

## BURDEN OF PROOF

Subject: BZA Application, 124 11<sup>th</sup> Street SE  
Sq 0989, Lot 0038

The owners of 124 11<sup>th</sup> Street SE are applying for a special exception pursuant to Subtitle X, Chapter 9, to add a one story rear addition to the existing three level plus cellar single family home and build a two story garage. The project also consists of an extension to the existing third floor where there is an existing roof deck, that will not impact the lot occupancy.

The lot size of the project is 2115 sq ft and the existing lot occupancy is 967.5 sq ft (45.75%). The proposed 5'-6" rear addition will result in a lot occupancy of 1,432.25 sq ft (67.72%).

The addition to the house will extend 5'-6" past the existing neighbor's rear wall (126 11<sup>th</sup> Street SE).

### I. Summary

The special exception qualifies under ZR-16 Subtitle X, Chapter 9 because the development will not have a substantially adverse effect on the use or enjoyment of any abutting dwelling or property.

### II. Qualifications of Special Exception

*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 proposed addition to the existing single family home will be consistent with the intent of the Zoning Regulation and Zoning Maps. Square 0989 has multiple lot shapes, and types of structures. The proposed lot coverage and continued residential use will be consistent with other properties in and adjacent to the square.

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

Please see responses to (c)

*C. Will meet such special conditions as may be specified in this title, Subtitle E, Section 5201.3 provides relief based on the following criteria:*

*"An applicant for special exception under this section shall demonstrate that the 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*

126 11<sup>th</sup> Street SE

126 11<sup>th</sup> Street SE lies to the South of the proposed addition at 124 11<sup>th</sup> Street SE. The proposed one story rear addition will extend 5'-6" past the existing house at 126 11<sup>th</sup> Street SE. The proposed third floor addition does not extend past the existing house at 126 11<sup>th</sup> Street SE. The two story garage will abut an existing 18' long two story garage at 126 11<sup>th</sup> Street SE. Therefore, the proposed additions and two story garage will not have impact on the light and air available to 126 11<sup>th</sup> Street SE.

122 11<sup>th</sup> Street SE

122 11<sup>th</sup> Street SE lies to the North of the proposed addition at 124 11<sup>th</sup> Street SE. The proposed one story rear addition will not extend past the existing house at 122 11<sup>th</sup> Street SE and is set back from the side lot line 4'. The proposed third floor addition does not extend past the existing house at 122 11<sup>th</sup> Street SE and is set back from the side lot line 4'. The two story garage will abut an existing 20' long two story garage at 122 11<sup>th</sup> Street SE. Therefore, the proposed additions and two story garage will not have impact on the light and air available to 122 11<sup>th</sup> Street SE.

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

126 11<sup>th</sup> Street SE

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122 11<sup>th</sup> Street SE

122 11<sup>th</sup> Street SE lies to the North of the proposed addition at 124 11<sup>th</sup> Street SE. The proposed one story rear addition will not extend past the existing house at 122 11<sup>th</sup> Street SE and is set back from the side lot line 4'. The proposed third floor addition does not extend past the existing house at 122 11<sup>th</sup> Street SE and is set back from the side lot line 4'. The two story garage will abut an existing 20' long two story garage at 122 11<sup>th</sup> Street SE. Therefore, the proposed additions and two story garage will not affect the privacy to 122 11<sup>th</sup> Street SE.

*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 existing square is very diverse with housing and apartment buildings and there is a wide alley with a U shaped alley "park" in the alley system. The alley has many two story garages. The proposed additions and garage will not be visible from the public street, only the third floor rear addition and garage will be visible from the alley. The proposed rear addition will be constructed with high quality materials to blend with the design and character of the neighborhood. The single family home falls within the Capitol Hill Historic District and the entire scope of work will be approved by the appropriate Historic Staff.