

Burden of Proof
Special Exception Application

131 Kentucky Avenue SE

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

From: **Thomas Reed and Margaret Mead**
Owners/Applicant
131 Kentucky Avenue SE
Washington, DC 20003

Date: September 10, 2014

Subject : **BZA Application for an Addition at 131 Kentucky Avenue SE**
(Square 1014, Lot 24)

Thomas Reed and Margaret Mead, owners and residents of 131 Kentucky Avenue SE hereby applies for a special exception to build a second floor addition on an existing one story portion of their 2-story row house. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The existing lot coverage is 1123.4 SF (69.4%), which is 9.4% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2). The proposed construction keeps the lot coverage at 1123.4 SF (69.4%).

The existing open court is 4.5', which is less than the required minimum for a row house in the R-4 zoning district (11 DCMR 406.1). The proposed addition follows the lines of the existing house and therefore does not provide for an 8.4' (4" per foot of court height 25.3') open court on the side.

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 second floor addition extends only 2.1' further back than the existing covered porch on the second floor, and does not extend past the existing footprint of the first floor.
- C.** The proposed second floor addition will follow the same lines of the existing house therefore maintaining the existing 4.5' open court on the south side of the property.

II. Bases for Grant of Special Exception

Section 223 provides relief based on satisfying specific criteria under which additions to a one-family 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 second story addition is a proposed modification to a permitted single-family residence that is currently not in conformance with Section 403.2 (60 percent lot occupancy), and Section 406.1, minimum width of open court.

The proposed addition will be on the rear (west facing side) of the existing building. The existing lot coverage of 69.4 percent does not meet the requirements of section 403.2, but the proposed addition will not increase this existing coverage. The existing structure has an open court of 4.5' which does not meet the requirements of section 406.1, but the proposed addition follows the lines of the existing house and does not decrease the open court width.

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.

129 Kentucky Avenue SE

129 Kentucky Avenue SE lies immediately to the north of the property at 131 Kentucky Avenue SE. The proposed second story addition at 131 Kentucky Avenue SE will only extend 2.1' past the second floor of 129 Kentucky Avenue SE and will not extend past the existing covered porch at 129 Kentucky Avenue SE. Thus the addition will have minimal impact on the light or air.

133 Kentucky Avenue SE

133 Kentucky Avenue SE lies immediately to the south of the property at 131 Kentucky Avenue SE. The proposed second story addition at 131 Kentucky Avenue SE is separated from the structure at 133 Kentucky Ave SE by 9' (4.5' open courts on both properties). The addition will only be extending the second floor 2.1' past the rear of 133 Kentucky Ave SE. Thus the addition will have minimal impact on the light or air.

Neighbors to the West of 131 Kentucky Avenue SE

The proposed addition at 131 Kentucky Avenue SE will not extend past the existing rear line of the first floor. The majority of the rear yard will remain unobstructed and the proposed addition will not affect the public alley. Currently, the existing garage on the property partially blocks the view from the alley to the rear of 131 Kentucky Avenue SE. Thus the addition will have minimal impact on the neighbors to the west, across the public alley.

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

129 Kentucky Avenue SE

The proposed addition at 131 Kentucky Avenue SE will not extend past the existing first floor of the house, and only extends the second floor 2.1' past the existing covered porch. There are no windows facing 129 Kentucky Avenue SE and there is a privacy fence between the properties. Additionally, the proposed addition replaces an existing covered porch at the second floor. Thus the privacy of use and enjoyment of 129 Kentucky Avenue SE will not be compromised.

133 Kentucky Avenue SE

The proposed addition at 131 Kentucky Avenue SE will not extend past the existing first floor of the house, and only extends the second floor 2.1' past the existing covered porch. The properties are separated by open courts on both properties and a privacy fence. Additionally, the proposed addition replaces an existing covered porch at the second floor. Thus the privacy of use and enjoyment of 133 Kentucky Avenue SE will not be compromised.

Neighbors to the North of 131 Kentucky Ave SE

The rear yard at 131 Kentucky Avenue SE remains the same size and the neighbors to the west will remain separated from the proposed addition by the rear yard, the existing garage, and the public alley. Thus, the privacy of use and enjoyment for the neighbors to the west of 131 Kentucky Avenue SE will not be compromised.

(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

There is alley access to the rear of the property, but the proposed addition at 131 Kentucky Avenue SE will not dramatically change the existing view from the alley because the existing garage partially blocks the view of the house. The addition is modest in size and does not extend past the existing first floor of the house and only extends 2.1' past the existing second floor covered porch. The proposed addition also maintains the existing scale in the public alley. The proposed addition will not be visible from any street.

The proposed addition will be constructed with high quality, historically appropriate materials.

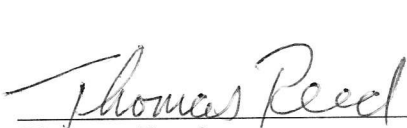
(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public 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 third floor 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, Tom Reed, Margaret Mead, and authorized agent Mike Fowler, A.I.A. are available at any time to discuss them with you.

Thank you,



Thomas Reed
Owner/Applicant
131 Kentucky Avenue SE
Washington, DC 20003



Margaret Mead