

Attachment to Application Form 120

Summary:

To an existing single-family house, owner proposes a 2-story addition with a 147.5 square foot (14.75' x 10') footprint. The proposed building depth of 10 feet is designed to accommodate a reasonably sized kitchen on the ground floor and bedroom on the second floor. The addition is vinyl clad siding on all 3 sides with windows and egress door on the rearyard (East) elevation.

The city's review of the proposed plans did not identify any usage issues with the proposed addition for this R-4 lot. **The building of the addition itself is not a zoning issue; it is just a matter of size.**

A special exception is requested for the proposed addition under the special exception authority provided under section 3104.1 in the DC Municipal Regulations for zoning, in conjunction with those under section 223. In particular, owner requests a special exception to build up to 70% lot occupancy rather than the normal 60%.

Background for Burden of Proof Justification:

Currently proposed lot occupancy calculations: (Lot Size: 809 sq.ft.)

Existing single-family house	51% of lot
Proposed addition	<u>18%</u>
TOTAL:	69%

Main Assertion:

Without the roughly 4 feet requested additionally, the space needed for normal sized rooms for the kitchen and bedroom are severely compromised.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17822

EXHIBIT NO. 3

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Board of Zoning Adjustment
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CASE NO.17822
EXHIBIT NO.3

Background: Burden of Proof, per title 11, Section 223 of the DC Municipal Regulations: Additions to one-family dwellings or flats (in the context of the granting of Special Exceptions).

Section 223.1 An addition to a one-family dwelling or flat, in those residential districts where a flat is permitted, that does not comply with all the requirements of sections 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustments under Section 3104, subject to the provisions of this section.

Section 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 neighborhood properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (c) The addition, 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 street frontage; and,
- (d) In demonstrating compliance with paragraphs (a), (b), (c) of this section, the applicant shall use graphical representation such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

Section 223.3 The lot occupancy of the dwelling or flat, together with the addition, 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.

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

Section 223.5 This section may not be used to permit the introduction or expansion of a non-conforming use as a special exception.

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Justification for Burden of Proof:

Regarding (a), (b), and (c) of Section 223.2, **the impacts must be drawn upon:**

- (1) The incremental impact of expanding the depth of the proposed addition from the currently allowed building depth of 5.855 feet to 10 feet.**

The impact is effectively limited to 2 neighbors, at 1163 and 1167 3rd Street NE, each abutting a side of the proposed addition.

Regarding 223.2(a): light and air: The added depth of 4.145 feet of the proposed addition will not unduly affect the neighbors right to light and air.

Regarding 223.2(b): privacy of use and enjoyment: Both neighbors will enjoy more privacy created by the proposed addition.

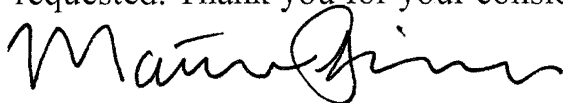
Regarding 223.2(c): not substantially visually intrude: As displayed in the block plat, the proposed building maintains the same 10' rear facade line as all other properties with additions on the block. The building siding and windows and doors are consistent with and compliment the architectural character of the neighborhood.

Pros of Special Exception Approval:

Privacy: The neighbors abutting each side of the proposed addition will enjoy more privacy, an important factor on a block with so little variation from the continuous sheer face of its rear facades and close proximity to neighbors cars.

Architecturally Favorable: The proposed addition is in harmony with the block's other rearyard additions in dimension, volume and scale. Its design character is in keeping with the traditional aesthetic of the neighborhood while upgrading with its corner window and french door. These features open to an intimate brick courtyard centering around a new japanese elm and landscaping, elements which contrast with an alley sorely lacking trees, plants, and outdoor spaces used for little other than parking and concrete service yards.

Conclusion: For the reasons described above and having, I believe, adequately addressed the burden of proof criteria, your approval of the special exception is requested. Thank you for your consideration.



Matthew Pickner, owner of 1165 3rd Street NE

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