

**Burden of Proof
Special Exception Application**

152 11th 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
Agent/Architect
1819 D Street SE
Washington, DC 20003

Date: May 6, 2021

Subject: BZA Application, Kraemer
152 11th Street SE (Square 0989, Lot 0024)

Edward and Lauren Kraemer, owners of 152 11th Street SE, hereby apply for a special exceptions pursuant to Subtitle X, Chapter 9, to build a two-story garage with an accessory apartment. The second floor of the 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 (e) in order to build an accessory structure for residential use.

Additional relief is requested from Subtitle E § 304.1 from the lot occupancy limitations for a row dwelling in the RF-1 zone.

I. Summary:

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the proposed addition 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

5201 Special Exception Review Standards

By satisfying the requirements of E-5201.1, E-5201.4 and E-5201.5, the application also meets the general special exception requirements of X-901.2.

5201.4 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;

150 11th Street SE

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District of Columbia
CASE NO.20534
EXHIBIT NO.8

150 11th Street SE lies to the north of the property at 152 11th Street SE. 150 11th Street has an existing one-story garage at the rear of the property. The north wall of the proposed garage will extend approximately 7'-4" above the existing garage at 150 11th Street SE. The yard-facing wall will extend 3' past the rear garage wall at 150 11th Street. The increase in height and massing will have an effect on the light and air available to the rear yard at 150 11th Street SE, but the impact will be mostly over the roof of the existing garage and the rear yard. Solar impacts will be limited to morning hours.

154 11th Street SE

154 11th Street SE lies to the south of the property at 152 11th Street SE, and it has an existing two-story garage at the rear of the property of similar massing to the proposed structure. The south wall of the proposed garage will extend approximately 3'-6" taller than the existing garage at 154 11th Street SE. The yard-facing wall will extend 5' past the rear garage wall at 154 11th Street. The proposed garage expansion will have a minimal impact on the light and air available to the rear yard at 154 11th Street SE because it sits directly to the north.

Neighbors to the East

Neighbors to the east of 152 11th Street SE are separated from the property by large rear yards and a 30' public alley. The proposed garage addition will have little to no impact on the light and air available to these neighbors, as most of these properties have garages that front the alley.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

150 11th Street SE

The wall along the shared property line will not have any windows. There will be new windows along the second level west wall of the garage, which may allow some views into the rear yard at 150 11th Street. There will be 28'-4" of space between the proposed garage yard façade and the windows at the rear of 150 11th Street. Overall, the garage expansion will not unduly compromise the privacy of use and enjoyment of the neighbors at 150 11th Street SE.

154 11th Street SE

The wall along the shared property line will not have any windows. There will be new windows along the second level west wall of the garage, which may allow some views into the rear yard at 154 11th Street. There will be 43'-4" of space between the proposed garage yard façade and the windows at the rear of 154 11th Street. Overall, the garage expansion will not unduly compromise the privacy of use and enjoyment of the neighbors at 154 11th 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.

(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 existing alley has several two-story garages, some of which have accessory apartments. The alley that the garage fronts is 30' wide, and it extends north-south with access from Independence Avenue SE. The proposed accessory unit will meet the access requirements specified in Subtitle U § 301.1 (c).

The footprint of the garage will be very similar to the two adjacent garages. The new façades will be faced in brick to match the existing brick structure. A one-bedroom apartment will be included on the second level with access from the public alley.

The proposed garage will have similar massing as 154 11th Street SE and 148 11th Street SE. It will be visible from Independence Avenue via the alley and through private property. However, the materials and details will allow it to blend in with the other structures.

Because of the presence of other two-story inhabited garages and the generous access from the street, the proposed garage will be in harmony with the intent of the regulations.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways

Plans, photographs, and elevational drawings have been submitted into the record.

901 Special Exception Review Standards

901.2 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 judgement 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;*

As described more fully above, the addition will be in harmony with the intent of the Zoning Regulations due to the fact that the massing, materials, and details will mimic existing structures on the alley.

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

As described more fully above, the addition will minimally impact the light and air or privacy of the neighboring properties.

902 and 1003 Application Requirements

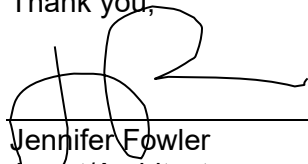
An application for a special exception and an area variance shall meet the requirements of Subtitle Y § 300.

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,

A handwritten signature in black ink, appearing to read "Jennifer Fowler", is written over a horizontal line. The signature is stylized and somewhat cursive.

Jennifer Fowler
Agent/Architect
202-546-0896