SE is a two story single family dwelling that lies immediately to the south of the property at 761 10th Street SE. The proposed addition at 761 10th Street SE will extend past the existing structure (to be demolished) by approximately 6"; however the existing open court will be enclosed with the proposed addition. Currently there are windows on the court of 761 10th Street that allow views of 763 10th Street. With the proposed addition the windows will be eliminated. The proposed rear addition will not have windows facing 763 10th Street as the wall will be fire-rated. Proposed windows will be west facing, allowing only limited views into the rear yard of 763 10th Street SE

The proposed garage addition will replace an existing one story garage with a two story addition. The garage addition will be approximately 31 feet to the west of the structure at 763 10th Street SE. Additionally, the garage sits behind the north side of 761 10th Street, thus it is offset from the property line of 763 10th Street by over 16 feet. The substantial distance, as well as the presence of trees in the rear yards, will minimize the impact on privacy.

Neighbors to the West of 761 10th Street SE

There is a 30 foot wide alley behind 761 10th Street SE, and the building on the other side of the alley will be approximately 137 feet away from the proposed rear addition. It will be approximately 86 feet from the proposed garage addition. Due to the distance separating the proposed additions to the residences along 9th Street SE, as well as the presence of several garages on the alley, there will be minimal impact on the neighbors along 9th 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

The proposed additions will be visible from the public alley, but the materials and massing are in keeping with the scale and aesthetic of the block. There may be slight visibility from the front of the house through the narrow side yard of 763 10th Street, 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 extends only 6" past the existing rear addition. The proposed addition will be constructed with high quality, historically appropriate materials.

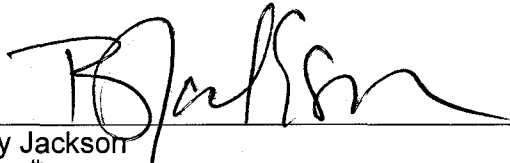
- (d) ***In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from 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, we are available at any time to discuss them with you.

Thank you,

A handwritten signature in black ink, appearing to read "Barry Jackson", written over a horizontal line.

Barry Jackson
761 10th Street SE
Washington, DC 20003