

**Burden of Proof
Special Exception Application**

815 8th Street NE

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

From: **Nickolas Rodriguez**
Owners/Applicant
815 8th Street NE
Washington, DC 20002

Date: November 3, 2014

Subject : **BZA Application for an Addition at 815 8th Street NE**
(Square 911, Lot 73)

Nickolas Rodriguez, owner and resident of 815 8th Street NE hereby applies for a special exception to build a two story rear addition to his existing two story row house. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The existing lot coverage is 1971.4 SF (71.5%), which is 11.5% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2). The proposed construction reduces the lot coverage to 1927.0 SF (69.9%).

The existing open court is 4.3', which is less than the required minimum for a row house in the R-4 zoning district (11 DCMR 406.1). The proposed addition replaces a garage reducing the rear yard from 46.6' to 0.0' which is less than the 20.0' required, and eliminates the open court while creating a closed court with a minimum width of 4.3' which is less than the 15'0' required.

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 reduces the existing lot coverage and footprint of the structure at the rear of the property.
- C.** While the footprint and lot coverage are being reduced only the height of the structure is being increased from 11.3' to 21.0', still 19.0' below the allowable 40.0'.

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 two 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), Section 404.1 (20.0' rear yard), and Section 406.1 (minimum width of a court).

The proposed addition will be on the rear (east facing side) of the existing building. The existing lot coverage of 71.5 percent does not meet the requirements of section 403.2, but the proposed addition decrease this existing coverage to 69.9%. The existing rear yard is being reduced from 46.6' to 0.0', but the addition is actually smaller in plan than the existing garage. The existing structure has an open court of 4.3' which does not meet the requirements of section 406.1, but the proposed addition does not decrease the existing 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.

813 8th Street NE

813 8th Street NE lies immediately to the south of the property at 815 8th Street NE. The proposed two story addition at 815 8th Street NE is located approximately 25' from the rear of 813 8th Street NE and will be in the same location as the existing garage. Thus the addition will have minimal impact on the light or air.

817 8th Street NE

817 8th Street NE lies immediately to the north of the property at 815 8th Street NE. The proposed two story addition at 815 8th Street NE is located approximately 40' from the rear of 817 8th Street NE and will be in the same location as the existing garage. Thus the addition will have minimal impact on the light or air.

819 8th Street NE

819 8th Street NE lies two properties to the north of the property at 815 8th Street NE. The proposed two story addition at 815 8th Street NE is located approximately 40' from the rear of 819 8th Street NE and will be in the same location as the existing garage. The proposed addition will also be 5.0' from the shared property line. Thus the addition will have minimal impact on the light or air.

Neighbors to the East of 815 8th Street NE

The proposed addition at 815 8th Street NE will be in the same location as the existing garage, and the majority of the rear yard will remain unobstructed. The existing garage on the property as well as the proposed addition will partially block the view from the alley to the rear of 815 8th Street NE. Thus the addition will have minimal impact on the neighbors to the east, across the public alley.

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

813 8th Street NE

The proposed addition at 815 8th Street NE will be in the same location as the existing garage. There are no windows facing south towards 813 8th Street NE and there is a privacy fence between the properties. Thus the privacy of use and enjoyment of 813 8th Street NE will not be unduly compromised.

817 8th Street NE

The proposed addition at 815 8th Street NE will be in the same location as the existing garage. There are no windows facing the rear of 817 8th Street NE on the second floor and there is a privacy fence between the properties. Thus the privacy of use and enjoyment of 817 8th Street NE will not be unduly compromised.

819 8th Street NE

The proposed addition at 815 8th Street NE will be in the same location as the existing garage. There are no windows facing the rear of 819 8th Street NE on the second floor and there is a privacy fence between the properties. Thus the privacy of use and enjoyment of 819 8th Street NE will not be unduly compromised.

Neighbors to the East of 815 8th Street NE

The proposed addition at 815 8th Street NE will be in the same location as the existing garage. There are windows facing the east, but the addition will obstruct views from the existing rear of the house. Thus, the privacy of use and enjoyment for the neighbors to the East of 815 8th Street NE will not be unduly 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 815 8th Street NE will not dramatically change the existing view from the alley because it replaces an existing garage. The addition is modest in size and is actually smaller in plan than the existing garage. The proposed addition also maintains the existing scale in the public alley. There are other two story structures that abut the same 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 for the addition from all adjacent neighbors.
- 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, Nickolas Rodriguez, and authorized agent Mike Fowler, A.I.A. are available at any time to discuss them with you.

Thank you,



Nickolas Rodriguez
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