

November 17, 2017

Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 200 South  
Washington, DC 20001

Re: Zoning Self-Certification for 1939 39<sup>th</sup> Street, NW  
**BURDEN OF PROOF STATEMENT**

To the Board of Zoning Adjustment:

This Special Exception request is for an existing single-family row dwelling in the R-20 Zone at the above address. The house will remain a single-family row dwelling.

The existing dwelling sits on a lot area of 1265 SF with a lot occupancy of 60.86%. This lot occupancy is derived from a previously approved special exception to construct a rear deck. This was approved as Case #19533 under subtitle D § 5201 from the nonconforming structure requirements of Subtitle C § 202.2 and the rear yard requirements of the Subtitle D § 1206.2. The deck will be built in early 2018.

We are requesting 2 (two) additional Special Exceptions required to add a bay window that projects into the required rear yard. This bay window will be independent of the approved deck. The proposed bay window will be part of a second floor addition and will be built over and match the depth and width of the existing, non-conforming bay window at the first floor. The current bay window on the first floor projects into the required 20' rear yard approximately 1'-6". Along with the approved, soon to be built, deck the rear yard is reduced to 4'-0". These conditions would remain unchanged with the proposed second floor bay window.

The subject property is on an interior lot flanked on both sides by row dwellings that back up to a dead end alley with no neighbors across the alley. The lot to the North (Lot#78) is of smaller size and with a larger lot occupancy. This row dwelling has a similar second floor addition with a bay window projecting into their required rear yard.

1) A Special Exception is required under **Subtitle D Section 5201** as it relates to **Subtitle D Section 1206.2** requiring a minimum 20 foot Rear Yard.

a) Considering the existing bay window on the first floor, and the approved, but currently-unbuilt deck, the rear yard is actually 4'-0". The full, required rear yard is already not open and unobstructed to the sky. This condition would be unchanged by the proposed vertical extension of the bay window.

2) A Special Exception is also required under **Subtitle D Section 5201** as it relates to **Subtitle C Section 202.2** requiring enlargements or additions to non-conforming structures to:

a) **Conform to use and development standard requirements**

The dwelling is a single family dwelling, and will remain as such.

b) **Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.**

The existing house including the existing bay window on the first floor and the approved deck are considered non-conforming. The second floor bay window extends that non conformity. However, the bay will be of minimal impact because it is small and will be built above the existing bay on the first floor.

3) Under **Subtitle D Section 5201.3**, each special exception must comply with the four criteria as listed below:

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

Allowing the proposed bay window will not unduly affect the light and air available to neighboring properties. The size and shape of the bay window and its location have minimal, if any, impact on the adjacent properties light and air. The neighbor to the north has an existing second story addition that projects farther than that of the proposed addition and bay window. The neighbor to the south has a two-story deck that also extends farther than the proposed work. There are no neighbors to the rear, across the alley. Therefore, there will be no undue effect on light and air on neighboring properties.

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

Allowing a bay window that projects as far as the existing bay window below will not unduly compromise the use and enjoyment of neighboring properties. The new addition and proposed bay window will be recessed from the second floor addition to the North. The size, location and angle of the windows of the proposed bay window will limit site lines from inside the dwelling to the neighboring property to the South. Properties directly across the alley will not be affected because there these lots are unbuilt. Therefore, the privacy of use and enjoyment of the neighbors will not be unduly compromised.

c) **The addition, 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 street frontage.**

The proposed bay window replicates and does not protrude any farther than existing surrounding additions on both the subject property and neighboring properties.

Therefore it will not substantially intrude on the pattern of development along the alley.

- d) **Compliance with a, b, & c, above, shall be by graphical representations such as plans and photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.**

Attached with this application are sufficient drawings and photographs to corroborate these statements.

This request is respectfully submitted so that the Owners of the house can increase the natural light to the addition to their second floor, while keeping within the context of the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Ossolinski". The signature is written in a cursive style with a large, prominent "O" in the middle.

Matthew M. Ossolinski, AIA  
Agent for the Owner