

Burden of Proof Special Exception Application

1402 E Street SE

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

From: **James Mahoney**
Owners/Applicant
1402 E Street SE
Washington, DC 20003

Date: February 4, 2014

Subject : **BZA Application for an Addition at 1402 E Street SE**
(Square 1042E, Lot 43)

James Mahoney, owner and resident of 1402 E Street SE hereby applies for a special exception to build a third floor addition to his existing 2-story row house. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The existing lot coverage is 644.9 SF (64.6%), which is 4.6% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2). The proposed construction keeps the lot coverage at 644.9 SF (64.6%).

The existing open court is 3.8', which is less than the required minimum for a row house in the R-4 zoning district (11 DCMR 406.1). The proposed addition eliminates the nonconforming open court. Additionally, the existing rear of the house provides a rear yard which varies from 19.0' to 31.2'.

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 addition 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 third floor addition will change the structure's height from 25.3' to 33.7' but is 6.3' less than the allowed 40.0'.
- C.** The proposed third floor addition will not extend past the existing rear line of the house maintaining the existing lot coverage, while the nonconforming open court will be eliminated.

II. Bases for Grant of Special Exception

Section 223 provides relief based on satisfying specific criteria under which additions to a one-family dwelling or flat 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 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.

The third floor addition is a proposed modification to a permitted single-family residence that is currently not in conformance with Section 403.2 (60 percent lot occupancy), and Section 406.1, minimum width of open court.

The proposed addition will be above the existing 2-story structure, and over the existing nonconforming court. The existing structure has a lot coverage of 64.6 percent, which will not be changed. This is a 4.6 percentage point increase over the matter-of-right lot occupancy allowed in the R-4 district, 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.

1400 E Street SE

1400 E Street SE lies immediately to the west of the property at 1402 E Street SE. The proposed addition at 1402 E Street SE will maintain the existing rear line of the house which is approximately 3' shallower than the rear line of 1400 E Street SE. While the addition may have some impact on the sunlight at the property of 1400 E Street SE, the impact will be minor as the third floor addition does not extend the footprint to the rear. Thus the addition will have minimal impact on the air or light at 1400 E Street SE.

1404 Street SE

1404 E Street SE lies immediately to the east of the property at 1402 E Street SE. The proposed addition at 1402 E Street SE will maintain the existing rear line of the house which aligns with the rear line of 1400 E Street SE. While the addition may have some impact on the sunlight at the property of 1400 E Street SE, the impact will be minor as the third floor addition does not extend the footprint to the rear. Thus the addition will have minimal impact on the air or light at 1400 E Street SE.

Neighbors to the North of 1402 E Street SE

The proposed addition at 1402 E Street SE will not extend past the existing rear line of the house. The majority of the rear yard will remain unobstructed and the proposed addition will not affect the public alley. While the proposed third floor addition may obstruct some sunlight for a short time in the winter months, the alley and corresponding backyards are wide enough so that it will have minor impact on the neighbors to the north. Thus, the proposed addition at 1402 E Street SE will have minimal impact on the neighbors to the north, across the public alley.

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

1400 E Street SE

The proposed addition at 1402 E Street SE will not extend past the existing rear line of the house. There are no windows on the east wall of the structure on 1400 E Street SE and there is a privacy fence between the properties. Additionally, the proposal does not call for any windows along the shared property line, thus the privacy of use and enjoyment of 1400 E Street SE will not be compromised.

1404 E Street SE

The proposed addition at 1402 E Street SE will not extend past the existing rear line of the house. There are no windows on the west wall of the structure on 1404 E Street SE and there is a privacy fence between the properties. Additionally, the proposal does not call for any windows along the shared property line, thus the privacy of use and enjoyment of 1400 E Street SE will not be compromised.

Neighbors to the North of 1402 E Street SE

The rear yard at 1400 E Street SE remains unobstructed and the neighbors to the north of 1402 E Street SE will remain separated from the proposed addition by the rear yard and the public alley. Thus, the privacy of use and enjoyment for the neighbors to the north of 1402 E Street SE will not be compromised.

(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. There is alley access to the property, but an existing garage adjacent to the property will limit the view of the proposed addition from the alley. Several nearby houses have architectural rooftop elements that vary in height, and there is a similarly sized third floor addition at 1412 E Street SE.

The proposed third floor addition will be set back 5' from the front of the existing house at 1402 E Street SE lessening its visibility, and it will only extend 8.4' above the existing structure. The front of the addition will be constructed of brick.

The addition is modest in size and does not extend past the existing structures to the east and west. The proposed addition will be constructed with high quality materials.

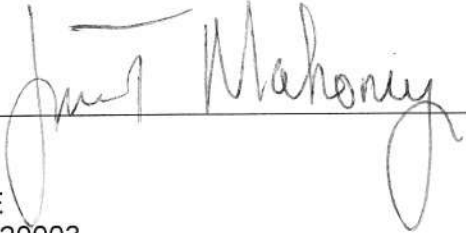
(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public 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 third floor 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, James Mahoney, and authorized agent Mike Fowler, A.I.A. are available at any time to discuss them with you.

Thank you,

A handwritten signature in dark ink, appearing to read "James Mahoney", is written over a horizontal line. The signature is fluid and cursive.

James Mahoney
Owner/Applicant
1402 E Street SE
Washington, DC 20003