

Attachment E: Burden of Proof

Granting this application will not cause substantial detriment to the public good. The physical characteristics of the property make it difficult for the owner to use the property as a single-family residence due to the severely constrained lot size. The residence was originally built ca. 1890, many years before zoning regulations took effect, and because of the under-sized lot the owners are unable to build by right an addition to meet the modest needs of a family of four. The property is land-locked on all sides, with no possibility to increase the lot size. There is no basement and no reasonable opportunity to build one. The existing structure, at less than 1,000 GSF, is currently nonconforming per sections 403 and 404.

Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map. The home remains a modest single-family residence, significantly smaller than many of the homes on similar-sized lots on the same block.

Specifically, this application meets the specific tests identified in the Zoning Regulations as follows:

- a) The addition has been designed so that the light and air available to neighboring properties will not be unduly affected. The rear (east facade) of the addition faces onto an existing four-story window-less wall, with an alley to the northeast. North and south of the proposed addition are rooftops of existing adjacent rowhouses.
- b) The privacy of use and enjoyment of neighboring properties will not be unduly compromised. The property will remain single-family, with zero impact on traffic, noise, lighting, etc.
- c) The proposed addition will not substantially visually intrude upon the character, scale and pattern of houses along the street frontage. The existing 2-story residence is located in a small section of R-5-B zoning surrounded on all sides by the Capper Carrolsburg PUD. With the exception of the 11 existing two-story homes in the R-5-B zone on the 5th Street side of the block, all of the residences on the block and on adjacent blocks are 3- and 4-story rowhouses with 100% lot coverage. Further, we have designed the new third floor addition to be set back from the front facade of the existing two-story homes in our row in order to minimize the visual impact. While we are sacrificing useable space by doing that and there is no code or zoning requirement for a front set-back, we feel that it helps to differentiate the addition from the existing homes and maintain the character of the existing homes.
- d) We have provided documents with this submission, including site plans, elevations and photographs, that represent the relationship of the proposed addition to adjacent buildings and views from public ways that we feel support the compliance with the full intentions of section 11-223 of the Zoning Regulations.

RECEIVED
 D.C. OFFICE OF ZONING
 2013 MAR 22 AM 9:31

BOARD OF ZONING ADJUSTMENT
 District of Columbia
 CASE NO. 18566
 EXHIBIT NO. 4