

Burden of Proof

Special Exception Application

215 A Street NE

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

From: **Lindsay and Gail Slater**
Owner/Applicant
215 A Street NE
Washington, DC 20002

Date: July 15, 2015

Subject: **BZA Application, Slater Addition**
215 A Street NE (Square 797, Lot 27)

Lindsay and Gail Slater, owners of 215 A Street NE, hereby apply for a special exception to build a three-story addition in the existing dogleg on their property and a third floor addition over the existing house, including the dogleg. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The existing house is currently non-conforming for lot occupancy as it is over the 60% allowed by-right. The proposed construction will not change the existing lot occupancy, which is 757.4 SF (68.7%). This is 8.7% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2).

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 additions will be in the existing dogleg and above the existing house, and will therefore not change the existing lot occupancy.

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 proposed additions are to a permitted single-family residence that is currently not in conformance with Section 403.2 (lot occupancy). The proposed dogleg addition will be on the side

(eastern) portion of the lot and the proposed third floor addition will be above the existing house, set back 17'-0" from the front on the northern side. The existing house has a lot occupancy of 68.7%, which is 8.7% over the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district. The lot occupancy will not change as a result of the additions and will remain below the 70% allowed by Section 223.3 as a special exception.

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.*

213 A Street NE

213 A Street NE lies to the west of 215 A Street NE. The house at 213 A Street is separated from the existing house at 215 A Street by the dogleg belonging to 215 A Street. The existing dogleg will be filled in by the proposed addition, which will utilize the existing party wall between the properties. The proposed additions will not extend beyond the existing houses at 215 A Street or 213 A Street. Additionally, 213 A Street has no windows along the property line. The proposed dogleg addition will be modest in scale and will not be visible from the house at 213 A Street. Given the size and location of the dogleg addition, the proposed addition at 215 A Street will not impact the light and air available to 213 A Street NE. The proposed third floor addition will be above the existing house at 215 A Street. It will be visible from the rear yard at 213 A Street, but it will not be visible from the front of either house. A roof deck is proposed for the front portion of the third floor addition, but it will not have any impact on the light and air available to 213 A Street. The proposed third floor addition will be modest in scale and may have a minimal impact on the light and air available to the rear yard at 213 A Street NE.

217 A Street NE

217 A Street NE lies to the east of 215 A Street NE. The house at 217 A Street is separated from 215 A Street by the existing dogleg belonging to 217 A Street. The proposed additions at 215 A Street will not extend beyond the existing houses at 215 A Street or 217 A Street and will therefore not be visible from the house at 217 A Street. Given the size and location of the dogleg addition, the proposed addition at 215 A Street will not impact the light and air available to 217 A Street NE. The proposed third floor addition will be above the existing house at 215 A Street. It will be visible from the rear yard at 217 A Street, but it will not be visible from the front of either house. A roof deck is proposed for the front portion of the third floor addition, but it will not have any impact on the light and air available to 217 A Street. The proposed third floor addition will be modest in scale and may have a minimal impact on the light and air available to the rear yard at 217 A Street NE.

Neighbors to the South

South of 215 A Street are the rear yards and garages of additional row houses. The rear yards are separated from the proposed additions by a 10' wide public alley. Additionally, the proposed additions are setback from the rear property line by the existing 20'-8" rear yard. Given the distance between the proposed additions and the row houses across the alley, the proposed additions will not impact the light and air available to the neighbors to the south.

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

213 A Street NE

The proposed additions at 215 A Street NE will not unduly compromise the privacy or enjoyment of neighbors at 213 A Street NE. The proposed additions will be modest in scale and will not extend the existing rear wall beyond the existing shared party wall. There will be additional windows on the rear façade of 215 A Street, but they will not allow any more views into the rear yard at 213 A Street than what already exist. A roof deck is proposed for the front portion of the third floor addition, but it will not allow any views into the house or yard at 213 A Street and will therefore have no affect on the privacy afforded to 213 A Street. Additionally, the proposed additions at 215 A Street will be similar in style to the existing rear facades along the alley.

217 A Street NE

The proposed additions at 215 A Street NE will not unduly compromise the privacy or enjoyment of neighbors at 217 A Street NE. The proposed dogleg addition will be on the other side of the house from 217 A Street. Neither addition will extend past the existing rear wall of 215 A Street and will therefore not be visible from the house at 217 A Street. There will be additional windows on the rear façade of 215 A Street, but they will not allow any more views into the rear yard at 217 A Street than what already exist. A roof deck is proposed for the front portion of the third floor addition, but it will not allow any views into the house or yard at 217 A Street and will therefore have no affect on the privacy afforded to 21 A Street. Additionally, the proposed additions at 215 A Street will be similar in style to the existing facades along the alley.

Neighbors to the South

The proposed additions at 215 A Street will not unduly compromise the privacy or enjoyment of neighbors to the south. The proposed additions are separated from the neighbors to the south by a 10' public alley and the existing 20'-8" deep rear yard at 215 A Street. The existing rear yard, the public alley, and the existing garages and rear yards of the existing row houses to the south, allow for adequate distance between the houses and the proposed additions. Therefore, the proposed addition at 215 A Street will not affect the privacy of the houses to the south. The proposed addition at 215 A Street SE will be similar in style and scale to the existing rear structures on the alley.

(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. The additions will be built in the same style as the other rear structures in the alley and in the neighborhood, and will continue the existing brick facade. The proposed dogleg addition is very modest in scale and will not be visible from the front of the house. Additionally, the proposed third floor addition will be set back 17'-0" from the front of the house so it will not be visible from A Street.

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