

BURDEN OF PROOF

5826 Nevada Avenue NW

According to the District of Columbia Municipal Regulations, the property at 5826 Nevada NW, Washington DC 20015, has an existing non-conforming side yard according to Title 11 section 405. The shape of this lot and the narrowing width of the lot (narrowing width towards the rear lot line); as well as the placement of the home on the lot are unique and, we believe, warrant a special exception. We are proposing an addition that has a side yard measurement of 5ft to both the east and west side lot lines. Although this home was built in the 1930's, the proposed addition narrowly misses the requirements in Title 11 Section 405.8 of extending the non-conforming side yard because the existing home sits 4.86 ft off of the property line, and not 5.0 ft (difference of 1-3/4").

The proposed addition at 5826 Nevada Ave NW, Washington DC 20015, 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.*

The proposed scope of work at 5826 Nevada Ave NW, Washington DC 20015, is a one story addition to the back half of the house, facing south-southwest. Since the pattern of sun travel in all seasons moves across this property and adjoining side properties (from side to side), the addition will not affect light available to neighboring properties. The existing side yards remain open, not enclosed or courts, and the width of the side yard is not reduced from the existing conditions of the original home footprint which will maintain access to air.

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

The proposed scope of work at 5826 Nevada Ave NW, Washington DC 20015 will not compromise the privacy of use and enjoyment of neighboring properties, even though the existing volume of the house will increase. The addition will only be limited to one story of living space. It will extend 16ft to the rear lot line on the east side and 12 ft on the west side. Because of the unique shape of our lot the home approaches the property line to the west at a clear point, and not a consistent side yard measurement. Our new addition will step in approximately 4 ft and then come up to west property line again at a distance similar to the exiting side yard measurement.

Sensitivity has been given to the quantity and placement of windows on the East elevation. Only one window will be placed in this elevation, and oriented all the way to the rear so as to not create clear views into or out of the home.

The east property line currently has a 6ft high shared wood fence which will remain. Because of the unique orientation of the property and structure located to the west, we do not separate the properties with a fence or landscaping; instead we share our rear yards as one common space.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18339

EXHIBIT NO. 6

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c) The addition, 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.

Our addition is located entirely towards the rear of our structure and the one-story roof line is substantially below, and hidden by, the existing mass and existing roof line. The proposed scope of work shall not visually intrude at all upon the character, scale and pattern of houses along the subject street frontage because it only viewable at very a skewed angles between the adjoining houses. The addition will be partially visible from the alley that abuts the property on the south; however, it will be well-proportioned in detail and much smaller than the current structure.

Please see the detailed statement explaining the scope of work to be performed at 5826 Nevada Ave NW, Washington DC 20015 and all pertinent material provided to BZA requesting a Special Exception for the extension of a Non-Conforming Side Yard.