

**Burden of Proof -  
Special Exception Application**

**To:**            **Board of Zoning Adjustment**  
Government of the District of Columbia  
441 4th Street NW, Suite 210 South  
Washington, DC 20001

**For:**           **Mr. Patrick McGeehan**  
Owner/Applicant  
121 Tennessee Avenue NE  
Washington, DC 20002

**By:**            **Melissa Boyette, AIA**  
Authorized Agent  
Old City Design Studio PLLC  
1317 D Street NE  
Washington, DC 20002

**Date:**         08 February 2018

**Subject:**     BZA Application, Rear addition to McGeehan Residence  
121 Tennessee Avenue, NE  
(Square 1012, Lot 0020)

Mr. Patrick McGeehan, owner of 121 Tennessee Ave, NE hereby applies for zoning relief to construct a two-story addition above an existing one-story plus cellar structure, by authorization of 11 DCMR Subtitle X, Chapter 9; and Subtitle E, Section 308 for relief from 11 DCMR Subtitle C, Chapter 2, Section 202.2 [Nonconforming Structures]; Subtitle E, Chapter 2, Section 306.1 [Rear Yard]; and Subtitle E, Chapter 3, Section 304.1 [Lot Occupancy].

The aspects of the proposed project that fall outside the current zoning regulations are as follows:

1. The proposed addition extends an existing nonconformity of the structure (11 DCMR Subtitle C, Section 202.2).
2. The rear wall of the existing one-story addition is within the required 20 foot setback. The proposed addition will extend this non-conformity an additional two stories.
3. The proposed lot occupancy is 66.7% which exceeds the allowed lot occupancy of 60% (11 DCMR Subtitle E, Section 304.1). The proposed lot occupancy will be below the 70% maximum allowed by a special exception in the RF-1 district (11 DCMR Subtitle E Section 5201).

## I. Summary:

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, 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.

The proposal involves building two additional stories above an existing 1 story + cellar rear addition. the footprint at the ground story will not change, and the lot occupancy at the ground floor will not change. The proposal involves a small overhang on the west side, which will increase the lot occupancy from the existing 65.9% to a proposed 66.7%, a difference of 8.8 square feet.

## II. Qualification of Special Exception:

### 901 Special Exception Review Standards

*The Board of Zoning Adjustment will evaluate and either approve or deny a special exception application according to the standards of this section.*

*The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

*a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

**Square 1012 is triangular shaped and sits north of Lincoln Park. Due to the relatively small size and irregular shape of the square, there is a diversity in lot shapes, widths and sizes. As one would expect, there is also a great diversity in lot coverage on the square.**

*b. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

*c. Will meet such special conditions as may be specified in this title.*

*Subtitle E, Section 5201.3 provides relief based on the following criteria:*

*"An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect 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;*

**123 Tennessee Avenue, NE (Neighbor to the North):** The subject property is an existing 3 story attached dwelling, with an existing 1-story extension at the rear (note, both the 3-story and the 1-story portions have a lower "cellar" level that is almost completely below grade). The rear wall of the existing 1-story portion aligns with the rear wall of the neighboring property's 1-story

extension. The footprint of the subject property is not being increased from the viewpoint of the neighbor at 123 Tennessee Avenue. The existing side wall of the 1-story extension at the subject property is located on the property line. The volume of the structure is being increased by adding a second and third story to the existing 1-story extension. The existing 1-story extension appears to be original to the house and appears to be similar in configuration to other 1-story extensions on several similar homes on the same block.

**119 Tennessee Avenue, NE (Neighbor to the South):** The existing 1-story extension sits more than 5 feet off of the side property line that is shared with 119 Tennessee Avenue, NE. The proposed windows in the 2<sup>nd</sup> and 3<sup>rd</sup> floor levels of the addition that are parallel to this property line are high windows, so privacy will not be negatively affected. The rear wall of the neighbor's 1-story extension sits out further toward the rear property line than the subject property's rear wall; therefore, available light and air will not be restricted.

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

**On the north side, the proposed addition will be along the property line and will not have any windows along the shared property line with the neighbor.**

**On the south side, the proposed addition is set back from the property line by a distance of over five feet and will have windows that are high off the floor on the second and third stories.**

*c. The addition or accessory structure, 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 subject street frontage.*

**The proposed rear addition will not be visible from any street frontage. The proposed addition will be constructed with high quality, low maintenance materials. The proposed addition will be designed to be contextual with respect to the surrounding neighborhood in terms of character, scale, proportion and pattern.**

#### 902 Application Requirements

*An application for a special exception shall meet the requirements of Subtitle Y § 300.*

**Along with this application, we have included the following items:  
A block plan showing the density of the block;  
A site plan showing the proposed addition and adjacent properties;  
Photos of the existing house and adjacent houses to the north and south;  
Plan and elevation drawings of proposed addition with materials labeled;  
Official Plat from the DC Office of the Surveyor.**