

Burden of Proof

Special Exception/Variance Application

1102 Park Street NE

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

From: **Wallis McClain**
Owner/Applicant
1102 Park Street NE
Washington, DC 20002

Date: November 24, 2014

Subject : **BZA Application for a Garage and Addition at 1102 Park Street NE**
(Square 987, Lot 17)

Wallis McClain, owner and resident of 1102 Park Street NE, hereby applies for zoning relief to build a two story addition in the existing open court, and rebuild and enlarge the existing garage in the rear of his existing row house. The aspects of the proposed project that falls outside the current zoning regulation are as follows:

The existing house is currently non-conforming for lot occupancy as it is over the 60% allowed by-right. The proposed construction raises the lot occupancy from 1064 SF (67%) to 1109 SF (70%), which is 10% over the allowed lot occupancy for a row dwelling in the R-4 Zoning District (11 DCMR 403.2) and 3% over the existing lot occupancy.

The proposed construction encloses a portion of the existing open court and creates a 5'-6" wide non-conforming open court (11 DCMR 406.1)

The proposed construction creates a non-conforming closed court (11 DCMR 406.1)

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 garage and side 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 existing garage is to be demolished and rebuilt with a new roof deck. The garage is to be enlarged with a portion that will be 3'-11" above grade.
- C.** The proposed side addition will enclose the 4'-7" wide portion of the existing open court. It will not extend to the back of the existing house, thus creating a 5'-6" wide open court.

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 one-story garage with roof deck is to be an accessory structure to a permitted single-family residence that is not currently in conformance with Section 403.2 (lot occupancy). The proposed garage will be on the rear (northern) portion of the lot. The existing house has a lot occupancy of 67%, which will be increased to 70% with the proposed garage. This is a 10% increase over the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district, 3% over the current footprint of the residence, and meets 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;

1100 Park Street NE

1100 Park Street NE lies to the west of the rebuilt garage and proposed addition at 1102 Park Street NE. The rebuilt garage will be slightly bigger than the existing footprint. It will also be taller than the existing garage, but will maintain the 15'-0" tall height at the yard that is allowed by the zoning code. The rebuilt garage may have a minimal impact the light and air available to the rear yard of 1100 Park Street NE, but it will not impact the existing house at 1100 Park Street NE.

The proposed two-story open court addition at 1102 Park Street NE lies on the eastern side of the property. The proposed addition is separated from the existing structure at 1100 Park Street by the existing rear portion of house at 1102 Park Street. Additionally, the existing house at 1102 Park Street extends 7'-10" beyond the existing house at 1100 Park Street, thus blocking any view of the proposed addition at 1102 Park Street. Therefore, the proposed addition at 1102 Park Street will have no impact on the light and air available to 1100 Park Street.

1104 Park Street NE

1104 Park Street NE lies to the east of the rebuilt garage and proposed addition at 1102 Park Street NE. The rebuilt garage will be slightly bigger than the existing footprint. It will also be taller than the existing garage, but will maintain the 15'-0" tall height at the yard that is allowed by the zoning code. The rebuilt garage may have a minimal impact the light and air available to the rear yard of 1104 Park Street, but it will not impact the existing house at 1104 Park Street NE.

The proposed two-story open court addition at 1104 Park Street NE lies along the shared property line. The proposed addition will utilize 4'-1" of the shared party wall. The proposed addition is separated from the existing structure at 1104 Park Street by the existing 4'-0" wide open court at 1104 Park Street. The proposed addition at 1102 Park Street may have a minimal impact on the light and air available to 1104 Park Street, but only along the existing open court at 1104 Park Street.

Neighbors to the North

Neighbors to the north of the proposed addition and rebuilt garage at 1102 Park Street NE will not be unduly affected by the proposed project. 245 11th Street NE is directly to the north and is separated from the rebuilt garage by a 15'-0" wide alley. Additionally, 245 11th Street and other neighbors to the north are separated from the proposed open court addition by the rebuilt garage and existing rear yard. Given the distance between the neighbors to the north and the proposed work at 1102 Park Street, the neighbors will not be substantially impacted by the light and air available to their properties.

