

Burden of Proof

Special Exception Application

229 10th Street SE

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/Architect
1819 D Street SE
Washington, DC 20003

Date: November 10, 2015

Subject : **BZA Application, Addition**
229 10th Street SE (Square 944, Lot 0039)

Utku Aslanturk, owner of 229 10th Street SE SE, hereby applies for zoning relief to build a three story rear addition. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

11 DCMR 2001.1 *Addition to a non-conforming structure*
11 DCMR 403.2 *Lot occupancy*
11 DCMR 406.1 *Open Court Requirements*

The existing semi-detached row house is currently non-conforming for lot occupancy as it is over the 40% allowed by-right. It also has a non-conforming side yard that is 4.5' wide.

The proposed construction increases the lot occupancy from 1119.8 SF (52.8%) to 1270 SF (59.9%). The change in lot coverage includes a reduction caused by demolishing an existing garage. The increased lot occupancy is below the 60% allowed for an attached row house, 19.9% over the allowed lot occupancy for a semi-detached row house in the R-4 zoning district (11 DCMR 403.2), and 7.1% above the existing lot occupancy.

The addition converts the house into an attached row house and creates a 4.5' wide non-conforming 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 rear addition will connect to the property line on both sides, thus making the house an attached dwelling.
- C.** The proposed addition will be similar in size and style to the existing structures in the vicinity.

II. Bases for Granting 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:

Board of Zoning Adjustment
District of Columbia
CASE NO.19194
EXHIBIT NO.9

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 proposed three story addition will be on the rear (west) of the existing house. The existing house has a lot occupancy of 52.8% which will be increased to 59.9% and will be converted to an attached row dwelling with the proposed rear addition. The lot coverage will be below the matter-of-right lot occupancy for an attached row dwelling allowed in the R-4 district,

The house and addition will cover 7.1% more than the current footprint of the residence, but does not exceed 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.

227 10th Street SE

227 10th Street lies to the north of the proposed addition at 229 10th Street SE. The existing house at 227 10th Street is longer than the existing house at 229 10th Street SE and is separated from 229 10th Street SE by a narrow open court at the rear. The proposed addition at 229 10th Street SE will extend approximately 2'-6" back from the existing house at 227 10th Street and will have a face on line wall along the shared property line. The existing one-story rear addition will be demolished and the existing dogleg will be filled in.

Additionally, the garage at the rear of the property will be removed, increasing the access to light and air flow enjoyed by the yard at 227 10th Street SE.

The proposed addition will be taller than the rear portion of 227 10th Street, but it will be a similar height as the front masonry portion of the house. The addition has a sloped roof on the east façade which will help to mitigate the impact. The proposed addition at 229 10th Street will have an impact the light and air available to the rear of 227 10th Street. However there are few windows along the south façade of 227 10th Street, so the impact will be reasonable.

231 10th Street SE

231 10th Street SE lies to the south of the proposed addition at 229 10th Street. The existing house at 231 10th Street SE is longer than the existing house at 229 10th Street. The proposed addition at 229 10th Street will extend approximately 19'-4" back from the existing house at 231 10th Street. Because the proposed addition at 229 10th Street lies to the north of 231 10th Street, it will not cast shadows on the property to the south. Additionally, there are minimal windows along the north wall of 231 10th Street. The addition has a sloped roof on the east façade which will help to mitigate the impact. Therefore, the proposed addition at 229 10th Street will not unduly impact the light and air available to 231 10th Street SE.

Neighbors to the West

229 10th Street is separated from its neighbors to the west by the rear yards, existing garages and a 20' wide public alley. The proposed addition at 229 10th Street will leave a 42'-4" rear yard. Additionally, the houses to the west have their own rear yards and garages. Given the distance between the proposed addition at 229 10th Street and the neighbors to the west, the proposed 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

227 10th Street SE

The proposed addition will not unduly compromise the privacy or enjoyment of neighbors to the north. The proposed addition at 229 10th Street includes several new windows but they all face the east and west, and they offer no views into the residence of 227 10th Street. There will be no windows along the new face on line wall, thus prohibiting any views into the rear and side yard on the north side. The privacy will be increased with the demolition of the existing one story rear structure that has a roof deck.

231 10th Street SE

The proposed addition will not unduly compromise the privacy or enjoyment of neighbors to the south. The proposed addition will extend 19'-4" beyond the rear of 231 10th Street and the existing fence will remain along the shared property line, thus prohibiting any views into the house or rear yard or house on the south side. There will be no windows along the new face on line wall.

Neighbors to the West

The proposed addition at 229 10th Street will not unduly compromise the privacy or enjoyment of neighbors to the east. The proposed addition is separated from the neighbors to the south by the proposed 42'-4" deep rear yard at 229 10th Street, as well as the 20' wide public alley, garages and rear yards at the neighbors to the west.

(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

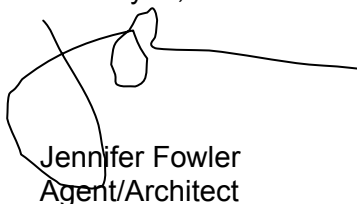
The existing square is extremely dense and has many garages along the public alley. The proposed addition at 229 10th Street will be historically compatible with the neighborhood and will be similar in style and scale to the existing wood frame house. The proposed addition will connect to the south property line and will therefore be slightly visible from 10th Street through the existing side yard. However a seamed metal sloped mansard roof has been incorporated to minimize the massing of the building viewed through the open court.

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