

Burden of Proof
Special Exception Application

636 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: **Joel and Malgorzata Spangenberg**
Owner/Applicant
636 A Street, SE
Washington, DC 20003

Date: October 23, 2013

Subject : **BZA Application, Spangenberg Addition**
636 A Street SE (Square 869, Lot 56)

Joel and Malgorzata Spangenberg, owners of 636 A Street, SE, hereby apply for zoning relief to build a two-story rear addition with a cellar. Additionally, a covered walkway is to be constructed to connect the house with the existing two-story carriage house at the rear of the property. The covered walkway connection allows the carriage house to be converted from an accessory structure to an addition to the main house in order to convert it into a legal dwelling unit. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

The proposed construction increases the lot occupancy from 1006.2 SF (43.7%) to 1580.7 SF (68.6%), which is 8.6% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 24.9% above the existing lot occupancy.

On the second floor, the proposed construction creates a 4'-4" wide non-conforming open court (11 DCMR 406.1).

The proposed covered walkway converts the garage from an accessory structure to an addition to the main house. Therefore, the proposed rear setback will no longer meet the required 20'-0" minimum and will instead be 0'-0" (11 DCMR 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 rear addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2).
- B.** The proposed addition will be similar in size and style to the existing row houses in the neighborhood.

- C. The existing two-story carriage house already functions as a dwelling unit. Though the carriage house is currently unoccupied, the owners understand that it had been occupied and used as a rental unit by previous owners for a number of years. The proposed covered walkway connection will allow the carriage house to be converted into a part of the main house and be designated a legal dwelling unit. This conversion reduces the existing rear yard setback to 0'-0".

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

The proposed addition will be on the rear (north) of the existing house. The existing house has a lot occupancy of 43.7% which will be increased to 68.6% with the proposed rear addition and covered walkway. This is an 8.6% increase over the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district, 24.9% over the current footprint of the residence, but it is below the 70% allowed by Section 223.3 as a special exception. Additionally, the proposed covered walkway will connect the existing carriage house to the main house. The walkway combined with the proposed addition will reduce the existing rear yard setback from 94'-1" to 0'-0".

223.2 The addition shall not have a substantially adverse effect 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.**

638 A Street, SE

638 A Street, SE lies to the east of the proposed addition at 636 A Street. The existing house at 638 A Street is approximately 3'-4" longer than the proposed rear addition at 636 A Street. The proposed addition at 636 A Street will utilize the existing shared party wall in the basement and first floor. On the second floor, the proposed addition will be set back from the property line 4'-4" and on that level will have no impact on the existing house at 638 A Street. The covered walkway will run along the shared property line to connect the existing carriage house at the rear of the property. Because the proposed addition at 636 A Street is shorter than the existing house at 638 A Street, it will not cast any shadows on 638 A Street. The proposed covered walkway will be minimally taller than the existing fence along the property line. Therefore, the proposed addition and covered walkway at 636 A Street will not substantially impact the light and air available to the house at 638 A Street, SE.

634 A Street, SE

634 A Street, SE lies to the west of the proposed addition at 636 A Street. The existing house at 634 A Street is longer than the proposed addition at 636 A Street. Additionally, the house at 634 A Street is separated from the proposed addition by an approximately 4'-0" wide dogleg

at 634 A Street. The proposed addition at 636 A Street will extend 23'-0" along the property line with a face-on-line wall. The proposed addition at 636 A Street may impact the light and air available to the rear portion of 634 A Street. However, it will not have a substantial impact due to the existing dogleg and because the proposed addition at 636 A Street will be shorter than the existing house at 634 A Street SE.

Neighbors to the North

Neighbors to the north of the proposed addition at 636 A Street, SE will not be affected by the proposed addition. These neighbors are separated from the property at 636 A Street by a 30' wide public alley. Additionally, the existing two-story carriage house at 636 A Street prohibits any view of the proposed addition, which lies 49' south of the existing carriage house. Neighbors to the north are also separated from the proposed addition at 636 A Street by existing garages. Given the distance between the proposed addition and the rowhouses across the alley, the size of the rear yard and the existing garages, the proposed addition at 636 A Street 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

638 A Street, SE

The proposed addition at 636 A Street, SE will not unduly compromise the privacy or enjoyment of neighbors to the east. There are no windows along the property line and the existing fence will remain along the shared property line. The house at 638 A Street is longer than the proposed addition, thus obstructing any views into the rear yard on the east side. On the second floor, the proposed addition is set back 4'-4" from the property line. There will be windows along the new wall, but the existing party wall will obstruct any views into the house at 638 A Street. The proposed covered walkway will be separated from the rear yard at 638 A Street by the existing fence. While the existing carriage house will be converted to a legal rental unit, the dwelling had already functioned as a dwelling unit for many years. Therefore, the use of the structure will not change and will not affect the neighbors. Additionally, the proposed addition at 636 A Street will be historically compatible with the neighborhood.

634 A Street, SE

The proposed addition will not unduly compromise the privacy or enjoyment of neighbors to the west. The proposed addition will not have any windows along the property line and the existing fence will remain along the shared property line, thus prohibiting any views into the rear yard on the east side. While the existing carriage house will be converted to a legal rental unit, the dwelling had functioned as a dwelling unit for many years. Therefore the use of the structure will not change and will not affect the neighbors. Additionally, the proposed addition at 636 A Street will be historically compatible with the neighborhood.

Neighbors to the North

The proposed addition will not unduly compromise the privacy or enjoyment of neighbors to the north. The proposed addition is separated from the neighbors to the north by a 30' wide public alley. While the existing carriage house will be converted to a legal rental unit, the dwelling had functioned as a dwelling unit for many years. Therefore the use of the structure will not change and will not affect the neighbors. The proposed addition at 636 A Street will be similar in style and scale to the existing row houses in the neighborhood.

- (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**

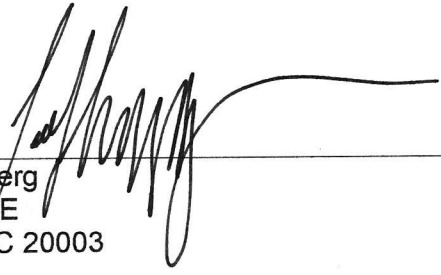
The existing square is extremely dense and has many garages at the rear of the properties, which prohibit any view of the proposed addition at 636 A Street, SE. The addition will be historically compatible with the neighborhood and will be similar in style and scale to the existing row houses. The addition and covered walkway will not be visible from the front of the house.

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

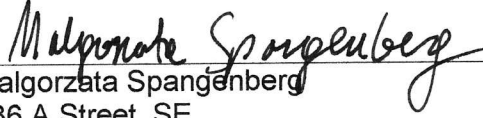
- a) Photos of the existing house and surroundings;
- b) Signatures of support from neighbors for the proposed addition and covered walkway;
- c) Plan and elevation drawings of the proposed addition and covered walkway, including a site plan showing the relationship of the proposed addition and covered walkway 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,



Joel Spangenberg
636 A Street, SE
Washington, DC 20003



Malgorzata Spangenberg
636 A Street, SE
Washington, DC 20003