

# Burden of Proof Special Exception Application

## 1016 Massachusetts Avenue NE

**To:**            **The Office of Zoning**  
Government of the District of Columbia  
Suite 210 South  
441 4<sup>th</sup> Street, NW  
Washington DC 20001

**From:**       **Jennifer Fowler**  
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**Date:**         May 2, 2018

**Subject:**     **BZA Application of Steve & Nancy Perry**  
1016 Massachusetts Ave NE (Square 965, Lot 41)

Steve & Nancy Perry, owners and residents of 1016 Massachusetts Ave NE, hereby apply for a special exception pursuant to Subtitle X, Chapter 9, to build a one-story rear addition at the third-floor level of their existing one-family dwelling in the RF-1 zone. The aspects of the proposed project that fall outside the current zoning regulations 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 855.25 SF (63.3%), which will remain at 855.25 (63.3%) with the proposed rear addition at the third-floor level. 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).*

*Relief is also required to expand 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 dwellings or properties.

The proposed addition will expand the existing third floor in the same location of an existing structure at the first & second floors. The proposed addition will replace an existing roof deck with privacy fences. The lot occupancy will remain at 855.25(63.3%).

### 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;*

The existing square is dense with three story houses of varying heights, most of which are at the same height or taller than 1016 Massachusetts Ave NE. Both of the adjacent structures at 1014 Massachusetts Ave NE and 1018 Massachusetts Ave NE are approximately 3'-0" taller than 1016 Massachusetts Ave NE. Additionally, the rear wall of 1014 Massachusetts Ave NE extends approximately 10'-6" beyond the rear of the proposed addition.

The rear addition at the third-floor level will not extend beyond the rear of the existing two-story structure and will be in the same footprint as the existing deck and privacy fencing at that location. Additionally, the proposed addition will be constructed with high quality materials and will be appropriate in scale for the existing house.

- 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.**

### **1014 Massachusetts Avenue NE**

1014 Massachusetts Avenue NE lies to the northwest of the proposed addition at 1016 Massachusetts Ave NE. The proposed addition at 1016 Mass Ave NE will extend 15'-2.5" past the rear wall of the existing third floor. The addition will be in the same location as the existing deck currently located at the third-floor level of 1016 Mass Ave NE. The existing rear wall of the 2-story structure at 1014 Massachusetts Ave NE extends 10'-6" past the proposed rear wall of the addition. The proposed addition will extend 3'-0" higher than the existing privacy fence at the current deck location. However, this impact will be limited, because of the existing 5'-3" open court between 1014 Mass Ave and 1016 Mass Ave as well as the 10'-6" extension of the rear wall at 1014 Mass Ave past the rear wall at 10916 Mass Ave.

### **1018 Massachusetts Avenue NE**

1018 Massachusetts Avenue NE lies to the southeast of the proposed addition at 1016 Massachusetts Ave NE. The proposed addition at 1016 Mass Ave NE will extend 15'-2.5" past the rear wall of the existing third floor. The rear wall of the addition will line up with the existing rear wall of the 2-story structure at 1018 Massachusetts Ave NE and will be in the same location as the existing deck currently located at the third-floor level of 1016 Mass Ave NE. The proposed addition will have an impact on the light and air available to the rear yard at 1018 Mass Ave NE. However, this impact will be limited, because the addition will only extend 3'-0" higher than the existing privacy fence in that location. It will also be limited because of the existing 10'-2" wide open court between 1018 Mass Ave and 1016 Mass Ave.

### **Neighbors to the East**

Neighbors to the east of the proposed addition at 1016 Massachusetts Avenue will be minimally affected by the proposed project. 114 11<sup>th</sup> Street NE and 116 11<sup>th</sup> Street NE are separated from the proposed addition by the width of the existing rear yard at 1018 Mass Ave. 118 11<sup>th</sup> Street NE is separated from the proposed addition by a 10'-0" alley and the 22' deep rear yard at 1016 Mass Ave. The addition will be built in the same location as the existing deck and privacy fence and will only extend 3'-0" higher than the existing fence. Given this fact, as well as existing trees in the rear yard at 1018 Mass Ave NE, the neighbors to the east will not be substantially impacted by the light and air available to their properties.

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

### **1014 Massachusetts Avenue NE**

The proposed one-story addition at 1016 Mass Ave NE will extend the existing 3<sup>rd</sup> floor to the footprint of the existing 2 story structure below. The rear wall of the addition will be set back 10'-6 from the rear

wall at 1014 Mass Ave NE and will be in the same location as the current privacy fence at 1016 Mass Ave. The new rear wall at the third-floor level will have 3 casement windows. These windows may allow some views into the rear yard at 1014 Mass Ave, but those views will be similar to the current conditions from the deck. The new side wall of the addition facing 1014 Mass Ave will have no windows. Given the fact that the proposed addition does not extend past the rear of 1014 Mass Ave NE, the proposed one- story rear addition at 1016 Mass Ave will not unduly compromise the privacy of use and enjoyment of 1014 Mass Ave NE.

### **1018 Massachusetts Ave NE**

The proposed one-story addition at 1016 Mass Ave NE will extend the existing 3<sup>rd</sup> floor to the footprint of the existing 2 story structure below. The rear wall of the addition will line up with the existing rear wall of the 2-story structure at 1018 Mass Ave NE and will be in the same location as the current privacy fence at 1016 Mass Ave. The new rear wall at the third-floor level will have 3 casement windows. These windows may allow some views into the rear yard at 1014 Mass Ave, but those views will be similar to the current conditions from the deck. The new side wall of the addition facing 1018 Mass Ave will have 3 casement windows. While this will allow additional views into the property at 1018 Mass Ave NE, these views will not unduly compromise the privacy of use and enjoyment at 1018 Mass Ave NE.

### **Neighbors to the East**

The proposed one-story addition at 1016 Mass Ave NE will extend the existing 3<sup>rd</sup> floor to the footprint of the existing 2 story structure below. The rear wall of the addition will line up with the existing rear wall of the 2 story structure at 1016 Mass Ave. The new rear wall will have 3 casement windows, and the southeast wall will have 3 casement windows. The proposed windows along the rear wall and the southeastern wall of the addition may allow some views into the rear yards of the eastern neighbors at 114 11<sup>th</sup> Street NE, 116 11<sup>th</sup> Street NE, and 118 11<sup>th</sup> Street NE. However, those views won't be substantially more than the views from the current deck at that location. The views will also be minimized by existing trees and privacy fences. Overall, the proposed rear addition at 1016 Mass Ave will not unduly compromise the privacy of use and enjoyment of neighbors to the east.

## **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,



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