

Burden of Proof

Special Exception Application

619 Elliott Street 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**
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Date: November 2, 2015

Subject: **BZA Application, Paxson Addition**
619 Elliott Street NE (Square 1028, Lot 131)

Thomas and Whitney Paxson, owners and residents of 619 Elliott Street NE, hereby apply for a special exception to build a third floor addition with roof deck over their existing row house. The aspect 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 existing house has a lot occupancy of 768 SF (64.2%), which is 4.2% above the 60% allowed by-right in the R-4 district. The proposed lot occupancy will not change, as the proposed addition will follow the same footprint of the existing house (11 DCMR 403.2).

The proposed construction extends the existing 4'-8" wide non-conforming open court (11 DCMR 406.1) at the rear of the property.

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 third floor addition will follow the footprint of the existing house, thus extending the existing 4'-8" wide open court at the rear.

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 §§ 400, 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 third floor addition is to a permitted single-family residence that is not currently in conformance with Section 403.2 (lot occupancy) or Section 406.1 (open court). The existing structure has a lot coverage of 64.2%. The proposed third floor addition will be above the existing house and will not change the existing lot occupancy. The existing 4'-8" wide open court at the rear will remain to maintain the existing layout on the lower floors and maximize the light in the third floor addition. The overall height will increase from 26'-8" to 35'-0", the maximum allowed height by-right in an R-4 district.

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.*

617 Elliot Street NE

617 Elliot Street NE lies to the south of the proposed addition at 619 Elliott Street. The proposed addition will be over the existing house at 619 Elliott Street and will be separated from the neighbors at 617 Elliott Street by the existing 4'-8" rear open court. The proposed addition will run along the shared property line for approximately 29'-8". The proposed height will be 35', the maximum allowed by-right and will not have a major impact on 617 Elliott Street due to the separation created by the open court. The proposed penthouse for the roof deck will be along the northern property line and will not have an effect on 617 Elliott Street. Additionally, the proposed roof deck will be set back from the rear of the house and will not affect the rear yard at 617 Elliott Street. Therefore, due to existing open court, the proposed addition at 619 Elliott Street will not have a substantial impact on the light or air available to 617 Elliott Street.

621 Elliott Street NE

621 Elliot Street NE lies to the north of the proposed addition at 619 Elliott Street. The proposed addition will be over the existing house at 619 Elliott Street and will be separated from the neighbors at 621 Elliott Street by the existing open court at 621 Elliott Street. The proposed addition will run along the shared property line for approximately 46'-1". The proposed height will be 35', the maximum allowed by-right and will not have a major impact on 621 Elliott Street due to the separation created by the open court. The proposed penthouse for the roof deck will be along the shared property line with 621 Elliott Street, but will be in the middle of the addition at 619 Elliot Street. It may have a minimal impact on the light and air available to the existing open court at 621 Elliott Street due to its location south of the property line. The proposed roof deck will be set back from the rear of the house and will not affect the rear yard at 621 Elliott Street. Therefore, due to existing open court at 621 Elliott Street, the proposed addition at 619 Elliott Street will not have a substantial impact on the light or air available to 621 Elliott Street.

Neighbors to the East

Neighbors to the east of 619 Elliott Street NE are separated from the property by the 25'-8" rear yard at 619 Elliott Street. Due to this large separation between the structures to the east and the proposed addition at 619 Elliott Street, the proposed third floor addition will have no impact on the air or light for the neighbors to the east.

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

617 Elliott Street NE

The proposed addition at 619 Elliott Street will not extend the existing footprint of the house. The southern wall of the addition will have windows along the existing rear open court, but these windows

will not allow any views into the house at 617 Elliott Street because of the solid party wall along the shared property line. There will be no windows on the portion of the addition along the shared property line. The proposed roof deck above the middle portion of the third floor addition may have a minor impact on the privacy of use for 617 Elliott Street, but it is set back from the rear of the structure to minimize the views of the rear yard at 617 Elliott Street. Overall, the proposed addition at 619 Elliott Street will not unduly compromise the privacy of use and enjoyment of 617 Elliott Street.

621 Elliott Street NE

The proposed addition at 619 Elliott Street will not extend the existing footprint of the house. The northern wall of the addition will have no windows along the shared property line, thus prohibiting any views into the house at 621 Elliott Street. The proposed roof deck above the middle portion of the third floor addition may have a minor impact on the privacy of use for 621 Elliott Street, but it is set back from the rear of the structure to minimize the views of the rear yard at 621 Elliott Street. The proposed penthouse structure on the north side of 619 Elliott Street will have no windows along the shared property line and will also block some of the views from the roof deck into the rear yard at 621 Elliott Street. Overall, the proposed addition at 619 Elliott Street will not unduly compromise the privacy of use and enjoyment of 621 Elliott Street.

Neighbors to the East

The proposed addition at 619 Elliott Street will not affect the existing rear yard that separates the structure from the neighbors to the east. The proposed addition will be proportional in scale, thus the privacy of use and enjoyment of the neighbors to the east will not be compromised.

(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 the property does not have alley access. The proposed addition will not change the footprint of the existing house and will be constructed with high quality materials and will be appropriate in scale for the existing houses.

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