

Burden of Proof Special Exception Application

Project Address: 17 Franklin St NE, Washington DC 20003

To:

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

From:

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10739 Tucker St Suite 260
Beltsville MD 20705

Date: 6/26/15

Subject: BZA Application, Corley Residence 17 Franklin St NE (Square 3501, Lot 103) Jeanette Corley, owner of 17 Franklin St NE, hereby applies for zoning relief to renovate her row house and change the use from single family to a an accessory apartment in the existing basement.

Summary:

The existing house is currently non-conforming to provide an accessory apartment due to the following two reason:

1. Attached dwelling. **§ 202.10** – An accessory apartment may be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment. Owner would like relief from this section
2. Lot Area. **§ 202.10(a)** – The lot shall have a minimum lot area of four thousand square feet for the R-3. The property is currently 1250.025 square feet. Owner would like relief from this section.
3. See Office of Planning Statement

Regulations:

3104 SPECIAL EXCEPTIONS

3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title, as follows...

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-3) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the 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.

223.2 The addition or accessory structure 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;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and
- (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 or accessory structure to adjacent buildings and views from public ways.

223.3 The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

The owner will comply with the special exceptions regulations as follows:

3104.1 The project scope will maintain the harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not affect adversely, the use of neighboring property.

223.2 The project scope will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property and will not affect the following:

(a) **The light and air available to neighboring properties.** Converting the existing basement into an apartment unit will not affect the light and air to the neighboring properties.

(b) **The privacy of use and enjoyment of neighboring properties.** The owner will provide all renters with a rental agreement which will provide provisions for “quiet enjoyment”.

(c) **The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.** There will be no changes to the existing character, scale or pattern of the house.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the owner will provide the following graphical representations to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways:

- 1. Architectural Floor Plans**
- 2. Photographs.** (Existing façade elevations)
- 3. Surveyors Plat**

223.3 The existing lot is zoned R-3 and is 1250.025 sf. The lot occupancy calculations are as follows:

745 (coverage) / 1250.025 (lot) = .59%. The allowable lot coverage is 60%. The owner will not increase the occupancy as it exists.

If you require any additional information to help with your decision please call me directly at 301.250.3727 or email me at lynnette@brunsonllc.com.

Thank you,

Lynnette Brunson
Building Designer