

Burden of Proof

Special Exception Application

325 5th Street SE

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

From: **Gina Eppolito and Francis Slakey**
Owner/Applicant
325 5th Street SE
Washington, DC 20003

Date: December 1, 2014

Subject: **BZA Application, Eppolito-Slakey Addition**
325 5th Street SE (Square 820, Lot 17)

Gina Eppolito and Francis Slakey, owners and residents of 325 5th Street SE, hereby apply for a special exception to build a two-story addition with cellar 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 existing house is currently non-conforming for lot occupancy as it is over the 60% allowed by-right. The proposed construction increases the lot occupancy from 1182.3 SF (60.8%) to 1237.3 SF (63.6%), which is 3.6% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 2.8% above the existing lot occupancy.

The proposed construction creates a 5'-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 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 two-story addition will extend only 4'-0" beyond the rear of the existing rear porch, which is to be demolished.

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 two-story addition is to a permitted single-family residence that is not currently in conformance with Section 406.1 (open court). The proposed addition will be on the rear (west facing side) of the existing house. The existing structure has a lot coverage of 60.8%.

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which will be increased to 63.6% with the proposed addition. The existing 4'-8" wide open court will be not be closed in and the addition will create a 5'-0" wide open court. In order to maximize interior 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.*

323 5th Street SE

323 5th Street SE lies to the north of the proposed addition at 325 5th Street SE. The addition will extend 4'-0" beyond the rear of the existing rear porch at 325 5th Street, which will be demolished. The addition will extend 17'-0" beyond the existing house at 323 5th Street. The proposed addition at 325 5th Street sits to the south of 323 5th Street, and may minimally impact the light and air available to a portion of the rear yard at 323 5th Street. However, the increase in length of the proposed addition beyond the existing rear porch is minimal and therefore the impact will be minor. Additionally, there will be no impact on the existing house at 323 5th Street because it is set so far back from the proposed addition at 325 5th Street.

327 5th Street SE

327 5th Street SE lies to the south of the proposed addition at 325 5th Street. The addition will extend 2'-3" past the existing house at 327 5th Street. Additionally, the proposed addition at 325 5th Street will be separated from the house at 323 5th Street by the 5'-0" open court at 325 5th Street. Therefore, due to the minimal increase in depth and the open court, the proposed addition at 325 5th Street will not have a substantial impact on the light or air available to 327 5th Street.

Neighbors to the West

Neighbors to the west of 325 5th Street SE are separated from the property by large rear yards. A large church lies to the west of 325 5th Street and the proposed addition at 325 5th Street is small in scale compared to the existing church. Due to large separation between the structures to the west and the proposed addition at 325 5th Street, the addition will have no impact on the air or light for the neighbors to the west.

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

323 5th Street SE

The proposed addition at 325 5th Street SE will be modest in size and will extend 4'-0" beyond the existing rear porch that is to be demolished. Additionally, the existing house at 323 5th Street lies 17'-0" back from the proposed addition at 325 5th Street. The northern wall of the addition will have some windows, but they will be high so as to not affect the privacy at 323 5th Street. The proposed covered porch on the second story may have a minor impact on the privacy in the rear yard at 323 5th Street, but it will not impact the privacy any more than the existing 2 story rear porch at 325 5th Street. Overall, the proposed addition at 325 5th Street will not unduly compromise the privacy of use and enjoyment of 323 5th Street SE.

327 5th Street SE

The proposed addition will be modest in size, extending only 2'-3" beyond the existing house at 327 5th Street. There will be a window on the southern façade of the proposed addition, but there are currently no windows along the northern façade of 327 5th Street, so the privacy at 327 5th Street will remain. Additionally, because the addition at 325 5th Street will maintain the existing open court, there will be no construction along the shared property line. The existing fence will also remain along the shared property line. Overall, the privacy of use and enjoyment of 327 5th Street will not be compromised.

Neighbors to the West

The proposed addition at 325 5th Street will not have a major effect on the existing rear yards that separates the structure from the neighbors to the west. Additionally, the proposed addition at 325 5th Street will extend only 4'-0" beyond the existing rear porch, thus having a minor impact on the existing rear yard. The proposed addition will be proportional in scale, thus the privacy of use and enjoyment of the neighbors to the west 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

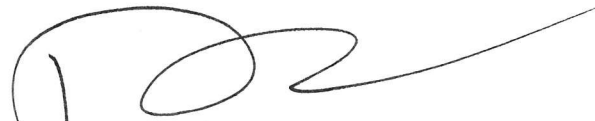
The existing square is extremely dense and there is no alley access to the property. The proposed addition will not be visible from any street. The proposed addition will be constructed with high quality, historically appropriate materials and will be appropriate in scale for the existing houses. Additionally, it will be minimally larger than the existing rear porch.

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 addition, including a site plan showing the relationship of the addition 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/Architect