

DC Design Group

Burden of Proof Special Exception 1956 Fendall St. SE

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

From: **Darren Comedy**
Agent/Applicant
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Date: November 4, 2024

Subject: **BZA Application (BZATmp2109, Addition)**
1956 Fendell St. (Square 5764, Lot 0047)

Bobby Henry, owner and occupant of 1956 Fendell St. SE, hereby applies for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a two-story rear addition on an existing single family row dwelling in the R-3 zone. The zoning relief requested is as follows:

Application of Bobby Henry, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the rear yard setback requirements of Subtitle E § 306.1, to construct a two-story rear addition to an existing attached single-family dwelling in the R-3 Zone at premises 1956 Fendell St. (Square 5764, Lot 0047).

I. Summary:

This special exception qualifies under ZR-16 Subtitle D, Chapter 5201 and Subtitle X, Chapter 9, although the lot occupancy does exceed 40% 50.4%, and the addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

Construction of a rear deck that encroaches into the rear yard (D-207.1, D-5201.1(b), X-901.2)

The rear addition will decrease the rear yard setback from 39'-8" to 19'-6", 6" less than the required 20'-0" setback (Subtitle E § 306.1)

Construction of a two-story addition, deck and stairs that exceeds the permitted lot occupancy (D-210.1, D-5201.1(a), X-901.2)

The proposed addition will expand the first and second floor levels. It will increase the lot occupancy from 441 SF (28.4%) to 621 SF (50.4%).

Construction of addition and deck in the side yard (D-208.7, D-5201(b), X-901.2)

The proposed addition will extend 9'-8" past the existing neighbor's structure. Therefore, the proposed rear addition will be within the 10' maximum allowed by-right (Subtitle E § 205.4).

Pervious surface requirement not met (D-211.1.3, D-5202.1©, X-901.2)

The proposed addition will exceed the pervious surface requirement by 4%

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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.

There is an existing adjacent private alley that lies to the east and south of the proposed addition. The proposed west wall at 1956 Fendell will align with the existing rear wall of 1958 Fendell St. The proposed addition will include a two-story rear addition. Because of the depth of the addition, and the location to the north, the light and air available to 1958 Fendell will not be impacted.

Neighbors to the East and South

The neighbors to the east and south of 1956 Fendell St. are separated from the addition by the proposed 16'-6" rear yard a narrow private alley. Additionally, 1958 Fendell does not have any windows facing the proposed addition.

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

The new rear façade will have a single door and window at the first-floor level and double hung windows at the second-floor level, which means it will only have one additional window than what exists now. The neighbors to the rear are separated by a seven (7) foot high retaining wall, and with the finish floor elevation for those houses being another foot higher than the retaining wall, there is no obstruction of views, nor any impedance of access. The existing privacy fence along the shared property line will help to obstruct views. Therefore, the proposed addition will not unduly compromise the privacy of use and enjoyment of any of the neighbors.

Neighbors to the West

The neighbor to the west of 1956 Fendell is a rowhouse at 1960 Fendell. This house is adjacent to the property and shares a party wall and does not have any windows facing the proposed addition.

(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 square is extremely dense with backyards, privacy fences, and trees. The houses on this end of the square are landlocked, with a small alley access. The rear addition will not be visible from the street. Additionally, the proposed addition will be constructed with high quality materials and will be appropriate in scale for the existing houses.

(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

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(e) 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 to 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;*

The rear addition will be visible from the public way. Additionally, the proposed addition will be constructed with high quality materials and will be appropriate in scale for the existing houses.

- 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 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) 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.

Thanking you in advance,



Darren D Comedy, AAA, NCARB Principal
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