

Burden of Proof

Special Exception Application

234 9th Street SE

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

From: **Matt Sheffer and Andrea Shinbach**
Owner/Applicant
234 9th Street SE
Washington, DC 20003

Date: May 22, 2014

Subject : **BZA Application, Sheffer-Shinbach addition**
234 9th Street SE (Square 944, Lot 811)

Matt Sheffer and Andrea Shinbach, owners of 234 9th Street SE, hereby apply for zoning relief to build a two-story rear addition. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

The existing semidetached row house is currently non-conforming for lot occupancy as it is over the 40% allowed by-right. The proposed construction increases the lot occupancy from 953.8 SF (54.6%) to 1222.3 SF (70%) and converts the house into an attached row house. The increased lot occupancy is 10% over the allowed lot occupancy for an attached row house in the R-4 zoning district (11 DCMR 403.2), and 15.4% 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 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 rear addition will connect to the property line on both sides, thus making the house an attached dwelling.
- C.** The proposed addition will be similar in size and style to the existing structures 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 proposed two story addition will be on the rear (east) of the existing house. The existing house has a lot occupancy of 54.6% which will be increased to 70% with the proposed rear addition. This is a 10% increase over the matter-of-right lot occupancy for an attached row dwelling allowed in the R-4 district, 15.4% over the current footprint of the residence, but does not exceed 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.**

232 9th Street SE

232 9th Street lies to the north of the proposed addition at 234 9th Street SE. The existing house at 232 9th Street is longer than the existing house at 234 9th Street and is separated from 234 9th Street by a 4'-5" wide shared side yard at the front. The proposed addition at 234 9th Street will extend 26'-5" back from the existing house at 234 9th Street SE and will have a face on line wall along the shared property line. The existing one-story rear addition will be demolished and the existing dogleg will be filled in. The proposed addition at 234 9th Street will not extend past the existing house at 232 9th Street SE, which is set back from the shared property line by 3'-9" at the narrowest point. The proposed addition at 234 9th Street may minimally impact the light and air available to the rear of 232 9th Street. However given the existing side yard between the two properties and that the existing house at 232 9th Street is set back from the property line, the proposed rear addition at 234 9th Street will not substantially impact the light and air available to the house.

236 9th Street SE

236 9th Street SE lies to the south of the proposed addition at 234 9th Street. The existing house at 236 9th Street is longer than the existing house at 234 9th Street. The proposed addition at 234 9th Street will extend approximately 5'-5" back from the existing house at 234 9th Street and will not extend past the existing house at 236 9th Street SE. The existing house at 236 9th Street will extend 8'-8" beyond the proposed addition at 234 9th Street. Because the proposed addition at 234 9th Street lies to the north of 236 9th Street and is shorter than the existing house at 236 9th Street, it will not cast a lot of shadows on the property to the south. Therefore, the proposed addition at 234 9th Street will not impact the light and air available to 236 9th Street SE.

Neighbors to the East

234 9th Street is separated from its neighbors to the east by the rear yards, existing garages and a 20' wide public alley. The proposed addition at 234 9th Street will leave a 51'-1" rear yard, including the existing one-story garage. Additionally, the houses to the east have their own rear yards and garages. Given the distance between the proposed addition

at 234 9th Street and the neighbors to the east, the proposed addition 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

232 9th Street SE

The proposed addition will not unduly compromise the privacy or enjoyment of neighbors to the north. The proposed renovation at 234 9th Street includes several new windows in the existing side wall, but there are currently no windows in the existing side wall of 232 9th Street that is located across from the proposed new windows. There will be no windows along the new face on line wall, thus prohibiting any views into the rear and side yard on the north side. The addition of a solid wall along the side will allow for more privacy for the existing side porch at 232 9th Street. Additionally, the proposed addition at 234 9th Street will be historically compatible with the neighborhood and the existing house.

236 9th Street SE

The proposed addition will not unduly compromise the privacy or enjoyment of neighbors to the south. The existing house at 236 9th Street will extend 8'-8" past the proposed addition at 234 9th Street and the existing fence will remain along the shared property line, thus prohibiting any views into the house or rear yard or house on the south side. Additionally, the proposed addition at 234 9th Street will be historically compatible with the neighborhood and the existing house.

Neighbors to the East

The proposed addition at 234 9th Street will not unduly compromise the privacy or enjoyment of neighbors to the east. The proposed addition is separated from the neighbors to the south by the proposed 51'-5" deep rear yard at 234 9th Street, as well as the public, alley, garages and rear yards at the neighbors to the east. Additionally, the proposed addition at 234 9th Street will be historically compatible with the neighborhood and the existing house.

(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 along the public alley. The proposed addition at 234 9th Street will be historically compatible with the neighborhood and will be similar in style and scale to the existing wood frame house. The proposed addition will connect to the north property line and will therefore be slightly visible from 9th Street through the existing side yard.

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

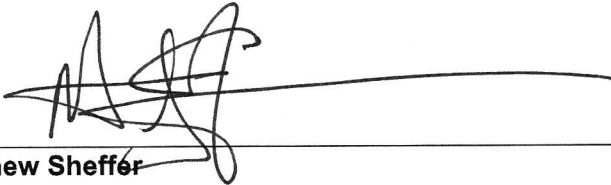
- a) Photos of the existing house and surroundings;
- b) Signatures of support from neighbors for a rear addition;
- c) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
- d) Official Plat from the DC Office 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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