

Burden of Proof Special Exception Application

322 8th Street SE

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: May 1, 2018

Subject: BZA Application, Vinovich Residence
322 8th Street SE (Square 924, Lot 50)

Paul Vinovich, owner of 322 8th Street SE, hereby applies for a special exception pursuant to Subtitle X, Chapter 9, to expand his existing accessory building with a second floor and add a roof deck. The expanded garage will be converted to a legal dwelling unit. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

Relief is requested from Subtitle U § 301.1 (g) in order to expand an existing garage for residential use. The second floor will be added to the garage to include a studio apartment with a bathroom and kitchenette.

Relief is also requested from Subtitle U § 301.1 (d) to add a roof deck above the new second level to serve the proposed dwelling unit.

Additional relief is requested from Subtitle C § 202.2 to expand an existing non-conforming structure.

I. Summary:

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the proposed expansion will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

II. Qualification of Special Exception

By satisfying the requirements of X-901.2, the application also meets the general special exception requirements of E-5201.3 through E-5201.6.

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;*

The footprint of the existing garage will remain. A second level will be added with a roof deck above. The extended façade will be brick to match the existing brick structure. A studio apartment will be added on the second level with access from the public alley.

The existing alley has a number of one story garages, in addition to two story carriage houses that are located on the south end of the alley. The alley that the garage fronts is 30' wide with a 15' wide alley leading to 8th Street SE. Because of the presence of other garages and the generous access from the street, the proposed garage will be in harmony with the intent of the regulations.

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

The light and air available to neighboring properties shall not be unduly affected.

320 8th Street SE

320 8th Street SE lies to the north of the existing garage at 322 8th Street SE. The north wall of the garage will be raised approximately 12' above the existing garage at 320 8th Street. The increase in height may have a minor affect on the light and air available to the rear yard at 320 8th Street, but the impact will be mostly over the roof of the existing garage at 320 8th Street.

324 8th Street SE

324 8th Street SE lies to the south of the existing garage at 322 8th Street SE. The garage structure is separated from the property at 324 8th Street by a 15'-0" wide public alley. The existing fence along the property line at 322 8th Street will remain. The proposed garage expansion will have a minimal impact on the light and air available to the rear yard at 324 8th Street because of the public alley between the two properties.

Neighbors to the East

Neighbors to the East of 322 8th Street are separated from the property by large rear yards and a 30' public alley. The proposed garage expansion will also have little to no impact on the light and air available to the neighbors to the east, as most of these structures are garages in the center square of the alley.

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

320 8th Street SE

The footprint of the existing garage will not be enlarged. The wall along the shared property line will not have any windows. There will be a new window along the second level west wall of the garage, which may allow some views into the rear yard at 320 8th Street. The proposed roof deck will be accessed by a roof hatch and will be walled off on four sides with parapet walls. The roof deck will offer additional views into the rear yard of 320 8th Street NE, however the solid walls help

to mitigate the impact. Overall, the garage expansion will not unduly compromise the privacy of use and enjoyment of the neighbors at 320 8th Street SE.

324 8th Street SE

The footprint of the existing garage will not be enlarged. There will be new windows along the south and west wall of the garage. However, the windows will be separated from 324 8th Street by the 15'-0" wide public alley, thus obstructing any major views into the yard at 324 8th Street. The roof deck will offer additional views into the rear yard of 324 8th Street NE, however the solid walls and the alley separation help to mitigate the impact. Overall, the garage expansion will not unduly compromise the privacy of use and enjoyment of the neighbors at 322 8th Street SE.

Neighbors to the East

The existing structures to the east are garages and are separated by a 30' wide alley. The new east wall will have some windows, but the large alley and existing garages will obstruct any views into the rear yards at the neighbors to the east. The roof deck will offer additional views into the rear yard of 324 8th Street NE, however the solid walls and the alley separation help to mitigate the impact.

902 and 1003 Application Requirements

An application for a special exception and an area variance shall meet the requirements of Subtitle Y § 300.

Along with this application, we have included the following items:

- a) Photos of the existing house and surroundings;
- b) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed 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, we are available at any time to discuss them with you.

Thank you,



Jennifer Fowler
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