

September 4th, 2017

Board of Zoning Adjustment

Variance and Special Exemption Request – Burden of Proof Statement

Owners: Mark Rivetti
Address: 1121 Abbey Place, NE
Square:= 0773
Lot: 0184
Zone: R4

Mark Rivetti, owner of 1121 Abbey Place NE, is hereby applying for zoning relief to construct a third story addition and to replace the rear addition with a new 4-story addition, by authorization of 11 DCMR Subtitle X, Chapter 9 (Special Exceptions)

1. Lot occupancy (11 DCMR Subtitle E, Section 304.1 and Subtitle C, Section 202.2): Currently the building covers 64% of the Lot Area. The proposed plans will maintain the 64% lot coverage and does not increase the nonconforming condition which requires 60% maximum in R4 districts.
2. Rear Yard (11 DCMR Subtitle E, Section 306.1 and Subtitle C, Section 202.2): The existing rear yard of 16'-8", which is not proposed to change, does not meet the minimum 20'-0" rear yard dimension.

The lot is a rectangle and the structure on the lot is fully attached, with two nonconforming open courts on the south and north property line at the rear. An existing porch was enclosed at some point in the past (which created the nonconforming open courts). The majority of the houses on the square have decks or enclosed porches at the rear. All the houses have rear doors on the 1st floor indicating a stoop or porch was originally intended. Though there are no official records like building permits to indicate the construction of rear decks, the precedent on the square and the building material (brick piers) indicate that there was a deck or porch attached to the applicant's house prior to the zoning regulations institution and therefore is an existing condition.

I. Summary

- A. This special exception for lot occupancy qualifies under 11 DCMR Subtitle E, Section 5201, because the lot occupancy does not exceed 70%, and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.
- B. This special exception for rear yard setback qualifies under 11 DCMR Subtitle E, Section 5201 because 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 house and houses in the neighborhood.

II. Qualification of Special Exceptions

Subtitle E, Section 5201 provides relief based on satisfying specific criteria under which additions may be permitted within the RF-1 zone as a special Exception:

1. The proposed plans will not have a negative effect on the adjacent homeowners:
 - a. *The light and air available to neighboring properties shall not be unduly affected;* Almost all of the houses on the block have similar rear extensions and decks that are the same depth as the proposed structure. Therefore the light and air of adjacent

neighbors will not be negatively impacted. The center of the block is mostly open as only two properties 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 neighbors at 1119 and 1123 Abbey Place are in support of this BZA case and signed letters are forthcoming. The neighbor to the south at 1119 Abbey Place has indicated that they would like to have similar additions added to their house. The third story addition will only cast shadows on the neighbor's (1123 Abbey Pl) roof. There are no existing or permitted solar energy systems in proximity to the proposed construction. Finally, the ceiling height at the front (street façade) of the proposed third floor addition is modest and well below the height limitations and set back as well.

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

The privacy and use of enjoyment of neighboring properties shall not be unduly compromised because there are no windows placed on either sides of the addition (shared party-wall property lines). The proposed third floor addition will not be altering the existing footprint of the house. 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 historic character of this home and surrounding neighborhood.

- 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 project will conform to the character, scale and pattern of the houses on the block. The addition would maintain this historic design philosophy. The proposed third floor would be set back from the face of the existing houses on the block in order to hide its visibility from street level. The project stays well below the height limitation prescribed. The ceiling heights are modest with the intent that the third floor addition fit the scale of the street and provide needed new space for the home owner while respecting the massing of the existing structures on Abbey Pl. NE. The façade of the proposed third story will have a wood siding, fiber cement siding, or stucco to keep within the character of the historic precedence set within the neighborhood. The façade will be covered with either evergreen trellised plants or a vertical garden to make it appear less visible from the street level. The top of the existing 2nd story façade will be consistent with the façade type that appears on over 1/4 of the houses on the block (as can be seen in the façade of 1125 Abbey Pl. NE). The rear addition will maintain the existing alley scape and will be built from fiber cement siding, which is consistent with the other rear additions on the block. The majority of the homes on the block have decks off of the rear addition as well.

- d. The adjacent neighbors have indicated support for the proposed project and we will have signed letters shortly.

2. The existing building is currently being used as a primary residence for the owner. Once the proposed work is complete, the building will remain being used as the primary residence for the owner.

Respectfully submitted,



Mark Rivetti
1121 Abbey Place NE
MarkRivetti@yahoo.com
202.704.5484