

Burden of Proof Special Exception Application

34 V Street NW

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

From: **Jennifer Fowler**
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Date: September 16, 2014

Subject: **BZA Application, Bulka-Hebbeler Deck**
34 A Street NW (Square 3117, Lot 828)

Christopher Bulka and Andrew Hebbeler, owners and residents of 34 V Street NW, hereby apply for a special exception to build deck on the rear of their existing row house. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

The proposed deck increases the lot occupancy from 962.6 SF (57.7%) to 1127.6 SF (67.6%), which is 7.6% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 9.98% above the existing lot occupancy.

The proposed deck extends the existing 4'-0" wide non-conforming open 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 deck 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 deck will extend only 10'-0" beyond the rear of the existing structure.

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. I 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 deck addition is to a permitted single-family residence that is not currently in conformance with Section 406.1 (open court). The proposed deck will be on the rear (south facing side) of the existing house. The existing structure has a lot coverage of 57.7%, which will be increased to 67.6% with the proposed deck. To maintain access to the existing dogleg and basement door, the 4'-0" wide open court will be extended and not closed in. In order to maximize deck space, the open court is not set back the required 6'-0" from the property line.

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.*

32 V Street NW

32 V Street NW lies to the east of the proposed deck at 34 V Street NW. The two houses are separated by an approximately 8'-0" wide shared dogleg. The house at 32 V Street NW extends beyond the existing house at 34 V Street NW. Additionally, 32 V Street has a large rear deck that extends to the shared property line. The proposed deck at 34 V Street NW will extend the existing open court, which lies between the two properties. The proposed deck at 34 V Street is minimal in depth as compared to the existing structure and deck at 32 V Street and therefore will not have a substantial impact on the light or air available to 32 V Street.

36 A Street NW

36 V Street NW lies to the west of the proposed deck at 34 V Street NW. The deck addition will extend 10'-0" past the existing house at 34 V Street NW. Currently, the existing rear structure at 36 V Street extends approximately 1'-8" past the existing house at 34 V Street. Because the proposed structure is an open deck, and will not be enclosed, it will have no major impact on the air available to the house or yard a 34 V street NW.

Neighbors to the South

Neighbors to the South of 34 V Street NW are separated from the property by large rear yards, garages, a wide park and two public alleys. A large church lies directly to the north of 1334 A Street SE. Due to large separation between the properties and the scale of the proposed deck at 1334 A Street, the deck will have no impact on the air or light for the neighbors to the south.

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

32 V Street NW

The proposed deck addition at 34 V Street will be modest in size and will not extend as far back as the existing deck at 32 V Street. Because the deck addition will maintain the existing open court, there will be no construction along the shared property line. Additionally, a new fence will be installed along the property line to improve the privacy between the properties. Overall, the proposed deck at 34 V Street will have minimal impact on the privacy of use and enjoyment of 32 V Street NW.

36 V Street NW

The proposed deck addition at 34 V Street will be modest in size. The deck will be constructed along the shared property line and a new privacy fence will be added to improve the privacy between the two properties. Overall, the proposed deck at 34 V Street will have minimal impact on the privacy of use and enjoyment of 36 V Street NW.

Neighbors to the South

The proposed deck at 34 V Street NW will not affect the existing public alleys or park that separates the structure from the neighbors to the south. In addition to the large rear yard that will remain, several garages across the alley will block any view of the proposed deck. The proposed deck will

be proportional in scale, thus the privacy of use and enjoyment of the neighbors to the south 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***

The existing square is dense and many of the existing houses have rear decks. The proposed deck will not be visible from any street. While the deck will be visible from the public park, it will be constructed with high quality, historically appropriate materials and will be appropriate in scale for the existing house and yard.

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 rear deck;
- c) Plan and elevation drawings of proposed deck, including a site plan showing the relationship of the proposed deck 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, we are available at any time to discuss them with you.

Thank you,



Jennifer Fowler
Agent