

Burden of Proof

Special Exception Application

333 F Street NE

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

From: **Jennifer Fowler**
Agent/Applicant
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Date: February 5, 2015

Subject : **BZA Application for an Addition at 333 F Street NE**
(Square 0779, Lot 0161)

Frances Raskin, owner and resident of 333 F Street NE hereby applies for a special exception to build a two story rear addition on an 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 769.2 SF (53.4%), which is 6.6% under the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2). The proposed construction increases the lot coverage to 1008.0 SF (70.0%), which is 10.0% over the allowed lot occupancy.

The existing open court is 3.9', which is less than the required minimum for a row house in the R-4 zoning district (11 DCMR 406.1). The proposed addition eliminates the open court.

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 eliminates an existing non-conformity in the 3.9' open court.
- C. The proposed two story addition extends 14.9' past the existing rear of the house, but does not increase the structure's height.

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.

Board of Zoning Adjustment
District of Columbia
CASE NO.18981
EXHIBIT NO.9

The two story addition is a proposed modification to a permitted single-family residence that is currently in conformance with Section 403.2 (60 percent lot occupancy), and not in conformance with Section 406.1 (minimum width of open court).

The proposed addition will be on the rear (south facing side) of the existing structure. The existing lot coverage of 53.4 percent will increase to 70.0 percent not meeting the requirements of section 403.2. The existing structure has an open court of 3.9' which does not meet the requirements of section 406.1, but the proposed addition will infill the open court therefore eliminating the nonconformance.

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.

331 F Street NE

331 F Street NE lies immediately to the west of the property at 333 F Street NE. The proposed two story addition at 333 F Street NE will extend 14.9' past the rear of 331 F Street NE, but will maintain a 27.0' rear yard. The location of the addition and orientation of the properties results in only a small change to the structure's southern exposure. Thus the addition will have minimal impact on the light or air.

335 F Street NE

335 F Street NE lies immediately to the east of the property at 333 F Street NE. The proposed two story addition at 333 F Street NE will extend 14.9' past the rear of 335 F Street NE, but will maintain a 27.0' rear yard. The location of the addition and orientation of the properties results in only a small change to the structure's southern exposure. Thus the addition will have minimal impact on the light or air.

Neighbors to the South of 333 F Street NE

The majority of the rear yard will remain unobstructed and the proposed addition will not affect the public alley. The location of the addition and orientation of the property means that there will be no change to the light available to the properties to the south. Thus the addition will have minimal impact on the light and air on the neighbors to the south, across the public alley.

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

331 F Street NE

The proposed addition at 333 F Street NE will extend 14.9' past the rear of 331 F Street NE. There are no windows facing 331 F Street NE and there is a privacy fence between the properties. Thus the privacy of use and enjoyment of 331 F Street NE will not be compromised.

335 F Street NE

The proposed addition at 333 F Street NE will extend 14.9' past the rear of 335 F Street NE. There are no windows facing 335 F Street NE and there is a privacy fence between the properties. Thus the privacy of use and enjoyment of 335 F Street NE will not be compromised.

Neighbors to the South of 333 F Street NE

The majority of the rear yard at 333 F Street NE will remain unobstructed and the neighbors to the west will remain separated from the proposed addition by the rear yard, the privacy fence, and the public alley. Thus, the privacy of use and enjoyment for the neighbors to the South of 333 F Street NE 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

There is alley access to the rear of the property, but the proposed addition at 333 F Street NE will not dramatically change the existing view from the alley because the existing square is extremely dense. The addition is modest in size and maintains the existing scale in the public alley. The proposed addition will not be visible from any street.

The proposed addition will be constructed with high quality, historically appropriate materials.

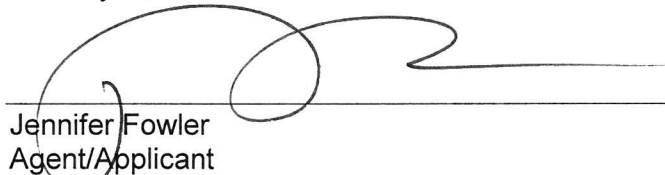
(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

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

- a) Photos of the existing house and surroundings;
- b) Signatures of support from neighbors for a third floor addition;
- 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, I am available at any time to discuss them with you.

Thank you,



Jennifer Fowler
Agent/Applicant