

VIA IZIS

February 12, 2018 *****REVISED 4/11/18*****

Board of Zoning Adjustment of the District of Columbia

441 4th Street NW

Suite 200S

Washington, DC 20001

Re: Application to the Board of Zoning Adjustment

1432 Newton Street NW (Square 2677, Lot 0371)

SUMMARY OF RELIEF SOUGHT

The Owner seeks to construct a partial third story addition and roof deck to an existing, three story plus cellar, flat. The proposed addition increases the size of an existing dwelling unit but does not increase the number of units in the building. The existing building does not conform to current zoning regulations for lot occupancy, rear yard, or open courts. In addition, the existing building and proposed construction exceed the height limit. The proposed addition is within the existing, unchanged, footprint of the existing structure.

Pursuant to Subtitle E, Section 5201, the Applicant seeks relief via Special Exception from:

E§304.1 Lot Occupancy - Though the footprint of the original building is unchanged, it exceeds the maximum allowable coverage by 8.76%.

E§306.1 Rear Yard - The addition maintains the existing, noncompliant 17.8' rear yard

C§202.2 Extension of a non-conforming aspect of a structure (open court) - The proposed addition maintains the existing 3.73' x 12.93' open court and vertically expands it to the height of the addition.

Pursuant to Subtitle E, Section 5203, the Applicant seeks relief via Special Exception from:

E§303.1 Building Height - The proposed addition roof follows the slope of the existing roof and does not protrude above it, but it is 3.1' above the maximum height allowed.

****Information added 4/11/18 Pursuant to Subtitle E, Section 2.04.5, relief via Special Exception from:**

E§2.04.4 for a building in the RF zone to extend beyond 10' from the face of an adjacent building, as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.

BURDEN OF PROOF

The Special Exceptions may be granted by the Board of Zoning Adjustment per Subtitle X, Section 900.2, and in accordance with Subtitle X, Section 901 – Special Exception Review Standards and Subtitle X, Section 902 – Special Exception Application Requirements.

****Information added 4/11/18 – Per E§2.04.5 , the Board of Zoning Adjustment may grant a Special Exception to E§2.04.4 for a building in the RF zone to extend beyond 10' from the face of an adjacent building, as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6. The Applicant has demonstrated, through the attached exhibits, that the addition and its relation to the original building and the adjacent properties meets the criteria noted in E§5203.1.3-6 as noted below:**

Per E§5201.1 , the Board of Zoning Adjustment may grant a Special Exception for

(a) E§304.1 Lot Occupancy

(b) E§306.1 Rear Yard

(f) C§202.2 Extension of a non-conforming aspect of a structure (open court)

Per E§5201.2, Special Exception Relief is applicable in this case because it meets condition (a) – it is a residential structure

Per **E§5201.3**, The Applicant has demonstrated, through the attached exhibits, that the addition shall not have any substantially adverse effects on the use or enjoyment of any adjacent properties, and it meets the criteria noted in E§5201.3:

- a. The light and air available to neighboring properties is not unduly affected by the addition; as the extent of the proposed structure is similar in extent to the neighboring properties.
- b. Privacy of use and enjoyment, is not unduly affected by the addition; as the extent of the proposed structure is similar in extent to the neighboring properties.

****Information added 4/11/18 – Please note that light, air, privacy and use issues were discussed with adjacent neighbors, and plans were modified to accommodate these needs, including the reduction of the length of the addition.**

- c. The character, scale, and pattern of houses along the subject street frontage is unaffected, as the propose addition is not visible from the street or any public way. There is no adjacent alley or street in the rear or sides of the property.
- d. The drawings and photographs attached demonstrate compliance with the conditions noted in this section.
- e. The existing lot coverage of 68.76% is unchanged by the proposed addition and is within the 70% limit established by E§5201.3(e).

Per **E§5203.1**, the Board of Zoning Adjustment may grant a Special Exception for a building in the RF zone of up to 40'. The Applicant has demonstrated, through the attached exhibits, that the addition and its relation to the original building and the adjacent properties meets the criteria noted in E§5203.1:

- a. The building is not on an alley lot.
- b. The addition does not block or impeded any chimneys or vents on adjacent properties.
- c. The addition does not interfere with any adjacent solar installations.
- d. No rooftop features are affected in any way by the proposed addition.
- e. The light and air available to neighboring properties, as well as privacy of use and enjoyment, is not unduly affected by the addition; as the extent of the proposed structure is similar in extent to the neighboring properties.

****Information added 4/11/18 – Please note that light, air, privacy and use issues were discussed with adjacent neighbors, and plans were modified to accommodate these needs**

- f. The drawings and photographs attached demonstrate compliance with the above conditions.

Granting the requested relief will not be of substantial detriment to the public good. The addition itself does not add to traffic or noise and does not significantly impact light and air to neighbors. The character, size, and type of features proposed are consistent with those already constructed and enjoyed by neighbors along the street and does so in compliance with all other applicable Zoning Regulations.

Granting this relief will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

****Information added 4/27/18**

The following summarizes and clarifies how the burden of proof is being met by the applicant with regard to light, air, and enjoyment:

The adjacent houses to the south should not be affected , as the addition is within the current sightlines of the existing house, i.e the existing structure is higher than the addition, and the rooftop deck was deleted to ensure this was not an issue. Although the addition requires relief from height limits, the only reason this is required is to match up with the existing building elevation in a reasonable way and is not excessive or out of context in its design.

1430 Newton Street extends as far back as the subject property for the full three stories and is adversely affected only with respect to the existing windows on the open court. While the proposed structure does infringe on the light and air available to those windows, it does not do so in a way that could be considered excessive for a typical open-court window, or that is already experienced on the lower levels. Furthermore, the applicant reduced the extent of the addition to mitigate this effect to the satisfaction of the adjacent Owner. The addition was also revised to include NO windows and NO rooftop deck above the open court to further limit any infringement on privacy and enjoyment of the neighbors.

1430 extends as far back as the subject property for the first two stories but its third level only extends back as far as the subject property currently does. While the proposed structure does infringe on the light and air available to the rear window of 1434's third level, it does so only on the view to the east from those windows. There remains ample light and air to the south and west. Furthermore, the applicant reduced the extent of the addition to mitigate this effect to the satisfaction of the adjacent Owner. Also, the addition was revised to include NO rooftop deck above to limit privacy infringement by overlooking occupants.

We look forward to presenting this case and will comply with all procedures, notifications, and remain in contact with community groups as needed. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'JS', with a long horizontal stroke extending to the right.

James Solomon AIA LEED AP BD+C