

Application for Special Exception for 1375 Mass Ave SE

5E: A. detailed statement explaining how this application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought.

Section 3104.1 – Special Exceptions:

In addressing these standards the applicant must address the following:

- 1). How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map; and**
- 2). How allowing the use will not adversely affect the use of the neighboring property – ie. traffic, noise, lighting, etc.**

1. Expansion of the rear porch of 1371 Massachusetts Ave. SE by three feet beyond the otherwise allowable limit is consistent with the general intent and purpose of the zoning regulations and does not adversely impact the surrounding area. The porch is built on my property at the first floor level and rests on beams above my basement entry. At the basement level is a small area entirely paved in concrete and bricks providing rear access for 1377, 1375, 1373, and 1371 Mass. Ave. SE and 1366, 1364, and 1362 Independence Ave. SE. A public easement leads from the paved area to the front of Independence Ave. The identified properties store trash and recycling on the paved area and use the easement to place their bins on Independence Ave. on collection days.

The paved access area and easement are bordered with porches or combination porch/ stairwells. The rear porch on my property is in line with or recessed from porches on neighboring properties. None of these structures, including mine, interferes with access to the paved area or to the public walkway to the front of Independence Ave.

2) My porch extension does not create additional noise or traffic, and the level of light produced by ceiling lighting fixtures is diffused by screens. This causes less impact on neighboring properties than table lamps placed near windows in the interior of my house prior to the porch's construction.

In addition, as all special exceptions are of a specific type, each type is represented in a certain section of the Zoning Regulations. Section 3104.1 sets forth the general standards that must be met for all types of special exception relief, while the other provisions cited in the Zoning

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Administrator's memorandum detail the remaining standards that must be met.

1)§ 2001.3 - special exception pursuant to 2001.3 to allow a porch addition to an existing nonconforming SDF row structure that does not comply with minimum lot occupancy of § 403.2 in the R-4 residential zone district.

A special exception should be granted since the expansion of the porch does not significantly impact the use of the rear lot over which it is built. There was already an existing rear porch and stairs covering most of the area where the extended porch is constructed. In addition, the property sits at the narrow end of the 1300 block of Mass. and Independence Aves. SE, resulting in exceedingly small back lots. My pre-existing rear lot usage was 88% prior to expansion.

2)§ 404.1 - special exception to permit a rear porch addition to an existing nonconforming SDF row structure that does no comply with the minimum rear yard requirement of 404.1 in the R-4 residential zone district.

This special exception should be granted since the remainder of my rear lot is concrete pavement which does not add any value to the surrounding area and cannot be used for a yard, garden, or any other function other than storing trash and recyclables prior to collection. Adding additional square footage to my rear porch does not negatively impact the surrounding properties.

3)§ 406.1 - special exception to permit rear porch addition to an existing nonconforming SDF row structure that does not comply with the minimum court requirements of 406.1 in the R-4 residential zone district.

This special exception should be granted since the porch does not in any way interfere with the rear access of neighboring properties and is built in a manner consistent with neighboring and is either in line with or recessed from other porches attached to neighboring lots. Additionally, permission to build the structure closer to the adjacent properties was granted by both next door neighbors who are the owners of the properties (Susan Frione of 1373 Mass Ave SE and Christine Parson of 1377 Mass Ave SE) prior to construction.

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