



BURDEN OF PROOF

APPLICATION FOR SPECIAL EXCEPTION

514 9th Street SE, Washington DC 20003

To: DC Office of Zoning
Board of Zoning Adjustments
441 4th Street, NW, Suite 200S
Washington, DC 20001

Owner / Applicant Andrew J. Hanko and Carol M. Connelly
514 9th Street SE
Washington DC 20003

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Andrew Hanko and Carol Connelly, owners of 514 9th Street SE, hereby apply for a Special Exception to allow the construction of a second floor addition directly over an existing one-story addition in their rear yard. This is pursuant to DCMR Chapter 11-X9, Section 901.2 to provide relief from the requirement of DCMR Chapter 11-D205.4

The aspects of the proposal that fall outside the current zoning regulation are as follows:

The proposed construction will extend more than 10' beyond the farthest rear wall of the adjoining property at 512 9th Street SE.

SUMMARY

Carol Connelly purchased their home in 1999 at 514 9th Street SE, located in the in the RF-1 Zone. (Square 0949, Lot 0036). Andrew Hanko was added to the deed in 2010. They seek permission from the Board of Zoning Adjustment (BZA) construct a second floor addition atop an existing one-story wood framed addition in their rear yard.

They seek a special exception from the Rule 205.4 limiting an addition to no more than 10' beyond the farthest wall of the adjoining property. The 170 square foot addition will not have a substantial adverse effect on the use or enjoyment of any abutting or adjacent dwellings or properties.

Andrew and Carol will contact their ANC representative, and described the proposed addition. They will discuss the plans with their adjacent neighbors and will continue their outreach in the weeks ahead. They will submit a statement to the BZA outlining their outreach efforts to the ANC and neighbors no less than two weeks prior to the public hearing.

Board of Zoning Adjustment
District of Columbia
CASE NO.20379
EXHIBIT NO.8

STATEMENT OF EXISTING AND INTENDED USE

The existing use is a single family, residential building. There is no change in use being sought.

BASIS FOR GRANT OF SPECIAL EXECPTION

The requested relief is within the BZA's authority per D 5201.1 (a): In an R zone district, relief from the design requirements of D 205.4 may be approved by the Board of Zoning Adjustment as a special exception under (X, 901.2)

The BZA 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;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

PROJECT DESCRIPTION

The property at 514 9th Street SE is a brick row house built in 1902. The neighboring three rowhouses to the north (512 and 510 9th St SE) are of similar design, built at the same time. The rowhouse to the south (514 9th St SE) is of different design, but similar construction period.

See the Site Plan on Sheet 1 of the Architectural Drawings.

The proposed second floor addition is 14'-2" wide x 12'-0" deep. It will be built directly over the existing one-story wood framed Kitchen addition that abuts the north property line. The simple shed roof will slope towards the south. There is no proposed change to lot coverage.

512 9th Street SE, the adjacent rowhouse to the north, appears to be a 'twin' structure to 514 9th street SE, but without the 12' deep one-story Kitchen addition. Therefore the farthest rear wall is 12' back from the proposed addition at 514 9th Street SE, and requiring a special exception from the Rule 205.4

516 9th Street SE, the adjacent rowhouse to the south is only 4'-4" back from the proposed addition at 514 9th Street SE, and therefore there is no need for an exception from Rule 205.4 for this adjacent neighbor.

BURDEN OF PROOF STATEMENT

This proposed rear second floor addition complies with the intent and spirit of the DC zoning regulations. As stated in Subtitle E, Chapter 3, Section 300.1 "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 two (2) dwelling units are permitted."

DC code provides that an applicant for special exception 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;*

- b. *The privacy of use and enjoyment of the neighboring properties shall not be unduly compromised;*
- 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 the houses along the subject street or alley frontage.*

As outlined below, Andrew and Carol's request satisfies these requirements.

- a. *The light and air available to neighboring properties shall not be unduly affected by the proposed addition.*

The proposed addition is to be built on the north property line, extending only 2' further than is permitted by current zoning regulations (12' vs. 10'). The building height of the addition is 22'-2", well below the maximum permitted height of 35'. The addition is 4'-4" away from the property line to the south.

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

The proposed addition will have no windows on the north elevation, which is on the property line. There will be a pair of windows on the south elevation, which is 4'-8" off the property line and facing the north wall of the rowhouse at 516 9th St SE which has no windows. There will be 3 windows in the east elevation, which faces the alley.

- 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 the houses along the subject street*

The proposed addition will be visible only from the alley. The design of the proposed addition is in keeping with the character of the neighboring rowhouse with regards to scale, massing, materials, and architectural style. The proposed design has been approved by the Historic Preservation Design Review in the first round of Permit Review.

CONCLUSION

For the reasons set forth above, we respectfully request the Board of Zoning Adjustment approve the application for Special Exception.

Thank you,

Elizabeth Shepard, AIA