

Burden of Proof

Special Exception Application

1107 Penn Street NE

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

From: James Walker
1209 Crittenden Street NW
Washington, DC 20011

Date: June 25, 2014

Re: BZA Application for a two story rear deck at 1107 Penn Street NE

James Walker, owner of 1107 Penn Street NE hereby applies for a special exception to build a two-story deck on the rear of his existing semi-detached dwelling. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The proposed lot coverage is 1,770 sq ft, which is 28% above the maximum allowed lot occupancy for a semi-detached dwelling in the R-4 zoning district (11 DCMR 403.2). In addition, the proposed rear addition would extend into the minimum rear yard setback by 15'-0", reducing the rear yard to 5'-0".

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 effect on the use and enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2).

II. Bases for Grant of Special Exception

- A.** Section 223 provides relief based on satisfying specific criteria under which additions to a 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 proposed addition will be on the rear (southwest facing side) of the existing building. The existing structure has a lot coverage of 56.2% and a rear yard of 15'-0". There is an existing set of stairs from a shared platform in between the second floor units and two additional sets of stairs down to grade from the rear doors of the two lower units. The proposed deck would increase the lot coverage to 67.6% lot coverage which would exceed the maximum allowed

coverage by 7.6% and reduce the rear yard to 5'-0". This deck and balcony would be below the 70% lot coverage as allowed in 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 property, in particular

(a) The light and air available to neighboring properties shall not be unduly affected;

1109 Penn Street NE

1109 Penn Street NE lies immediately southeast of the property at 1107 Penn Street NE. The existing side setback will remain unchanged between these two properties. The upper level of the deck is modest in size (7'-0" deep) and located northwest of the properties rear yard, because of the depth and location of the property the upper portion of the deck will not impede the natural light at any point into the property at 1109 Penn Street NE. The railing would be open allowing for light and air to pass through.

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

1109 Penn Street NE

This property has a wooden privacy fence around the rear yard and would conceal any visibility from the ground level portion of the proposed rear deck. In addition to the existing fencing there is a large tree along the property line that would any visibility into the rear yard from the upper level of the proposed rear deck

(c) 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

The rear addition will be visible from both West Virginia Ave and the rear alley. The existing wooden stairs to the upper level are weather beaten and rotten in so areas with no compliant railing. The concrete stairs to the lower level units are weather beaten and are beginning to crack in some areas.

The proposed deck will be constructed of high quality materials and finished to be aesthetically pleasing.

(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.

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

1. Photographs of the existing house and surroundings;
2. Signatures for neighbors in support of the rear deck;
3. Plans and elevations of the proposed deck, including a site plan showing the relationship of the proposed deck to adjacent properties.
4. Official Plat from the DC Office of the Surveyor.

If any further clarifications are required or if there are any questions in regard to this application please feel free to contact Andre Burwell (authorized agents).

Thank you,

James Walker
Owner / Applicant
2456 Skyland Pl SE
Washington, DC 20020-3413