

Burden of Proof Special Exception Application

1525 K Street SE

To: **The Office of Zoning**
Government of the District of Columbia
Suite 210 South
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Washington DC 20001

From: **Michael Fowler**
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Date: February 18, 2021

Subject: **BZA Application, Vasquez-Hutchinson Residence**
1525 K Street SE (Square 1079, Lot 0039)

Alvaro Vasquez and Meredith Hutchinson, owners of 1525 K Street SE, hereby apply for special exceptions pursuant to Subtitle X, Chapter 9, to build a one-story rear addition. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

Relief is requested from Subtitle F § 304.1 from the lot occupancy limitations for a single-family row dwelling in the RA-2 zone.

The existing house has a lot occupancy of 827.7 SF (56.6%), which will increase to 1023.2 (70.0%) with the proposed one-story rear addition. The proposed lot occupancy will be below the 70% maximum allowed by a special exception for a single-family row dwelling in the RA-2 zoning district (Subtitle F § 304.1).

I. Summary:

This special exception qualifies under ZR-16 Subtitle F, Chapter 5201 and Subtitle X, Chapter 9, because the proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

II. Qualification of Special Exception

5201 Special Exception Relief from Certain Required Development Standards

By satisfying the requirements of F-5201.1, F-5201.2, F-5201.4 and F-5201.5, the application also meets the general special exception requirements of X-901.2.

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

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

1523 K Street SE

1523 K Street SE lies to the west of the property at 1525 K Street SE. The rear of 1523 K Street SE is 20.0' back from the rear of the existing three-story structure at 1525 K Street SE and an additional 6.5' from the rear of the existing one-story addition. The line of the existing three-story portion of the structure will remain unchanged, while the one-story extension will expand by 12.9'. The proposed one-story addition is only 6.0' taller than the existing privacy fence. Because the proposed addition is only one-story and the affected area along the property line is only approximately 6.0' tall X 12.9' long, the light and air available to 1523 K Street SE will not be unduly affected.

1527 K Street SE

1527 K Street SE lies to the east of the property at 1525 K Street SE. The rear of 1523 K Street SE is 20.0' back from the rear of the existing three-story structure at 1525 K Street SE. The line of the existing three-story portion of the structure will remain unchanged, while the one-story extension on the property line will extend by only 6.7'. The remaining 12.75' of the proposed addition will be offset from the property line by 4.5'. The proposed one-story addition is only 6.0' taller than the existing privacy fence. Because the proposed addition is only one-story and the affected area along the property line is only approximately 6.0' tall X 6.7' long, the light and air available to 1527 K Street SE will not be unduly affected.

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

1523 K Street SE

The proposed addition has no openings that face the property at 1523 K St SE. The proposed roof deck replaces an existing roof deck in a similar location. Additionally, the new roof deck will have a solid guard rail along the property line rather than the existing open metal pickets. The proposed addition is only one-story and there is an existing privacy fence along the property line. Overall, the one-story addition will not unduly compromise the privacy of use and enjoyment of the neighbors at 1523 K Street SE.

1527 K Street SE

The proposed addition has no openings along the property line that face 1527 K St SE. The proposed roof deck replaces an existing roof deck in a similar location and will have a solid guard rail along the property. The proposed addition is only one-story and there is an existing privacy fence along the property line. The proposed windows and doors that open to the court along the shared property line are screened by the privacy fence. Overall, the one-story addition will not unduly compromise the privacy of use and enjoyment of the neighbors at 1527 K Street SE.

- c. *The proposed addition or accessory structure, together with the original building, or the new principal 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 or alley frontage;*

The new addition will be wood framed similar to other existing additions on structures that access the same alley. Additionally, a variety of additions exist on the row of dwellings adjacent to 1525 K Street SE, some of which have expanded taller and further back. Because of the presence of other nearby additions, the proposed one-story rear structure will be in harmony with the intent of the regulations.

- d. *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plan, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

Architectural plans and photographs have been submitted with the application.

901 Special Exception Review Standards

901.2 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 judgement 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 new addition will be constructed of similar materials to other nearby rear additions. Because of the presence of the other nearby additions, the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

- b. *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

As described more fully above, the addition will not impact the light and air or privacy of the neighboring properties. The addition will also not adversely affect the use of neighboring properties as residential because the applicant is not proposing a change from the existing use as a single-family dwelling.

902 Application Requirements

An application for a special exception and an area variance 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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