

Burden of Proof Special Exception Application

708 4th 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/Applicant
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Date: April 30th, 2019

Subject: **BZA Application, Heron Addition**
708 4th Street SE (Square 0823, Lot 0032)

Louise Heron, owner and occupant of 708 4th Street SE, hereby applies for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a two-story rear addition onto the existing two-story single-family row dwelling. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

Relief is requested from Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1.

Relief is also requested from the rear yard requirements of Subtitle E § 306.1.

Additional relief is requested for a special exception from the nonconforming structure requirements of Subtitle C § 202.2.

I. Summary:

This special exception qualifies under ZR-16 Subtitle D, Chapter 5201 and Subtitle X, Chapter 9, because the lot occupancy does not exceed 70%, and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

The proposed addition will expand the first & second floors. It will increase the lot occupancy from 396.9 SF (63.0%) to 431 SF (68.4%).

II. Qualification of Special Exception

5201 Special Exception Review Standards

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

5201.3 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;

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EXHIBIT NO.8

706 4th Street SE

706 4th Street SE lies to the north of the proposed addition at 708 4th Street SE. The proposed two-story rear addition will not extend past the existing house at 708 4th Street SE. The proposed addition will enclose the existing 3'-6" open court on the first and second floors of 708 4th Street SE and will line up with the existing rear walls at both 708 and 706 4th Street SE. Therefore, the proposed addition at 708 4th Street SE will not have any impact on the light or air available to 706 4th Street SE.

710 4th Street SE

710 4th Street SE lies to the south of the proposed addition at 708 4th Street SE. The proposed two-story rear addition will not extend past the existing house at 708 4th Street SE. The proposed addition will enclose the existing 3'-6" open court on the first and second floors of 708 4th Street SE and will line up with the existing rear walls at 708 and 710 4th Street SE. Therefore, the proposed addition at 708 4th Street SE will not have any impact on the light or air available to 706 4th Street SE.

Neighbors to the East

Neighbors to the east of 708 4th Street SE are separated from the property by rear yards and privacy fences. The proposed rear addition will not extend beyond the existing rear wall of 708 4th Street SE. The proposed two-story rear addition will enclose the existing 3'-6" open court and will be the same height as the existing house. Since the height of the proposed 2 story addition matches the existing height of 708 4th Street SE and does not extend past the existing rear wall of the house, the proposed addition will have little to no impact on the light or air available to the neighbors to the East.

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

706 4th Street SE

The proposed two-story addition at 708 4th Street SE will extend the existing house by enclosing the existing 3'-6" open court. The eastern wall of the addition will not extend past the existing rear wall of the house. The new rear wall will have glass French doors at the first-floor level and 3 double hung windows at the second-floor level. Given the fact that the proposed addition does not extend past the rear of 706 4th Street SE, the proposed two-story rear addition at 708 4th Street SE will not unduly compromise the privacy of use and enjoyment of 706 4th Street SE.

710 4th Street SE

The proposed two-story addition at 708 4th Street SE will extend the existing house by enclosing the existing 3'-6" open court. The eastern wall of the addition will not extend past the existing rear wall of the house. The new rear wall will have glass French doors at the first-floor level and 3 double hung windows at the second-floor level. Given the fact that the proposed addition does not extend past the rear of 710 4th Street SE, the proposed two-story rear addition at 708 4th Street SE will not unduly compromise the privacy of use and enjoyment of 710 4th Street SE.

Neighbors to the East

The proposed two-story addition at 708 4th Street SE will extend the existing house by enclosing the existing 3'-6" open court. The eastern wall of the addition will not extend past the existing rear wall of the house. The new rear wall will have French doors at the first-floor level and 3 double hung windows at the second-floor level. The proposed French doors & windows along the eastern wall of the addition may allow some views into the rear yards of the

neighbors to the east, but those views will be minimal because of the existing rear yards and privacy fences of the eastern neighbors. Overall, the proposed rear addition at 708 4th Street SE will not unduly compromise the privacy of use and enjoyment of 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 square is extremely dense with deep back yards and privacy fences. The proposed addition at 708 4th Street SE will not extend beyond the existing rear facades of the adjacent properties at 706 4th Street SE and 710 4th Street SE. 708 4th Street has no alley access; thus the proposed addition will not be visible from any street or alley. Additionally, the proposed rear 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 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.

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.

Thank you,



Jennifer Fowler
Agent/Architect
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