

# Burden of Proof Special Exception Application

To: **D.C. Board of Zoning Adjustment**  
441 4<sup>th</sup> St NW, Suite 210S  
Washington, DC 20001

For: **James Francis and Mary Frances Smyth**  
Applicant  
515 10<sup>th</sup> St. SE  
Washington, DC 20003

By: **Lacy Brittingham AIA**  
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Authorized Agent  
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Date: February 16, 2021

Subject: **BZA Application, Special Exception Relief**  
515 10<sup>TH</sup> St SE (Square 0949, Lot 0821)

James Francis and Mary Frances Smyth, owners of 515 10<sup>th</sup> St. SE, hereby apply for zoning relief to construct a second-story addition on the existing single-story garage, by authorization of Subtitle X, Chapter 9 per the provisions and requirements of Subtitle E, Section 5201. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

The proposed lot occupancy of 64.7%, exceeds the allowed lot occupancy of 60% (11 DCMR Subtitle E, Section 304.1).

## I. Summary

- A. This project qualifies as a Special Exception because it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and it will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

- B. This special exception qualifies under 11 DCMR Subtitle E, Section 5201 because the lot occupancy does not exceed 70% and the rear addition will not unduly affect the light and air available to neighboring properties; it will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property; and the proposed addition will be similar in character and style to the existing houses and additions to existing houses in the neighborhood.

## II. Basis for Grant of Special Exception

A two-story structure is allowed by the Zoning Regulations in the RF-1 district, therefore, the addition of a second story to an existing single-story structure is in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps. The residential use of the subject property is not changing with this application therefore, the use of the neighboring property will be no different than the existing condition in accordance with the Zoning Regulations and Zoning Maps. In addition, Subtitle E, Section 5201 provides relief based on satisfying specific criteria under which additions may be permitted within the RF-1 zone as a Special Exception as follows:

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

The 500 block of 10<sup>th</sup> St. SE has an unusually wide alley at 30.0' in width. The existing garage at 515 10<sup>th</sup> St. is surrounded by no structures to the south for three lots plus the alley entrance, the 30' wide alley to the west, and a 30.88' rear yard to the east. Therefore, there is ample air available within the interior of the block and the block will not be unduly affected by the proposed changes at 515. To the north, there is an existing garage that is taller than the existing single-story garage at 515 10<sup>th</sup> St. These two structures share a party wall. The proposed changes at 515 will have no effect on the light available to any neighboring property since to the north is already a structure, to the west is the alley, and to the east is the rear yard of the same lot.

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

The proposed addition will not unduly compromise the privacy or enjoyment of the neighbors. The property to the north has a very large garage that occupies almost the entire rear yard behind the primary structure. In addition, the primary structure on that lot is an apartment building not a single-family home and the garage is rented to house a cabinetry-making business who makes the cabinets onsite. There are no windows on the south face of the proposed addition and the existing fences on the property will remain to preserve the existing use and privacy of the neighboring rear yard to the south.

- c) *The addition, together with the original building, as viewed from the street alley or other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.*

The proposed second story is in an architectural vocabulary that is common to houses and garages in the neighborhood. There is a mix of existing brick and siding-clad garages on this particular block. At the request of the Historic Preservation Office, the new story is clad in brick on all four sides. The “punched windows” are in keeping with historic vocabulary for garage architecture.

Please refer to the drawings for the size, scale and detail notes pertaining to the design of the proposed addition.

**Respectfully submitted,**

A handwritten signature in black ink, appearing to read "Lacy Brittingham". The signature is fluid and cursive, with a large initial "L" and "B".

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