

Burden of Proof Special Exception Application

1421 D Street SE

To: **The Office of Zoning**
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: **Jennifer Fowler**
Agent/Applicant
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Date: July 26, 2019

Subject: **BZA Application, Arielle Giegerich and Matthew Pregmon**
1421 D Street SE (Square 1062, Lot 0101)

Arielle Giegerich and Matthew Pregmon, owners and occupants of 1421 D Street SE, hereby apply for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a one-story rear addition at the second floor level above an existing 1 story structure at the first floor level of an existing two-story single-family row dwelling, as well as a rooftop addition. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

Relief is requested from Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1.

Relief is also requested from the rear yard setback requirements of Subtitle E § 205.4.

Additional relief is requested for a special exception from the nonconforming structure requirements of Subtitle C § 202.2.

I. Summary:

This special exception qualifies under ZR-16 Subtitle D, Chapter 5201 and Subtitle X, Chapter 9, because the lot occupancy does not exceed 70%, and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

The proposed addition will expand the second floor above an existing 1 story structure at the first floor. The existing lot occupancy of the first floor will remain at 738.9 (61.6%). The proposed lot occupancy of the 2nd and 3rd floors will be at 832.5 SF (69.5%).

The new rear wall of the second and third floor additions will be set back 12'-10" beyond the adjacent neighbors, which is 2'-10" more than allowed under Subtitle E § 205.4.

II. Qualification of Special Exception

5201 Special Exception Review Standards

By satisfying the requirements of E-5201.3 through E-5201.6, the application also meets the general special exception requirements of X-901.2.

5201.3 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:

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CASE NO.20128
EXHIBIT NO.9

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

1419 D Street SE

1419 D Street SE lies to the west of the proposed addition at 1421 D Street SE. The proposed addition will extend 12'-10" beyond the existing rear wall of 1419 D, which is a 4'-7" increase in the rear setback from the existing conditions. The proposed addition will include a third floor above the existing footprint of the house, along with the new rear addition. Because of the depth of the addition, the light and air available to 1419 D Street will be impacted somewhat. However, the overall impact will not be undue because the houses are oriented north-south. Shadows will be limited to the morning hours.

1423 D Street SE

1423 D Street SE lies to the east of the proposed addition at 1421 D Street SE. The proposed addition will extend 12'-10" beyond the existing rear wall of 1419 D, which is a 4'-7" increase in the rear setback from the existing conditions. The proposed addition will include a third floor above the existing footprint of the house, along with the new rear addition. Because of the depth of the addition, the light and air available to 1423 D Street will be impacted somewhat. However, the overall impact will not be undue because the houses are oriented north-south. Shadows will be limited to the afternoon hours.

Neighbors to the South

Neighbors to the south of 1421 D Street SE are separated from the property by rear yards, a 10' alley, and privacy fences. The proposed rear addition will extend 4'-7" beyond the current rear wall. The increase in height will cause additional shadows to be cast into the rear yards of 410-414 Kentucky Avenue, however this will be limited to the morning hours.

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

1419 D Street SE

1419 D Street SE lies to the west of the proposed addition at 1421 D Street SE. The proposed addition will extend 12'-10" beyond the existing rear wall of 1419 D, and the side wall facing 1419 D Street SE will not have windows. The proposed addition will include a third floor above the existing footprint of the house. The third floor and rear addition will only have windows facing north and south. Because the rear lot at 1419 is truncated, there will be fewer views available into that property.

1423 D Street SE

1423 D Street SE lies to the east of the proposed addition at 1421 D Street SE. The proposed addition will extend 12'-10" beyond the existing rear wall of 1419 D, and the side wall facing 1423 D Street SE will not have windows. The proposed addition will include a third floor above the existing footprint of the house. The third floor and rear addition will only have windows facing north and south. There will be a slight decrease in the privacy enjoyed by the occupants of 1423 D Street in their rear yard.

Neighbors to the South

Neighbors to the south of 1421 D Street SE are separated from the property by rear yards, a 10' alley, and privacy fences. The proposed rear addition will extend 4'-7" beyond the current rear wall. The increase in height will allow for additional views into the rear yards of the

properties along Kentucky Avenue SE, however the impact will not be undue because there will be no windows along the west wall.

(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 extremely dense with back yards and privacy fences. The proposed addition at 1421 D Street will be similar in design and massing as the two other houses on the 1400 block of D Street SE that have been expanded with a third floor. The front façade of the third floor will include brick details and window headers that will match the existing façade. It will read as an extension of the original design. The rear portion of the addition will be visible from the alley and from the properties to the south, however it will not be visible from the street.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, 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

Plans, photographs, and elevational drawings have been submitted into the record.

902 Application Requirements

An application for a special exception 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,



Jennifer Fowler
Agent/Architect
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