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

1100 Park Street NE

The proposed addition and rebuilt garage at 1102 Park Street NE will not unduly compromise the privacy or enjoyment of neighbors to the west. The existing privacy wall will remain along the shared property line, thus prohibiting views between the two yards. The rebuilt garage will not have any windows along the western wall, thus prohibiting any views into the rear yard at 1100 Park Street. The proposed roof deck may allow some views into the rear yard at 1100 Park Street, but the main house will be separated from the proposed garage by the 25'-9" rear yard. Additionally, the existing rear structure at 1102 Park Street extends past the existing house at 1100 Park Street, thus providing some privacy for 1100 Park Street. Additionally, the rebuilt garage at 1102 Park Street will be historically compatible with the neighborhood and will be an improvement over the existing garage structure.

The proposed two-story open court addition at 1102 Park Street NE lies on the eastern side of the property and is separated from the existing structure at 1100 Park Street by the existing rear portion of house at 1102 Park Street. Thus, the proposed addition at 1102 Park Street will have no effect on the privacy of use and enjoyment for 1100 Park Street.

1104 Park Street NE

The proposed addition and rebuilt garage at 1102 Park Street NE will not unduly compromise the privacy or enjoyment of neighbors to the east. The existing fence will be replaced along the shared property line, thus prohibiting views between the two yards. The rebuilt garage will not have any windows along the eastern wall, thus prohibiting any views into the rear yard at 1104 Park Street. The proposed roof deck may allow some views into the rear yard at 1104 Park Street, but the main house will be separated from the proposed garage by the 28'-10" rear yard. Additionally, the existing rear structure at 1102 Park Street extends past the existing house at 1104 Park Street, thus providing some privacy for 1104 Park Street. Additionally, the rebuilt garage at 1102 Park Street will be historically compatible with the neighborhood and will be an improvement over the existing garage structure.

The proposed two-story open court addition at 1102 Park Street NE lies to the west of 1104 Park Street and is separated from the existing structure at 1104 Park Street by the existing 4'-0" wide open court. The proposed addition will have no windows along the shared property line, therefore not infringing on the privacy at 1104 Park Street. The proposed addition will not extend beyond the existing structure at 1104 Park Street. Thus, the proposed addition at 1102 Park Street will have a minimal impact on the privacy of use and enjoyment for 1104 Park Street.

Neighbors to the North

The proposed addition and rebuilt garage will not unduly compromise the privacy or enjoyment of neighbors to the north. The neighbors to the north are separated from the proposed addition by the rebuilt garage and the rear yard. Additionally, they are separated from the rebuilt garage by a 15' wide

public alley and existing garages. The proposed addition and rebuilt garage at 1102 Park Street NE will be similar in style and scale to the historic rowhouses and garages in the neighborhood.

(c) The addition and garage replacement, 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.

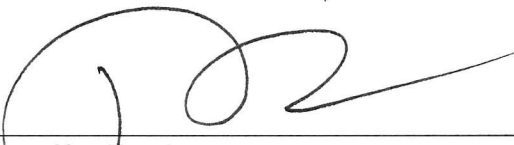
The existing square is extremely dense and has many garages at the rear of the properties, which obscure many views of the proposed addition at 1102 Park Street NE. The rebuilt garage will be historically compatible with the neighborhood and will be similar in style and scale to historic carriage houses. Additionally, the proposed addition and rebuilt garage will not be visible from the front of the house.

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

- a) Photos of the existing house and surroundings;
- b) Plan and elevation drawings of the proposed additions, including a site plan showing the relationship of the proposed additions to adjacent buildings.
- c) 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,



Jennifer Fowler
Agent/Applicant