

Burden of Proof

Special Exception Application

723 13th Street NE

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

From: **Ben and Pia Cacioppo**
Owner/Applicants
723 13th Street SE
Washington, DC 20002

Date: October 27, 2013

Subject : **BZA Application, Cacioppo Garage**
723 Street NE (Square 1027, Lot 119)

Ben and Pia Cacioppo, owners of 723 13th Street NE, hereby apply for zoning relief to build a one story garage on the rear of their property. The aspect of the proposed project that falls outside the current zoning regulations are as follows:

The proposed construction increases the lot occupancy from 950 SF (48.3%) to 1370 SF (69.4%), which is 9.4% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 21.1% 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 garage 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 be similar in size and style to the existing garages on 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 approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The one-story garage is to be an accessory structure to a permitted single-family residence. The proposed garage will be on the rear (eastern) portion of the lot. The existing house has a lot occupancy of 48.3% which will be increased to 69.4% with the addition of the proposed garage. This is a 9.4% increase over

the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district, 21.1% over the current footprint of the residence, but it 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.*

721 13th Street NE

721 13th Street NE lies to the south of the proposed garage at 723 13th Street. The existing house at 721 13th Street NE is shorter than the existing house at 723 13th Street NE and is separated from the existing structure at 723 13th Street by a 3'-5" open court at 721 13th Street. The proposed garage at 723 13th Street will be north of the shared property line with a face-on-line wall. The proposed garage will be set back approximately 53' from the existing house at 721 13th Street and any shadows cast by the proposed garage will not reach the rear windows of the house. The proposed garage at 723 13th Street may minimally impact the light and air available to the rear yard of 721 13th Street, however it will not substantially impact the light and air available to the house.

725 13th Street NE

725 13th Street NE lies to the north of the proposed garage at 723 13th Street. The existing house at 725 13th Street NE is shorter than the existing house at 723 13th Street NE. The proposed garage at 723 13th Street will be south of the shared property line with a face-on-line wall. The proposed garage will be set back approximately 46'-9" from the existing house at 725 13th Street and any shadows cast by the proposed garage will not reach the rear windows of the house. The proposed garage at 723 13th Street may minimally impact the light and air available to the rear yard of 725 13th Street, however it will not substantially impact the light and air available to the house.

Neighbors to the East

Directly east of 723 13th Street NE is a 30' wide public alley. Extending east from the public alley is Linden Court with additional rowhouses. Given the distance between the proposed garage and the rowhouses on Linden Court, the proposed garage will not impact the light and air available to the neighbors to the east.

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

721 13th Street NE

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors to the south. The garage will not be inhabited, thus there will be no decrease in privacy enjoyed by 721 13th Street. There are no 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 south side. Additionally, the proposed garage at 723 13th Street NE will be historically compatible with the neighborhood.

725 13th Street NE

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors to the north. The garage will not be inhabited, thus there will be no decrease in privacy enjoyed by 725 13th Street. There are no windows on the along the property line the existing fence will remain along the shared property line, thus prohibiting any views into the rear yard on the north side. Additionally, the proposed garage at 723 13th Street NE will be historically compatible with the neighborhood.

Neighbors to the East

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors to the east. The proposed garage is separated from the neighbors to the east by a 30' wide public alley. The public alley to the east allow for adequate distance between the houses and the proposed garage, and therefore will not affect the privacy of the houses to the east. The proposed garage at 723 13th Street NE will be similar in style and scale to the existing rowhouses on Linden Court.

- (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 is dominated by the large commercial building fronting on H Street NE. The garage will be historically compatible with the neighborhood and will be similar in style and scale to the small rowhouses on Linden Court. The garage 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) Plan and elevation drawings of proposed garage, including a site plan showing the relationship of the proposed garage to adjacent buildings.
- c) 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,



Ben Cacioppo



Pia Cacioppo