

Special Exception Application

Owners:

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How this application meets specific tests for Special Exception

1. The proposed rear addition in place of the existing condition rear deck seems consistent with the general intent of the Zoning Regulations and Map. At present, there is a similar existing deck across the rear of each row house in the block. In addition, at least two neighbors have converted their decks: one two doors away is now an enclosed screened porch. Another across the alley is a fully enclosed and conditioned room addition. The proposed room addition would be the same dimensions as the existing deck and similar in size and shape to the neighbors' additions.
2. The proposed rear addition would not adversely affect the use of neighboring property. As mentioned, at least two neighbors have similar additions with no adverse effects from them. In fact, noise and lighting would be muted in comparison to noise and lights from an open deck. Neighbors' privacy might actually be enhanced by the walls of the proposed addition, since the view to and from the new room would be partially blocked, as opposed to entirely open.

Section 3104.1 refers to additions to single family homes in any R zones.

Section 223 applies. Reference Rule 11-223:

- 223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the 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 addition or accessory structure 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;
The proposed addition will not exceed the foot print of the existing deck and would not affect the light and air available to neighboring properties. The addition will extend 8'3 feet from the rear of the house, the same as the neighboring decks. The rear of the row houses face

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north. An existing screened porch two doors away has not had an adverse effect on neighbors on either side. (see attached photograph).

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; *Privacy, use and enjoyment of neighboring properties shall remain largely unaffected. All other houses along this row have rear decks or porches.*

The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

No visible change is proposed to the front of the property. The subject street frontage will remain unchanged.

The proposed rear addition is similar in size and shape to at least two other additions which are both within view. One of the other additions is a screened porch that is two doors away (about 25 feet) from this property. The other is an enclosed, all-season room about 100feet from the subject property.

- (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 or accessory structure to adjacent buildings and views from public ways.

Attached are plans, photographs, etc.

- 223.3 The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

The proposed lot coverage with the addition will be 65.09. The property is in the R-4 Zone.

Existing house, deck, and garage = 1230.86 sq ft

(house 20.8 x 40.0) + (deck 8.2 x 19.5) + (garage 11.6 x 20.6)

Proposed House, addition, and garage = 1230.86 sq ft

(house 20.8 x 40.0) + (addition 8.2 x 19.5) + (garage 11.6 x 20.6)

Lot size = 20.78 x 91.00 = 1890.98 sq ft

Calculated lot coverage = 65.09%

- 223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

- 223.5 This section may not be used to permit the introduction or expansion of a nonconforming use .