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Special Exception Application for
3118 New Mexico Ave NW
Washington, D.C. 20016

Report accompanying Form 121
Applicant's Burden of Proof
Prepared by Nicholas Lucarelli Architect

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The application for Special Exception of the Rear Yard requirement should be granted as it meets both the stated criteria contained in Title 11 DCMR. Specifically, the desired Special Exception would meet both the general requirements for Special exceptions as well as the specific criteria referenced in Section 3104 for single family additions.

General Requirements:

“Pursuant to authority in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring properties in accordance with the Zoning Regulations and Maps, subject in each case to the special conditions specified in Title 11 DCMR.”

1. The Special Exception will be in harmony and consistent with the general intent of the Zoning Regulations and Map. The proposed portion of the addition that requires the special exception to the rear yard setback is located along an alley. The properties on the opposing side of the alley have solid board fencing that shields those properties from views of the alley and the bulk of the proposed addition. The adjacent properties on either side of the subject property have solid board fencing that will shield their views of the proposed addition. Furthermore, these adjacent properties do not have structures (other than accessory sheds) that are in immediate proximity to the alley.
2. Per section 101.1, the Zoning regulations were adopted “for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare.” The proposed Special Exception application meets the following criteria listed:
 - a. *Provide adequate light and air.* The proposed addition through its scale and its separation from buildings on adjacent properties will preserve adequate light and air. A more thorough explanation is detailed below in response to a similar provision in Section 223.
 - b. *Prevent undue concentration of populations and the overcrowding of land:* the use will remain as a single family dwelling with lot coverage well below the prescribed percentage required in Section 223
 - c. *Provide distributed population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities, and that will tend to further economy and efficiency in the supply of public services:* the proposed addition will not hinder any of these goals as it will fit harmoniously with the character of the surrounding neighborhood.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18300

EXHIBIT NO. 5

Board of Zoning Adjustment
District of Columbia
CASE NO.18305
EXHIBIT NO.5

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3. Per Section 101.2 the proposed addition will meet the following criteria:
 - a. *Character of the respective districts:* the proposed addition will be in scale and in the architectural character with the surrounding residential scale and character of the neighborhood.
 - b. *Suitability of each district for the uses permitted in each district under this title:* the addition fits harmoniously with the residential use of the existing neighborhood.
 - c. *Encouragement of the stability of districts and of land values in those districts:* the proposed addition will enhance the land values, in that the existing house is significantly smaller than most of the neighboring houses. The new addition the resulting house will be more in scale and in economic value of the surrounding properties.
4. The Proposed Addition will not adversely affect the adjacent properties by increased traffic, noise, or lighting. It will remain a single family residential use. Given the separation from adjacent property structures, both physically and visually, the proposed addition will fit harmoniously with the adjacent residential uses.
5. Per General Provision of R-1 Districts (Section 200), the "R-1 District is designed to protect quiet residential areas now developed with single family detached dwellings..." and "are intended to stabilize the residential areas to promote a suitable environment for family life...". The proposed addition will enhance the quality of life for this property by updating the scale and amenities provided in the adjacent properties. Specifically, the addition will provide a Sunroom, with views to the yard and connection to the Kitchen, a Study and Master Suite. The new entry from the rear yard will provide a structurally secure set of steps and entry stoop for easy access to the house.

Specific requirements:

1. Section 310.4 specifically references special conditions that must be met for Special exceptions for Additions to One family Dwellings or Flats. These criteria are in Section 223. Section 223 states that "An addition to a one- family dwelling ...shall be permitted even though the addition or accessory structure dose not comply with all of the requirements of Sections 401,403,404,405,406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Section 3104, subject to the provisions of this section." This particular Special Exception application requests a smaller rear yard setback than normally allowed in Section 404.1.
2. The portion of the proposed addition that this request is being applied for is one story in height. It will have minimal impact to the surrounding properties, which are already screened by their board on board fences, and the additional distance afforded by the alley running between the petitioning property and adjacent properties.
3. Per Section 223.2, the proposed addition will 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.* The proposed addition is separated by the adjacent properties by an alley and their own solid fencing. It is also situated in its topography at a lower elevation than the ground plane of the adjacent properties.

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- b. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.* Given the one story height of the proposed addition, the lower elevation of the ground plane of the addition than its adjacent properties by an alley and the existing solid fences of adjacent properties, the proposed addition will not unduly compromise the privacy of use and enjoyment of neighboring properties.
 - 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 street frontage.* The existing house is smaller than most of the houses of the surrounding properties, so the addition will cause the house to be more in scale with the neighborhood. The addition will harmonize with the rear elevation of the existing house by relating to the existing structure, while stepping down its scale from two stories to a one story structure.
 - d. In demonstrating compliance with paragraphs)a(,(b) and (c) of this subsection, the applicant shall use graphical representation such as plans, photographs, or elevation and section drawings sufficient to represent the relationships of the proposed addition or accessory structure to adjacent buildings and views from public ways.* See attached drawings in the application package.
4. Per Section 223.3, the lot occupancy of all new and existing structures will not exceed 50% in the R-1 and R-2 districts. The proposed lot coverage will be 25%.
5. Per Section 223.4 the Board may require special treatment in the way of design, screening exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties. As demonstrated in the attached drawings, the proposed addition will sensitively relate to the surroundings through its one story structure and use of materials to reduce the scale of the rear elevation.. In addition adjacent properties are already protected by the additional separation provided by the alley along with the presence of solid fencing along the alley sides of their properties.
6. Per Section 223.5, this Special Exception application does not seek to introduce or expand a nonconforming use.

For the above reasons, the reduced rear yard setback requested in this Special Exception should be granted as it fulfills the criteria required by the Title 11 DCMR.