

# Burden of Proof Special Exception Application

2819 13<sup>th</sup> Street NW

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

**From:**       **Robert Copyak**  
Owner/Applicant  
2819 13<sup>th</sup> Street NW  
Washington, DC 20009

**Date:**         March 26, 2014

**Subject :**     **BZA Application, Copyak Addition**  
2819 13<sup>th</sup> Street NW (Square 2856, Lot 109)

Robert Copyak, owner of 2819 13<sup>th</sup> Street NW, hereby applies for a special exception to build a one-story rear addition with covered porch above, a rear deck, enclose a portion of the dogleg and extend the existing third floor with a penthouse and roof deck above. Additionally, the project includes raising the roof of both the house and existing garage. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

*The existing house is currently non-conforming for lot occupancy as it is over the 60% allowed by-right. The proposed construction increases the lot occupancy from 1567.4 SF (60.6%) to 1720 SF (66.5%), which is 6.5% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 5.9% above the existing lot occupancy*

*On the third floor, and along the side of the rear addition, the proposed construction creates a 3'-5" wide non-conforming open court (11 DCMR 406.1).*

## **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 proposed 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 existing third floor will be extended to the rear of the existing house. A portion of the dogleg will be enclosed on the second and third floor, above the existing basement/first floor structure.
- C.** The existing rear porch will be removed and a new one-story addition with two-story covered porch above will be built. There will be an 8'-0" deep deck off the first floor.
- D.** The existing third floor roof will be raised approximately 4'-0". The overall building height will be 37'-3", below the allowable 40'-0".
- E.** The roof of the existing garage will be raised to 15'-0" above the existing grade at the rear yard.

## **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 proposed addition is to a permitted single-family residence that is currently not in conformance with Section 403.2 (lot occupancy) and Section 406.1 (open court requirements). The proposed addition will be on the rear (east) of the existing house. The proposed dogleg addition will be on the north side of the existing house. The existing house has a lot occupancy of 60.6% which will be increased to 66.5% with the proposed additions. This is a 6.5% increase over the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district, 5.9% 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.**

### **2817 13<sup>th</sup> Street NW**

2817 13<sup>th</sup> Street NW lies to the south of 2819 13<sup>th</sup> Street NW. The rear of the house at 2817 13<sup>th</sup> Street is separated from the existing house at 2819 13<sup>th</sup> Street by a 6'-11" shared dogleg. A previous addition at 2817 13<sup>th</sup> Street NW enclosed a portion of the existing dogleg on the second and third floor, similar to the proposed addition at 2819 13<sup>th</sup> Street. The proposed third floor addition will extend along the existing dogleg wall and will be separated from the house at 2817 13<sup>th</sup> Street by the shared dogleg. The proposed addition at 2819 13<sup>th</sup> Street will extend 33'-0" beyond the existing third floor at 2817 13<sup>th</sup> Street. The house at 2817 13<sup>th</sup> Street has no windows along the north wall, so the proposed third floor addition at 2819 13<sup>th</sup> Street will not impact the light available to 2817 13<sup>th</sup> Street. Additionally, the proposed one-story addition with covered porch will only extend 1'-3" beyond the existing porch at 2819 13<sup>th</sup> Street and will therefore have minimal impact on the light and air available to the rear yard and dogleg at 2817 13<sup>th</sup> Street NW. The existing garage roof will be raised by 3'-0 as measured from the yard side. This increase in height is minimal and will therefore have minimal impact on the light available to the rear yard at 2817 13<sup>th</sup> Street.

### **2821 13<sup>th</sup> Street NW**

2821 13<sup>th</sup> Street NW lies to the north of 2819 13<sup>th</sup> Street NW. The proposed third floor addition will not extend past the existing house at 2821 13<sup>th</sup> Street. The house at 2821 13<sup>th</sup> Street has an existing rear two-story covered porch and the proposed rear addition at 2819 13<sup>th</sup> Street will only extend 1'-3" beyond the neighboring porch. The change in footprint of 2819 13<sup>th</sup> Street will be minimal and will therefore have minimal impact on the light and air available to 2821 13<sup>th</sup> Street NW. The existing garage roof will be raised by 3'-0 as measured from the yard side. This increase in height is minimal and will therefore have minimal impact on the light available to the rear yard at 2817 13<sup>th</sup> Street.

## **Neighbors to the East**

East of 2819 13<sup>th</sup> Street is a large parking lot separated by a 10'-0" wide public alley. Additionally, the existing garage at 2819 13<sup>th</sup> Street partially blocks the view of the proposed addition. Given the size of the parking lot and the separation created by the existing garage and public alley, the proposed addition and increased garage height at 2819 13<sup>th</sup> Street will have no impact on 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***

#### **2817 13<sup>th</sup> Street NW**

The proposed addition at 2819 13<sup>th</sup> Street NW will not unduly compromise the privacy or enjoyment of neighbors at 2817 13<sup>th</sup> Street NW. The proposed addition will have face-on-line walls and there will be no windows along the shared property lines. There will be windows along the south wall of the new third floor addition, but the existing house at 2817 13<sup>th</sup> Street will partially obstruct any views into the rear yard at 2817 13<sup>th</sup> Street. Additionally, the proposed windows at 2819 13<sup>th</sup> Street are separated from 2817 13<sup>th</sup> Street by the 6'-11" wide shared dogleg. The proposed roof deck may allow some views into the rear yard at 2817 13<sup>th</sup> Street, but the impact will be minimal. Additionally, the proposed addition at 2819 13<sup>th</sup> Street will be similar in style and scale to the existing rear facades on the alley.

#### **2821 13<sup>th</sup> Street NW**

The proposed addition at 2819 13<sup>th</sup> Street NW will not unduly compromise the privacy or enjoyment of neighbors at 2821 13<sup>th</sup> Street NW. The addition will have face-on-line walls and there will be no windows along the shared property lines. The proposed roof deck may allow some views into the rear yard at 2821 13<sup>th</sup> Street, but the impact will be minimal. The house at 2821 13<sup>th</sup> Street has an existing roof deck, which will be separated from the proposed roof deck at 2819 13<sup>th</sup> Street by an existing fence along the property line at 2821 13<sup>th</sup> Street. Additionally, the proposed addition at 2819 13<sup>th</sup> Street will be similar in style and scale to the existing rear facades on the alley.

## **Neighbors to the East**

The proposed addition will not unduly compromise the privacy or enjoyment of neighbors to the east. The proposed addition is separated from the neighbors to the east by the existing rear yard, existing garage and 10' public alley. Additionally, there is a large parking lot to the east. The large parking lot, along with the existing garage and public alley, allow for adequate distance between the neighbors to the east and the proposed addition. Therefore, the proposed addition at 2819 13<sup>th</sup> Street will not affect the privacy of the houses to the east. The proposed addition at 2819 13<sup>th</sup> Street will be similar in style and scale to the existing rear facades on the alley.

### ***(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. The proposed addition will be built in the same style as other rear facades in the alley and in the neighborhood, and to a similar scale. The addition will not be visible from the front of the house and will not dramatically increase the existing footprint 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) 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,



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