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Washington DC 2008

**Application for Special Exception – Burden of Proof**

I am applying for a Special Exception under Title 11, Subtitle X, Chapter 9.

The construction will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The property is currently zoned as R-3 for a residential property and it will continue to be a residential property after the construction is completed.

The construction will not adversely affect the use of the neighboring properties. We are only building an additional bedroom over our existing living room so the footprint of the house will not change and the lot occupancy will remain the same. In addition, the height of the house will remain the same because the additional bedroom's height will be the same as the existing house. As a result, all the neighbors can continue to use their property as they are currently used

The only other special condition that we need to comply with is lot occupancy pursuant to Title 11, Subtitle D, Chapter 52. As detailed below, we clearly meet the requirement that the lot occupancy must be below 70%.

Lot area: 2,728.0 SF (31.00' X 88.00')

House footprint: 1008.0 SF (48.00' X 21.00') Area of the ground floor including the addition.

Actual lot coverage: 37%

I have already contacted or tried to contact my neighbors within 200 ft radius of the house and have collected signatures in support of the exception. I have already discussed this filing with the representative of my ANC, Jessica Wasserman and we will have follow up discussions and meetings as necessary to explain the project. I have also attended ANC meetings in preparation of presenting my application. I also have signed letters of support from my neighbors including the adjacent property owners.

Addressing D-5201.3(a)-(e) requirements: 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;

RESPONSE: As discussed in this application, the special exception is only for an additional 18 inches to allow the walls of the second floor to align with the existing structure of the house. The additional 18 will not obstruct the light or air of any of the neighboring properties. The additional 18 inches will have no adverse impact on any of the neighboring properties.

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

RESPONSE: As seen in the drawings, the additional 18 inches will have no impact on neighboring properties – it will not compromise the privacy, use, or enjoyment of the neighboring properties. Neighbors will continue to use and enjoy their premises without being affected by the 18 inches for which I seek an exception. Neighbors can still use their balconies and back yard unobstructed.

(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;

RESPONSE: The additional 18 inches to the extension in the back of the house cannot be viewed from the street, and as such does not visually intrude upon the character, scale, and pattern of the houses along the 28th street frontage. The addition, in the rear of the house, overlooks an alley and a parking garage that is on the other side of the alley. Further, a number of houses on 28th street have already added additions to the rear of their house. Therefore, this addition is consistent with the character of the alleyway in the extensions of other properties are visible.

(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

RESPONSE: See drawings attached to this application.

(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:

See above page 1 - Actual lot coverage: 37%