

Burden of Proof

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
Washington, DC 20003

Date: October 16, 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

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not 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. Because the subject property faces north, shadows from the structure largely fall on the front yard, having little to no impact on light available to neighbors as a result of a rear addition. Therefore, 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 project proposes to add some new windows on the dogleg facing the neighbor located at 319 D St SE, however the house at 319 is not attached to the subject property and 319 has windows that look toward the yard of the subject property. The project has been

discussed with the owner of 319 and a letter of support is expected to be able to be uploaded to the case file soon.

- 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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