

# **Burden of Proof**

## **Special Exception Application**

**438 New Jersey Avenue SE**

**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:**       **Jennifer Fowler, Agent**  
**Holly and Travis Greaves**  
Owner/Applicants  
438 New Jersey Avenue SE  
Washington, DC 20003

**Date:**       August 25, 2014

**Subject :**    **BZA Application, Greaves Addition**  
438 New Jersey Avenue SE (Square 694, Lot 834)

Holly and Travis Greaves, owners of 438 New Jersey Avenue SE, hereby apply for zoning relief to build a three-story rear addition with basement level storage. The aspect of the proposed project that falls outside the current zoning regulations are as follows:

*The existing row dwelling is currently non-conforming for lot occupancy as it is over the 60% allowed by-right. The proposed construction increases the lot occupancy from 1000.5 SF (63.8%) to 1092.6 SF (69.7%), which is 9.7% 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.*

### ***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 addition will be similar in size and style to the existing rear facades 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 three-story addition will be on the rear (northeast) of the existing house. The existing house has a lot occupancy of 63.8% which will be increased to 69.7% with the proposed rear addition. This is a 9.7% 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 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.**

#### **436 New Jersey Avenue SE**

436 New Jersey Avenue lies to the north west of the proposed addition at 438 New Jersey Avenue SE. The original brick footprints of the houses at 436 and 438 New Jersey are currently the same depth.

There is a one-story rear addition on the first floor of 438 New Jersey Avenue that extends 7'-3" beyond the brick wall at 436. Beyond that there is a deck that is 5'-3" deep.

The existing one story addition and deck will be removed and replaced with the proposed addition. The addition at will extend 17'-0" back from the existing house at 436 New Jersey Avenue.

Due to the position of the addition, the morning light available to 436 New Jersey Avenue will be reduced, primarily in the summer months. In the winter, the impact will be minimal due to the fact that the sun will be low and shadows are already cast by the existing long wall at 440 New Jersey Avenue.

#### **440 New Jersey Avenue SE**

440 New Jersey Avenue SE lies to the southeast of the proposed addition at 438 New Jersey Avenue.

The existing house at 440 New Jersey Avenue extends beyond the existing brick wall at 438 New Jersey Avenue by 28'-8". The existing wall at 440 New Jersey will extend approximately 11'-8" beyond the rear wall of the proposed 17'-0" deep addition.

The proposed addition is taller than the adjacent two story wall; however the majority of the structure that extends higher than 440 New Jersey is an open porch with low railings.

Additionally, 438 New Jersey sits to the northwest of 440 New Jersey, which means that there will be no impact on the light enjoyed by 440.

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

#### **436 New Jersey Avenue SE**

436 New Jersey Avenue lies to the north west of the proposed addition at 438 New Jersey Avenue SE. The original brick footprints of the houses at 436 and 438 New Jersey are currently the same depth.

There is a one-story rear addition on the first floor of 438 New Jersey Avenue that extends 7'-3" beyond the brick wall at 436. Beyond that there is a deck that is 5'-3" deep.

The proposed addition will have no windows facing 436 New Jersey along the shared property line. However there will be an open porch on the third floor which will allow limited views into the rear yard and rear windows of 436 New Jersey. Thus the privacy will be somewhat compromised but not to an undue extent.

#### **440 New Jersey Avenue SE**

440 New Jersey Avenue SE lies to the southeast of the proposed addition at 438 New Jersey Avenue.

The existing house at 440 New Jersey Avenue extends beyond the existing brick wall at 438 New Jersey Avenue by 28'-8". The existing wall at 440 New Jersey will extend approximately 11'-8" beyond the rear wall of the proposed 17'-0" deep addition.

There will be no windows along the shared property line facing 440 New Jersey Avenue. The rear of 440 extends well past the proposed addition and there are no windows on 440 facing the property at 438.

The third floor open porch may offer limited views of windows on the rear of the existing third floor of 440 New Jersey, although the windows are set back approximately 5'-0" from the starting point of the new addition.

Due to the open porch, the privacy will be somewhat compromised but not to an undue extent.

- (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***

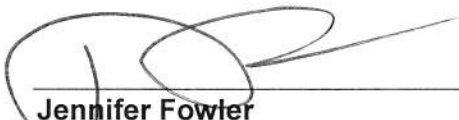
The existing square is extremely dense and does not have any alley access. The houses on New Jersey Avenue back up to properties with frontage on 1<sup>st</sup> Street SE. The proposed addition at 438 New Jersey Avenue will be historically compatible with the neighborhood and will be similar in style and scale to other houses on the alley and with historical sleeping porches that may have once existed. The proposed addition will not be visible from New Jersey Avenue SE, but there may be slight visibility from 1<sup>st</sup> Street SE, looking beyond existing houses through private property.

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, I am available at any time to discuss them with you.

Thank you,



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**Jennifer Fowler**  
Agent