

Burden of Proof Special Exception Application

To: **D.C. Board of Zoning Adjustment**
441 4th St NW, Suite 210S
Washington, DC 20001

For: **James and Erika Hunter**
Owner/Applicant
1234 Duncan Pl. NE
Washington, DC 20002

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Date: April 6, 2016

Subject: **BZA Application, Hunter third floor addition**
1234 Duncan Pl. NE (Square 1008, Lot 0078)

James and Erika Hunter, owners of 1234 Duncan Pl. NE, hereby apply for zoning relief to alter the existing attic mansard and bay gable in order to construct a more historically appropriate third floor addition, which is subject to 11 DCMR 223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES and 3104 SPECIAL EXCEPTIONS subject to the conditions of 400.23. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

The existing lot occupancy, according to a surveyor's location plan shows the face of the existing house as +/- .3' inside the front property line with the bay window projecting over the lot line into public space. At .3' inside the lot line, and if the spaces to the sides of the bay are counted as lot coverage, the existing structure is 2.4% over the allowed lot occupancy for a row house in the R-4 zoning district (11DCMR 403.2). There is no change proposed to the lot occupancy however relief is needed in order to construct an additional third floor to an existing non-conforming structure (11 DCMR 2001.3). [A trellis structure is proposed at the top of the proposed third floor addition to prevent extension of a non-conforming open court.]

The proposed construction removes and replaces the existing attic mansard and bay gable (11 DCMR 400.24 (a)) with a new mansard and new gable similar in detail and style to the existing, however located at the new top of the architectural façade. [Abutting property owners have already provided written permission to extend chimneys and flues as necessary for the proposed construction (11 DCMR 400.24 (b)). These letters have been included in this application as supplemental information. No solar energy systems are located or permitted on abutting properties (11 DCMR 400.24 (c)).]

I. Summary

- A. This special exception qualifies under 11 DCMR Section 223 as well as Section 400.23 because the lot occupancy does not exceed 70% (11 DCMR 223.3) and the third floor addition will not unduly affect the light and air available to neighboring properties nor will it have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property and the proposed addition will be similar in size and style to the existing row houses in the neighborhood (11 DCMR 223.2).

II. Basis for Grant of Special Exception

Section 223 and Section 400.23 provides relief based on satisfying specific criteria under which additions to single-family dwellings may be permitted within a residential district as follows:

- a) The light and air available to neighboring properties shall not be unduly affected.*

The center of the block is mostly open as only two properties located on the block have accessory structures. The three-story rowhouse is common throughout the city and does not unduly affect the light and air of other blocks. Both adjacent properties at 1232 Duncan Pl. NE and 1236 Duncan Pl. NE have signed letters granting authorization for the proposed construction as it relates to extension of chimneys and flues for building permit review, and, additional letters from these parties in support of this BZA case are forthcoming. There are no solar energy systems in proximity to the proposed construction. In addition, the design of the proposed construction is five feet *less* than the maximum allowed building height by-right. The ceiling heights in the proposed third floor addition are modest with the intent that the third floor addition fit the scale of the street and provide the desired new space for the homeowners while respecting the massing of the existing structures on Duncan Pl. NE.

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

The proposed third floor addition will not alter the existing privacy and enjoyment of neighbor's yards since the existing footprint of the house is not being altered. As a

third floor addition, the proposed construction will abut only neighbor's unoccupied rooftops. The enjoyment of the neighboring parties will not be compromised by a third floor designed with historic character and detail consistent with the original materials and details of the existing historic home.

- 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.*

Great care was taken to design an architecturally appropriate, historically characterized and respectful in mass third floor addition to the existing structure located at 1234 Duncan Pl. NE.

First, the ceiling heights in the proposed third floor addition are modest with the intent that the third floor addition fit the scale of the street and provide the desired new space for the homeowners while respecting the massing of the existing structures on Duncan Pl. NE. At 30' in proposed height, the proposed addition will have a building height five feet *below* the maximum height allowed by-right. This is the one most effective strategy for constructing an addition allowed (in general without special permission) by the District of Columbia Zoning Regulations that fits the scale of the street.

Second, the architectural design of the addition is "softened" by the use of a mansard roof rather than extend the main façade of the existing house vertically. Doing this also allows for respect and retention of the architectural significance of the existing cornice detailing on the existing façade. The proposed mansard will have the same slope as the existing attic mansard so that it seamlessly ties to the neighboring houses. Observation of existing historic three story houses shows that historically a mansard concealing a habitable third floor (not an attic) would have been punctured by a vertical extension of the bay window feature below - some historic houses have a three story bay and some have a two story bay. A three story bay was not desired in this case specifically for the reason that it was feared to alter the existing scale of the street to dramatically. Therefore, the historically appropriate decision to design a brick feature atop but set back in plane from the bay is the most appropriate design for *maintaining* the character, scale and pattern of the street.

Third, the detailing proposed for construction visible from the street is consistent with the character of the existing house and row of houses. The gable form existing at the top of the existing bay will be replicated at the same slope as the pinnacle of the new top of the building. The brick pattern in the existing bay gable will be replicated on the new gable proposed. Brick and faux slate shingles as finish materials represents commitment by the homeowners to make every attempt at respecting the historic materials of the existing home and street of homes. The desire is that the house at 1234 Duncan Pl., once renovated, still retains the architectural language that is common to this row of houses constructed at the same time in history.

Please refer to the drawings for the size, scale and notes pertaining to historic character and detail in the design. Please contact me with any questions or comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lacy Brittingham". The signature is fluid and cursive, with the first name "Lacy" and last name "Brittingham" clearly distinguishable.

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