

Burden of Proof – REVISED

Special Exception Application

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

For: **Nathan and Stephanie Kooi**
Applicant
321 D St. SE
Washington, DC 20003

By: **Lacy Brittingham AIA**
Brittingham Architecture PLLC
Authorized Agent
740 7th St. SE
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Date: January 7, 2024

Subject: **BZA Application, Special Exception Relief**
321 D St. SE (Square 0793, Lot 0038)

Nathan and Stephanie Kooi, owners of 1635 C St. SE, hereby apply for zoning relief to construct a two-story rear addition to the existing two-story residence, by authorization of Subtitle X, Chapter 9 per the provisions and requirements of Subtitle E, Section 5201. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

The proposed addition extends greater than the allowed ten foot (10.0') beyond the farthest rear wall of any adjoining principal residential building on an adjoining property (11 DCMR Subtitle E, Section 207.4). From the adjoining neighbor's rear wall, the proposed addition would extend 21'-0".

The proposed lot occupancy of 61%, exceeds the allowed lot occupancy of 60% (11 DCMR Subtitle E, Section 210.1).

I. Summary

- A. This project qualifies as a Special Exception because it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and it will not

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tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

- B. This special exception qualifies under 11 DCMR Subtitle E, Section 5201 because the proposed lot occupancy does not exceed 70% and the addition will not unduly affect the light and air available to neighboring properties; it will not 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 character and style to the existing houses and additions to existing houses in the neighborhood.

II. Basis for Grant of Special Exception

A two-story structure is allowed by the Zoning Regulations in the RF-1 district, therefore, a two-story addition to an existing two-story structure is in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps. The residential use of the subject property is not changing with this application therefore, the use of the neighboring property will be no different than the existing condition in accordance with the Zoning Regulations and Zoning Maps. In addition, 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 as follows:

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

A large portion of this block is open space as the yard for the Saint Peters School, providing lots of air available to all the properties located on this block. Additionally, the subject lot is extremely long at 110'. Even the proposed large rear addition leaves a rear yard of more than double the minimum rear yard. Large rear yards increase the air available to the interior of the block. The house at 319 is approximately 74 feet in length, with an additional approximately 16 feet of pergola and an accessory building in the rear yard. With the proposed addition at 321, the house would still be 6 feet shorter than the existing house at 319. Additionally, the house at 319 is not attached to 321 and has a side yard that increases the air flow around this property. The proposed dogleg of 321 is also on the same side of the property as 319, which further increases the air flow for 319 and also produces a very unusual distance of nearly 14 feet between the faces of the second floors of the two buildings. A by-right addition at the subject property would extend about one foot beyond the end of the two-story portion of the house at 319. It is noted that the lot width of the subject property is extremely narrow at 13.33 feet, thus making a rear addition long in order to create usable interior space as well as in order to get even close to the by-right lot coverage limit that all properties and homeowners have in the rowhouse zone.

Because the subject property faces north, shadows from the structure largely fall on the front yard, having minimal impact on the neighbors to the east and west. Certainly, of the

four possible orientations for the house to face, this house facing north with an addition on the south side produces the least impact on adjacent properties. A sun/shadow study has been created and uploaded to the case file, illustrating the condition at key points of the full year (summer and winter solstice and spring/fall equinox), however, the house at 319 actually has a large tree which creates shade for the yard and house at 319 from sometime in the spring when the leaves open until some point in the fall when the tree loses its leaves. Modeling shows that in this time period - when there are no leaves on the tree - for a few hours in the morning, there is a small difference in the shadow cast between the by-right and the proposed condition. By 10:30am, the house at 319 is in full sun for either the by-right or the proposed addition modeled conditions for the months when the tree has no leaves. On the other side, the house at 323 has a covered single-story patio that is detached from the house. The model shows that there is some shadow cast in the afternoon in the space between the house and the covered porch, however the neighbors at 323 have signed a letter of support for the project. As a result of all these factors, the light and air available to neighboring properties will not be unduly affected.

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

The property will remain a single-family residential use, so there will be no change from the existing condition. On all sides, the existing wood privacy fences will remain, in order to preserve the existing privacy from back yard to back yard. The design proposes to retain the brick single-story party wall to retain as much of the existing condition as possible for the benefit of the neighbor at 319 since they only will be able to view it. As previously mentioned, a by-right addition at the subject property would extend about one foot beyond the end of the two-story portion of the house at 319. The space requested beyond the by-right condition would be adjacent only to the single-story portion of the house and the side yard at 319. As previously mentioned, the dogleg of 321 is also on the same side of the property as 319, which gives a very unusual distance of almost 14 feet between the faces of the second floors of the two buildings. There are windows proposed on the portion of the second story that is within the by-right footprint of the addition. There is a window proposed on the portion of the second story that is beyond the by-right footprint of the addition, but it is only adjacent to the single-story portion of the house at 319 and its side yard. The outdoor space/patio at 319 is under the pergola which will still be another 6 feet from the rear wall of the proposed addition. On the other side, the proposed addition will separate the outdoor patio of 321 from the existing outdoor space at 323, whereas currently they are "side by side". As previously mentioned, the owners of 323 have signed a letter of support for the project. Due to all these factors, the experience of neighboring properties will not be unduly compromised by the addition proposed in this application.

- 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 proposed addition is in keeping with the two-story scale of the majority of the surrounding houses. The addition is designed in a style and vocabulary typical of additions to other existing rowhouses in the neighborhood. The existing 72" wood fence on the sides and rear alley property lines will remain to further lessen the impact of the proposed changes to 321 D St. SE.

Please refer to the drawings for the size, scale and detail notes pertaining to the design of the proposed addition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lacy Brittingham", written in a cursive, flowing style.

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