

Burden of Proof

Special Exception Application

2216 12th Street NW

To: **The Office Of Zoning**
Suite 200 South
441 4th Street, NW
Washington, DC 20001

From: **Marie Pollard**
Owner/Applicant
2216 12th Street, NW
Washington, DC 20009

Date: March 23, 2015

Subject: **BZA Application, Pollard Residence**
2216 12th Street, NW (Square 271, Lot 195)

Marie Pollard, owner of 2216 12th Street, NW hereby applies for a special exception to build a one-story addition at the rear of her property. The aspect of the proposed project falls outside of the current zoning regulations as follow:

The existing house is currently non-conforming at its open court width as it currently below the 6'-0" minimum width required by zoning district (11 DCMR 406.1). The proposed construction will maintain the existing open court width of 3.02' as the addition would simply extend the current exterior wall toward the rear of property.

The addition will also increase the lot occupancy from 612 SF (54.5%) to 732 SF (65%), which is over 5% the allowed lot occupancy for a single-family dwelling in the R-5-B zoning district (11 DCMR 403.2).

I. Summary

- A. These special exceptions qualify 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 effect on the use or enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2).
- B. The proposed structure will be sympathetic to scale, materials, and overall fabric of the neighborhood.

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 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,

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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.

The proposed addition will be on the rear western portion of the lot. The existing house has a lot occupancy of 54.5% , the proposed lot occupancy will be increase to 65% with the 10'-0" x 12'-0" rear addition. This is a 10% increase over the current building footprint, and a 5% increase over the matter-of-right lot occupancy for a single-family dwelling in the R-5-B district. The new construction will be below the 70% allowed lot occupancy by Section 223.3 as a special exception.

223.2 The addition shall not have a substantially adverse effect 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.

2214 12th Street, NW

The house at 2214 12th Street, NW is separated from the existing house and proposed addition by an existing open court which will be maintained intact. Additionally, the proposed addition is one-story located West (at the rear of lot); given the size of the addition any shadows cast by the new structure will not reach the rear windows of the house at 2214. The proposed addition will not impact the light and air available to 2214 12th Street, NW.

2218 12th Street, NW

The property at 2218 lies north of the existing house. The proposed addition will be on the South at the shared face-on-line wall of the two lots. Though the existing house is set back from the shared property line. The one story-addition may minimally impact the light and air available to the rear yard of 2218 12th Street, NW, however it will not substantially impact the light and air available to the house.

Neighbors to the West

West of 2216 12th Street, NW are the rear yards and garages of neighboring houses. The rear yards are separated from the proposed one-story addition by a 10' wide public alley. Given the distance between houses across the alley and height of the proposed addition, the proposed one-story addition will not impact the light and air available to the neighbors to the West.

b) The Privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

2214 12th Street, NW and 2218 12th Street, NW

The proposed addition will not unduly compromise the privacy and enjoyment of neighbors at 2214 and 2218 12th Street, NW. The addition will serve as a study space overlooking the rear yard and will not decrease the privacy of the adjacent structures. The addition will have no windows along the shared face-on-line wall and only provide small clerestory lighting along the court yard wall. The existing wooden fences will remain along the property lines, thus prohibiting any views into the side yards at 2214 and 2218 12th Street, NW.

Neighbors to the West

The public alley along the existing rear yards and garages of the existing house to the west, allow for adequate distance between the houses and the proposed addition. Therefore, the addition at 2216 12th Street will not affect the privacy of the house to the West.

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

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

- a) Photos of existing house and surroundings.
- b) Signature of support from neighbors for rear addition.
- c) Plans and Elevations of proposed addition.
- d) Official Plat from the DC Office of the Surveyor.

If you would like additional clarification or have any questions regarding the application, please don't hesitate to contact us to discuss them with you.

Best Regards,

Marie Pollard by Annie Doris Pollard her
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Attorney-in-fact