

CAMPBELL ARCHITECTS, LLC

15602 BEECH TREE PARKWAY,
UPPER MARLBORO, MD 20774

Burden of Proof

SUBJECT – Request for special exception zoning relief under Subtitle X § 901.2(a), (b), and (c) and the lot occupancy requirements of E-5201.1, E-205.4, E-205.5, and X-900.2 to allow a two-story rear addition and rear deck at 739 12th Street SE Washington, DC 20003.

LOCATION AND SITE DESCRIPTION

Address: 739 12th Street SE

Applicant: Rachel Harriott

Legal Description: Square 0995, Lot 0054

Ward / ANC: 6 / 6B

Zone: RF1 – Residential zone allows for areas predominantly developed with attached row houses on small lots within which no more than two (2) dwelling units are permitted.

Lot Characteristics: Rectangular lot measuring 117.5 feet in depth and 16.66 feet in width. Lot is bounded by adjoining lots to the north and south, 12th Street SE to the east, and a 30-foot public alley to the west.

Existing Development: The property is developed as a single family two-story row building with a single family flat below.

Adjacent Properties: The adjacent properties also are developed with residential row buildings. *Surrounding Neighborhood Character:* The surrounding neighborhood is residential in character and is located closest to the Eastern Market Metro station.

Proposed Development: The applicant has proposed to construct a 1-story 9'-6"x12'-0" rear deck and a 2-story first and second floor rear addition that would extend more than ten feet beyond the rear wall of the adjoining properties at 737 12th Street SE and 741 12th Street SE. The proposed addition and rear deck will not be visible from the street frontage, and will have no impact on the character, scale or pattern of housing along the subject street frontage.

Enclosed in this application for relief are photographs and drawings that illustrate that the proposal will not adversely impact the adjacent properties. The owner/agent will be reviewing the plans with the neighbors and we will submit letters of "no objection" as we receive them. Please do not hesitate to contact the authorized agent, Campbell Architects, LLC, with any questions.

ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height	35'-0" max.	25'-0" ft.	25'-0" ft.	None required
Lot Width	20'-0" min.	16'-8" ft.	16'-8" ft	None required
Lot Area	1,800 sf. min.	1,958 sf.	1,958 sf.	None required
Lot Occupancy	60% max	27.5% - 538.7sf	49% - 959sf.	None required
Rear Yard	20'-0" min.	86'-0" ft.	51'-6" ft.	None required
Side Yard	0' ft.	0' ft.	0' ft.	None required
Parking	1 space	1 space	1 space	None required
Rear Yard	25' ft. beyond adjoining property 737 and 4'-6" in beyond adjoining property 741 12 th Street SE BZA MEMO does not include proposed rear deck	0 ft.	25 ft.	Relief Requested
Pervious Surface	20% min - 60% max	391sf	807sf	None required

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;

Square 0995 is along the 12th street residential corridor, and the entire square is Zoned RF-1. The purpose of the RF-1 zone is to provide for areas predominantly developed with attached row houses on small lots within which no more than 2 dwelling units are permitted. The proposed addition does not alter the type of dwelling unit or increase the number of dwelling units. The rear yard setback requirement is intended to provide for open space from the rear lot line of the property to the house. The proposed addition and rear deck provides for open space, in concert with other neighboring row houses.

b. As described more fully below, the Project will not impact the light and air or privacy of the neighboring properties. The new addition and rear deck will also not adversely affect the use of neighboring properties as residential properties in accordance with the Zoning Regulations and Zoning Map as this proposal will not change the existing use.

c. Will meet such special conditions as may be specified in this title.

Subtitle E, Section 5201.1 provides relief based on satisfying specific criteria under which additions may be permitted within the RF-1 zone as a Special Exception as follows

SUBTITLE E CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (RF)

205 REAR YARD

A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.1, Subtitle E §§ 205.4, Subtitle E §§ 205.5, and Subtitle X §§ 900.2

An applicant for special exception under these sections shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The adjoining property 737 has an existing 1 story enclosed rear porch 10' deep. The adjoining property 741 is constructing a new rear addition and rear deck. DCRA approved the adjoining neighbor at 741 to build a 20'-6" rear addition. See building permit number B2104134.

The applicant's proposed rear addition at 739 would extend 15'-0" beyond 737, the building to the north and 4'-6" inches beyond 741, the building to the south. The proposed rear deck and stair are largely open. With a height of 3'-0" and a depth of 9'-6" it is subsequently anticipated to have little additional impact on the light to the adjacent properties. A shadow study has been prepared and submitted as an exhibit to show the effects of light to the adjacent properties. The study shows a comparison of the Proposed addition and the By Right addition, where the difference between the addition studies is 5'-0". The proposed additional 5'-0" does not adversely increase the amount of light or air restriction to the adjacent properties in substantive way. The adjoining properties will have open-air rear yards of 60 feet beyond the proposed addition. Therefore, the proposed addition and rear deck should not unduly affect the light and air available to neighboring properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The applicant is not proposing windows on the side elevations of the proposed addition; therefore, privacy will be maintained. The window and door openings on the rear façade are consistent with other the row buildings. Therefore, the proposed addition and rear deck should not unduly compromise the privacy of use and enjoyment of neighboring properties.

(c) The addition or accessory structure, together with the original 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 subject street frontage;

The proposed addition and rear deck should not substantially visually intrude upon the character, scale, and pattern of houses along 12th Street SE. The proposed addition would be set back 38' feet from the front façade and should not be visible from the street. The proposed rear deck would be set back 28'-6" from the front façade and should not be visible from the street. The proposed addition and rear deck would be visible from the alley but should be consistent with surrounding properties. The proposed rear addition would be clad and painted.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant has provided drawings, including plans, elevations and sections drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of sixty percent (60%).

The proposed lot occupancy would be 49.0%, which would not exceed the maximum permitted lot occupancy of 60%.

The Board of Zoning Adjustment may require special treatment in the way of design screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

The applicant is using and proposes to continue to use the row building for a single household dwelling, which is a permitted use in the RF-1 zone.

The proposed height of the addition would be 18' feet and two stories, which does not exceed the maximum permitted height of 35' feet and three stories.

Thank you.

Johnathan Campbell, AIA
Agent to Applicant
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