



October 17, 2012

**RE: 4764 Reservoir Road, NW
Washington, DC 20007**

Special Exception Documentation as per DC Board of Zoning Adjustment of the
District Of Columbia Form 120 - Application for Variance/Special Exception

**Instruction 5E - Statement/Applicant's Burden of Proof for Variance and Special
Exception Applications**

The owner of 4764 Reservoir Road, NW (DC Square 1371, Lot 0034) desires to expand his existing home. However, due to the triangular shape of the lot upon which the house is situated (DC Square 1371, Lot 0034) any expansion will violate DC Zoning Regulation Title 11-404 (Minimum 25 foot rear yard setback in the R-1-B Zone.).

Therefore, the owner is seeking a Special Exception to that regulation under DC Zoning Regulation Title 11-223 - Zoning Relief for Additions to One Family Dwellings or Flats (R-1) and for Enlarged Accessory Structures. The owner is asking that the 25 foot minimum Rear Yard Setback be changed to a 8 foot minimum that will correspond with the 8 foot minimum side yard setback already in existence. It is also asked that wooden stairs be allowed to be built over that proposed 8' setback in order to exit from a proposed deck.

If this addition is allowed to be built under a Special Exception, it is believed the following contentions hold true:

- 1) **Air available to neighboring properties will not be unduly affected.** The property maintains an acceptable 8 foot rear yard setback (similar to the 8 foot side yard setback established for the R-1-B Zone) from Lot 31, 32 and 33 at the rear and an acceptable minimum 15' setback from Lot 57 at the left.
- 2) **Light available to neighboring properties will not be unduly affected.** The property is south-facing and all affected properties are shielded by a cover of large trees.
- 3) **Privacy of use and enjoyment of neighboring properties shall not unduly compromised.** As written in Statement #1 and #2, the addition will not be any closer

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District of Columbia
CASE NO.18488
EXHIBIT NO.6

than already allowed by an existing regulation and as the neighboring properties are shielded by trees, there will not be any extra detriment.

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Exception Applications, Cont'd

- 4) **There will be no extra traffic or noise.** The subject house is an owner-occupied single family principle residence and will remain so after construction is completed.
- 5) **The subject property still maintains the regulated lot occupancy for the Zone.** The total building area (existing and new construction) still falls below the maximum 40% (50%) lot occupancy for the zone. (Total Lot Occupancy after construction is 35.4%.)
- 6) **The subject house with new addition will maintain the visual consistency of the neighborhood and will not intrude upon the character, scale and pattern of house along the subject street frontage.**
- 7) **The general intent and purpose of the Zoning Regulations and Map still are in effect.** The size of the Subject Property is not changing, nor is any neighboring property being unduly or adversely affected. Exterior Changes to the subject house are believed to be well within any reasonable conditions. Please see the accompanying plans and elevations.

Based on these conditions, it is asked that the requested Special Exception be granted.

Please contact us if there are any questions.

Soe Lin and Associates, LLC
Agent for Owner