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REVISED 05-14-14

**Burden of Proof
Special Exception Application**

3120 Patterson Place, Northwest

To: Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW

From: Tiernan Sittenfeld & Darren Speece
Owner/Applicants
3120 Patterson Place NW
Washington DC 20015

Date: March 31, 2014

**Re: BZA Application for an Addition at 3120 Patterson Place NW
(Square 2330 , Lot 23)**

Tiernan Sittenfeld and Darren Speece, owners and residents of 3120 Patterson Place NW, hereby apply for a Special Exception per chapter 223 to build a two-story addition on the rear of their house.

The aspects of the proposal that fall outside the current zoning regulation are as follows:

The proposed construction maintains a rear yard of less than 25 feet as specified as the minimum for the R-3 zoning district.

I Summary

- A.** The special exception qualifies under 11 DCMR Section 223 because the lot occupancy does not exceed 50% and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwellings or properties.
- B.** The proposed two-story addition will extend 8'-1" beyond the rear of the existing structure such that the resultant rear yard setback will be 19'.

II Statement of Existing and Intended Use

Board of Zoning Adjustment
District of Columbia
CASE NO.18777
EXHIBIT NO.25

The existing use is a single family, owner-occupied residential building. There is no change in use being sought.

III Basis for Grant of Special Exception

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.*

Section 223.1 offers possible relief to an addition to 3120 Patterson Place, specifically from 404.1, rear yard requirement.

Section 223.2 *The addition or accessory structure shall not have a substantially adverse affect 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.

i. The adjacent properties at 3124 and 3116 Patterson Place are separated from the proposed addition by each property owner's 10-foot side yard, allowing for a minimum 20' separation between the proposed structure and neighboring houses. Given the ample side yards, there is adequate separation between the buildings so that both will receive natural light and air.

ii. There are thick, tall evergreen trees along the property lines on both sides of 3120 Patterson Place. These trees create a shade against sunlight more so than the proposed structure will.

iii. The properties that abut 3120 to the south will be separated by a 16-foot alley as well as the 19' proposed rear yard.

iv. As these neighbors are to the south, the proposed addition at 3120 Patterson Place will not block any direct sunlight to these properties.

v. The owners of all neighboring properties **have provided signed letters in support of the project which are included in the record.** ~~are reviewing drawings for the project and their statements of approval for the project will be added to the record should they choose to provide them.~~

vi. The ANC reviewed the project and voted unanimously in its favor.

(b) The privacy of use and enjoyment of neighboring parties shall not be unduly compromised.

i. The proposed addition keeps windows to a minimum on the facing the western neighbor (3124 Patterson) and therefore the project does not effect the privacy of that property.

ii. The proposed property is only a single story along the eastern edge of the property, therefore, there are not windows that peer over the property fence between 3120 and 3116.

iii. There are thick, tall evergreen trees along the property lines on both sides of 3120 Patterson Place. These trees provide a privacy screen between the properties.

iv. The proposed project includes removing the covered garage along the rear property line. Thus, the net effect of the project will be to pull structure back from the property line, increasing the horizontal distance between 3120 Patterson and the neighbors to the south.

v. The owners of all neighboring properties **have provided signed letters in support of the project which are included in the record.** ~~are reviewing drawings for the project and their statements of approval for the project will be added to the record should they choose to provide them.~~

vi. The ANC reviewed the project and voted unanimously in its favor.

(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.

i. The proposed addition will be partially visible from the rear alley. The view from Patterson Place will be minimal and oblique. The proposed work retains elements of the original house's materials and styling.

ii. The owners of all neighboring properties have provided signed letters in support of the project which are included in the record.

iii. The ANC reviewed the project and voted unanimously in its favor.

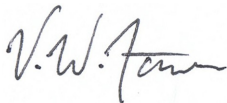
(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

Along with this application we have included the following items:

1. Photos of the existing house
- 2. Signatures of support from neighbors for a rear addition**
3. Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
4. Official Plat from the DC Office of the Surveyor

Please do not hesitate to contact the authorized agent VW Fowlkes with any questions.

Thank you.



VW Fowlkes
202 / 758-5518