

Burden of Proof

Special Exception Application

230 12th Place 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/ Architect
1819 D Street SE
Washington, DC 20003

Date: November 9, 2015

Subject: **BZA Application of Peter Lord and Rebecca Larsen**
230 12th Place NE (Square 1010, Lot 74)

Peter Lord and Rebecca Larsen, owners and residents of 230 12th Place NE, hereby apply for a special exception to build a two-story addition on the rear of their existing row house. The aspects of the proposed project that falls outside the current zoning regulation is as follows:

The existing house is currently non-conforming for lot occupancy as it is over the 60% allowed by-right. The proposed construction increases the lot occupancy from 888.4 SF (60.6%) to 937.2 SF (63.9%), which is 3.9% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 3.3% above the existing lot occupancy.

The proposed construction extends an existing 3'-5" wide non-conforming open court (11 DCMR 406.1)

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 will extend only 3'-0" beyond the rear of the existing rear porch, which is to be demolished.

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 two-story addition is to a permitted single-family residence that is not currently in conformance with Section 403.2 (lot occupancy) and Section 406.1 (open court). The proposed addition will be on the rear (west facing side) of the existing house. The existing structure has a lot coverage of 60.6%, which will be increased to 63.9% with the proposed addition. The

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existing 3'-5" wide open court will be not be closed in and the addition will create a new 3'-5" wide open court. In order to maximize interior space, the open court is not set back the required 6'-0" from the property line.

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.*

232 12th Place NE

232 12th Place NE lies to the north of the proposed addition at 230 12th Place NE. It has a rear deck that aligns with the existing porch at 230 12th Place. The addition will extend 3'-0" beyond the rear of the existing rear porch at 230 12th Place NE, which will be demolished. The addition will extend 8'-0" beyond the masonry exterior walls at 230 and 232 12th Place NE. The proposed addition at 230 12th Place NE sits to the south of 232 12th Place NE, and may minimally impact the light and air available to a portion of the rear yard. However, the increase in length of the proposed addition beyond the existing rear porch is minimal and therefore the impact will be minor. The owner of 232 12th Place has submitted a letter in support.

228 12th Place NE

228 12th Place NE lies to the south of the proposed addition at 230 12th Place NE. The addition will extend the same depth as the structure at 228 12th Place. Additionally, the proposed addition at 325 5th Street will be separated from the house at 323 5th Street by the 3'-5" open court at 325 5th Street. Therefore, due to the minimal increase in depth and the open court, the proposed addition at 325 5th Street will not have a substantial impact on the light or air available to 228 12th Place NE. The owner of 228 12th Place has submitted a letter in support

Neighbors to the West

Neighbors to the west of 230 12th Place NE are separated from the property by deep rear yards and an alley. Due to large separation between the structures to the west and the proposed addition at 230 12th Place NE, the addition will have no impact on the air or light for the neighbors to the west.

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

232 12th Place NE

The proposed addition at 230 12th Place NE will be modest in size and will extend 3'-0" beyond the existing rear deck at 232 12th Place NE. The northern wall of the addition will not have any windows. There will be new windows on the west wall of the addition, but they will not reduce the amount of privacy as compared to the existing open porch. Overall, the proposed addition at 230 12th Place NE will not unduly compromise the privacy of use and enjoyment of 232 12th Place NE.

228 12th Place NE

The proposed addition will be modest in size, extending the depth of the existing structure ay 228 12th Place. There will be windows on the southern façade of the proposed addition, but there are currently no windows along the northern façade of 228 12th Place, so the privacy at will not be impacted. Additionally, because the addition at 230 12th Place will maintain the existing open court, there will be no construction along the shared property line. The existing fence will also remain along the shared property line. Overall, the privacy of use and enjoyment of 228 12th Place will not be compromised.

Neighbors to the West

The proposed addition at 230 12th Place will not have an effect on the neighbors to the west. The proposed addition will extend only 3'-0" beyond the existing rear porch. The enclosed space with windows will offer more privacy to the neighbors across the alley than the existing open porch.

(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

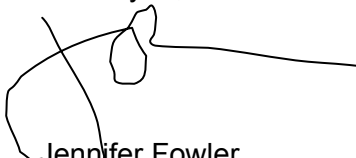
The existing square is extremely dense. The proposed addition will not be visible from any street. The proposed addition will be constructed with high quality, historically appropriate materials and will be appropriate in scale for the existing houses. Additionally, it will be minimally larger than the existing rear porch.

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