

FORM 120 ADDENDUM—

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Burden of Proof for Special Exception for 3500 McKinley St., NW (Square 1996, Lot 11)

The proposed special exception application meets the requirements of Section 3104.1

Requirements under Section 3104.1:

Section 3104.1 – The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the 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 property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title, as follows:

Additions to one-family dwellings or flats	Any R District	§ 223
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How Application Satisfies Section 3104.1 Requirements:

The application meets the requirements of section 3104.1 that the proposed special exception will be in harmony with the general intent and purpose of the Zoning Regulations and Maps and will not tend to adversely affect the use of the neighboring property.

The existing single family dwelling, built in 1925, does not conform with the current 8 foot side yard setback rule, sitting only 3 feet from the west side yard property line (and only 1.6 feet in part at an existing bay window extension). The proposal is to demolish an existing screened-in porch (also non-conforming with a 3 foot side yard setback on the west side yard property line) and construct a two story addition with walk out basement. As designed, the proposed two story addition can be constructed as a matter-of-right, with the exception of the proposed five foot side yard setback on the west side of the property to allow construction of a bay extension on the first floor level. The resulting side yard setback, on the first floor level only, would be 5 feet from the property line. The footprint of the proposed addition at the ground level (walk out basement) will conform to the 8 foot side yard setback requirement. In addition, the proposed second floor addition is an extension of an existing dormer and will also comply with side setback requirements. The bay extension on the first floor will provide attractive architectural detail to the exterior of the new addition. The first floor bay extension will not adversely affect the use of the neighboring property and will be farther back from the neighboring property than the existing single family home and screened-in porch.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18457
EXHIBIT NO. 6

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The proposed special exception application meets the requirements of Section 223.

Requirements under Section 223 and How Application Complies:

"Section 223.1 – An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section."

As set out above, the proposed addition is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not adversely affect the use of the neighboring property.

"Section 223.2 – 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:

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

The existing single family dwelling and screened-in porch is set back 3 feet from the west side yard property line. The proposal would remove the existing screen-in porch and place the first floor of the addition farther back from the property line at 5 feet. In addition, the proposed walk out basement (on the ground level) and the second floor addition will be conforming at 8 feet or more from the side yard property line. The addition will not unduly affect the air and light available to the neighboring property.

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

The proposed addition will have a 5 foot setback for the first floor bay extension only and will otherwise comply with the 8 foot side yard setback requirement at the ground level walk out basement and second floor dormer extension. The proposed first floor bay extension will be further back from the side yard than the existing structure and will not unduly compromise the privacy of use and enjoyment of the neighboring property.

(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; and"

The proposed addition is compatible with the size, scale and pattern of other houses in the neighborhood. The proposed plans provide for attractive architectural details including expansive windows and attractive roof lines. The second floor addition would extend the existing dormer retaining the character of

the bungalow-style house. The addition will also be made of stucco to match the original structure.

- (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."*

See accompanying plans, photographs and drawings.

"Section 223.3 – The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts."

The lot occupancy of all new and existing structures on the lot does not exceed fifty percent.

"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."

Not Applicable.

"Section 223.5 – This section may not be used to permit the introduction or expansion of a nonconforming use."

The proposed addition does not introduce or expand a nonconforming use.

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