

Burden of Proof Special Exception Application

656 Independence Avenue 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: December 22, 2017

Subject: **BZA Application, Gallery Addition**
656 Independence Avenue SE (Square 1870, Lot 0062)

Kate and Matthew Gallery, owners and occupants of 656 Independence Avenue SE, hereby apply for a special exception pursuant to Subtitle X, Chapter 9, to build a rear addition onto their existing row house. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The existing house is currently non-conforming for lot occupancy as it is over the 60% allowed by-right. The existing house has a lot occupancy of 870.09 SF (63.37%), which will increase to 956.77 SF (68.96%) with the proposed rear addition. The proposed lot occupancy will be below the 70% maximum allowed by a special exception for a row house in the RF-1 zoning district (ZR-16 304.1).

The proposed addition is to an existing non-conforming structure (Section 202.2).

I. Summary:

This special exception qualifies under ZR-16 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 870.09 SF (63.37%) to 946.77 SF (68.96%).

II. Qualification of Special Exception

901 Special Exception Review Standards

The Board of Zoning Adjustment will evaluate and either approve or deny a special exception application according to the standards of this section.

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 judgment 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;*

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EXHIBIT NO.8

The existing square is extremely dense with many garages. The proposed rear addition is two stories in height and will only be minimally visible from the public alley to the north. The addition will not extend beyond the existing rear of the adjacent property at 658 Independence Avenue SE. Additionally, the proposed rear 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; and*

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

658 Independence Avenue SE

658 Independence Avenue SE lies to the east of the proposed addition at 656 Independence Avenue SE. The proposed two-story rear addition will not extend past the existing house at 656 Independence Avenue SE. The proposed addition will enclose the existing 3'-10" open court on the first and second floors of 656 Independence Avenue SE and will line up with the existing rear walls at both 656 and 658 Independence Avenue SE. Therefore, the proposed addition at 656 Independence Avenue SE will not have any impact on the light or air available to 658 Independence Avenue SE.

654 Independence Avenue SE

654 Independence Avenue SE lies to the west of the proposed addition at 656 Independence Avenue SE. The proposed two-story rear addition will not extend past the existing house at 656 Independence Avenue SE. The proposed addition will enclose the existing 3'-10" open court on the first and second floors of 656 Independence Avenue SE and will line up with the existing rear walls. Because the existing court that will be enclosed is on the east side of 656 Independence Avenue, the proposed addition will not have any impact on the light or air available to 654 Independence Avenue SE.

Neighbors to the North

Neighbors to the north of 656 Independence Avenue SE are separated from the property by a 28' public alley, a 4'-0" private alley, existing garages, rear yards, and privacy fences. The proposed rear addition will not extend beyond the existing rear wall of 656 Independence Avenue SE. The proposed two-story rear addition will enclose the existing 3'-10" 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 656 Independence Ave and does not extend past the existing rear wall of the house, the proposed addition will not have any impact on the light or air available to the neighbors to the North.

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

658 Independence Avenue SE

The proposed two-story addition at 656 Independence Avenue SE will extend the existing house by enclosing the existing 3'-10" open court. The northern 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 double hung windows at the second-floor level. Given the fact that the proposed addition does not extend past the rear of 658 Independence Avenue SE, the proposed two-story rear addition at 656 Independence Avenue SE will not unduly compromise the privacy of use and enjoyment of 658 Independence Avenue SE.

654 Independence Avenue SE

The proposed two-story addition at 656 Independence Avenue SE will extend the existing house by enclosing the existing 3'-10" open court. The northern 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 double hung windows at the second floor level. Given the fact that the proposed addition does not extend past the rear of 658 Independence Avenue SE and that the addition is limited to the east side of the property at 656 Independence Ave, the proposed two-story rear addition at 656 Independence Avenue SE will not unduly compromise the privacy of use and enjoyment of 654 Independence Avenue SE.

Neighbors to the North

The proposed two-story addition at 656 Independence Avenue SE will extend the existing house by enclosing the existing 3'-10" open court. The northern 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 double hung windows at the second floor level. The proposed French doors & windows along the northern wall of the addition may allow some views into the rear yards of the southern neighbors directly across the alley, but those views will be minimal because of the existing garage at 656 Independence Ave, the existing neighboring garages, the public alley, and the privacy fences of the northern neighbors. Overall, the proposed rear addition at 656 Independence Avenue SE will not unduly compromise the privacy of use and enjoyment of neighbors to the north.

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
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