

**Starbucks Coffee
BZA Application
3909 Huntington Street N.W. (Sq. 1754, Lot 0915)**

Preliminary Statement of Compliance with Burden of Proof

I. Introduction

Applicant, Elizabeth Boison, requests a special exception, pursuant to 11-D DCMR §5201.1(b) and (f) to extend the rear wall of the existing residence at 3909 Huntington Street, N.W., Washington, D.C. 20015 (Square 1754; Lot 915) to the east and up one story. The existing residence is located in the R-1-B Zone and has a rear wall (of the kitchen) on the first floor that is currently nonconforming as it extends into the 25' required rear yard by 2' 1". This wall is proposed to be continued to the east along the rear of the structure as the rear wall of the family room. The rear wall of the second story addition will extend to this existing rear wall as well.

II. Standard of Review

11-D DCMR §306.1 of the Zoning Regulations requires a rear yard setback of 25' in the R-1-B zone. 11-C DCMR §202.2(b) prohibits enlargements or additions that increase or extend any existing, nonconforming aspect of the structure or the creation of any new nonconformity of structure and addition combined.

306.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-1-A and R-1-B zones.

202.2 Enlargements or additions may be made to the structure; provided that the addition or enlargement itself shall:

- (b) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

Special Exception approval is required to provide less than the 25' rear yard and to increase or extend any existing, nonconforming aspect of a structure/ create any new nonconformity of structure and addition combined, as follows:

5201.1.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;

- (b) Yards;
- (c) Courts;
- (d) Minimum lot dimensions;
- (e) Pervious surface; and
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.

III. Compliance with the Standards of Section 901

A. The Special Exception Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Maps.

As stated in 11-D DCMR §300, “the purposes of the R-1-A and R-1-B zones are to (a) [p]rotect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and (b) [s]tabilize the residential areas and promote a suitable environment for family life. To the greatest degree possible, the Applicant’s proposed addition seeks to preserve the historical integrity of this home originally constructed around 1914. The Applicant is proposing the changes specifically to provide for the needs and accommodations of her family. The home now and with the proposed changes will still blend seamlessly with the other homes on the street. Pursuant to 11-X DCMR § 901.2(a), the special exception request to permit the addition will be in harmony with the general purpose and intent of the Zoning Regulations and Map. In fact, the Applicant has obtained letters of the support from her closest neighbors. 11-A DCMR § 101.1 calls for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare. As confirmed by the letters of support, the use will not change or interfere with existing light and air. Similarly, because the home will be utilized by the Applicant and her family as intended, the use will not allow undue concentration of population and the overcrowding of land nor will it result in an uneven distribution of population, business and industry and use of land.

B. The Special Exception Will Not Tend to Adversely Affect the Use of Neighboring Property in accordance with the Zoning Regulations and Maps.

The proposed addition will not tend to adversely affect the use of neighboring property. It will be one of many similar, single-family detached dwellings in this R-1-B neighborhood. The neighbors closest in proximity to the project have provided letters of support attesting to this lack of adverse impact.

IV. Compliance with 11-D DCMR § 5201.3

11-D DCMR § 5201.3 requires, “an applicant for special exception under this section 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;
- b) The privacy of use and enjoyment of 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 houses along the subject street frontage;
- 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; and
- e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table:

TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy
R-3 R-13 R-16	70%
R-20 – attached dwellings only	70%
R-20 – detached and semi-detached dwellings All Other R zones	50%

The proposed addition to the second story and to the rear wall will not negatively impact the light and air to neighboring properties nor shall the privacy of use and enjoyment of these properties be negatively affected. With the proposed addition, the residence will maintain the character, scale and pattern of houses along the subject street frontage. The applicant/ owner has taken great care to maintain the architectural and historic integrity of this circa 1914 home. The application package includes plans and photographs that demonstrate compliance with (a) through (c) as well as letters of support from neighbors who have reviewed the proposal and construction. Lot occupancy will remain compliant (28.5%) where 40% is allowed in the R-1-B zone.

V. Community Outreach

Pursuant to Subtitle Y § 300.8(1), the Applicant will be contacting the local Advisory Neighborhood Commission 3E and community groups within the next week to seek their feedback on this application.

VI. Testimony Summary

The Applicant, Elizabeth Boison and her architect, Krista Schauer, will provide testimony at the hearing. An outline of the testimony is provided below:

Introduction

- A. Existing Conditions
- B. Proposed Addition
- C. Relief Sought

Standard of Review

- A. Harmony with General Purposes and Intent of Zoning Regulations and Map
- B. No Adverse Effects on Use of Neighboring Property

Conclusion

VII. Conclusion

Based on the foregoing, the Applicant meets the test for a special exception to allow the proposed addition and the special exception request should be granted.