

Burden of Proof

Special Exception Application

915 C Street NE

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

From: **Ari and Amy Nazarov**
Owner/Applicants
915 C Street NE
Washington, DC 20002

Date: November 5, 2014

Subject: **BZA Application, Nazarov Porch**
915 C Street NE (Square 939, Lot 802)

Amy and Ari Nazarov, owners and residents of 915 C Street NE, hereby apply for a special exception to build a two-story covered porch 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 831.5 SF (63.7%) to 914.2 SF (70%), which is 10% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 6.3% 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 porch 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 porch will extend only 6'-8" 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:

223.1 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 two-story porch addition is to a permitted single-family residence that is not currently in conformance with Section 406.1 (open court) or with Section 403.2 (lot occupancy).. The proposed addition will be on the rear (south facing side) of the existing house. The existing structure has a lot coverage of 63.7%, which will be increased to 70% with the proposed addition. To maximize the size of the porch, the porch will be set back 5'-0" from the property line on the west side and that portion of the open court will not count toward the lot coverage.

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.

913 C Street NE

913 C Street NE lies to the west of the proposed porch at 913 C Street NE. The two houses are separated by a 4'-4" wide dogleg at 915 C Street NE. The porch addition will extend 6'-8" beyond the rear of the existing structures at 915 C Street, but will not be as deep as the existing two story deck at 913 C Street. The proposed porch will widen the existing open court at 915 C Street to 5'-0". The proposed porch at 915 C Street sits to the east of 913 C Street, and may minimally impact the light and air available to 913 C Street. However due to the width of the existing open court between the two properties, the impact will be minor.

917 C Street NE

917 C Street NE lies to the east of the proposed addition at 915 C Street. A 3'-9" wide open court at 917 C Street separates the two houses. The addition will extend 6'-8" past the existing house 915 C Street. However, the existing house at 917 C Street NE currently extends 13'-0" beyond the existing house at 915 C Street. The proposed porch at 915 C Street may minimally impact the light available to the open court at 917 C Street. However, it will have no major impact on the air available to the house or yard. The proposed porch at 915 C Street is minimal in depth as compared the existing rear structure at 917 C Street and therefore will not have a substantial impact on the light or air available to 917 C Street.

Neighbors to the South

Neighbors to the south of 915 C Street NE are separated from the property by the existing rear yards, garages and a public alley. The proposed addition at 915 C Street is small in scale compared to the existing garages in the alley. Due to the distances between the properties and the scale of the proposed porch at 915 C Street, the porch addition 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

913 C Street NE

The proposed porch addition at 915 C Street will be modest in size and will extend 6'-8" beyond the existing house at 915 C Street. The proposed porch will not extend as far back as the existing 8'-6" deep two story deck at 913 C Street. Because the addition will maintain and widen the existing open court, there will be no construction along the shared property line. The existing privacy fence will remain along the shared property line. Overall, the proposed addition at 915 C Street will not unduly compromise the privacy of use and enjoyment of 913 C Street.

917 C Street NE

The proposed porch addition will be modest in size, extending only 6'-8" beyond the existing rear structure at 915 C Street. The addition will extend along the shared property line, but the existing privacy wall will remain. The existing 3'-9" wide open court at 917 C Street will remain, providing separation between the proposed porch and the existing structure t 917 C Street. Overall, the privacy of use and enjoyment of 917 C Street will not be compromised.

Neighbors to the South

The proposed addition at 915 C Street will not affect the existing neighbors to the south. In addition to the rear yard that will remain, several garages across the alley will block any view of the proposed addition. The proposed addition 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 extremely dense. There is no alley access to the property and the existing garages near the property will limit the view of the proposed porch addition from the nearby alley. The proposed porch will not be visible from any street. The proposed porch addition will be constructed with high quality, historically appropriate materials and will be appropriate in scale for the existing houses.

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.
- d) Letters of support from adjacent property owners.

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