



17 June 2014

Burden of Proof for Special Exception of Rear Yard Setback

For the development of 1738 14th Street NW (Square 0207, Lot 0069) we are proposing a waiver for the rear yard setback by way of a special exception as authorized in Section 3104.1 of the D.C. Zoning guidelines with the conditions specified in Section 774.2.

The request for an exception in the rear yard setback consists of two parts. The first part is a reduction in the rear yard setback from 12' to 10' (measured from the centerline of the alley as defined in the zoning regulations) below a height of 20'. The second part of the request is a reduction in the rear yard setback from 12' to 5' (measured from the property line and related to the building height as defined in the zoning regulations) above a height of 20'.

The request for the special exception is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps for the following reasons:

-The stated goals of the C-3A District per section 740 of the zoning guidelines; *“accommodate major business and employment centers”* and *“provide substantial amounts of employment, housing, and mixed use”* are unrelated and not affected by granting of a rear yard setback special exception at 1738 14th Street NW.

-The stated goals of the “Arts Overlay” District per section 1900 of the zoning guidelines; *“encourage a scale of development, a mixture of building uses, and other attributes such as safe and efficient conditions for pedestrian and vehicular movement”*, *“require uses that encourage pedestrian activity, especially retail, entertainment, and residential uses”*, *“provide for an increased presence and integration of the arts and related cultural and arts-related support uses,”* *expand the area's housing supply in a variety of rent and price ranges,”* *expand business and job opportunities, and encourage development of residential and commercial buildings,”* *strengthen the design character and identity of the area by means of physical design standards,”* *encourage adaptive reuse of older buildings in the area and an attractive combination of new and old building,”* and *“foster 18 hour activity and increased public safety”* are unrelated and not affected by granting of a rear yard setback at 1738 14th Street NW.



-The precedent for construction up to the rear lot line is already established along the alley of the 1700 block of 14th Street NW as documented on Sheet A-18 of the Drawings. Most notably the five story building at 1712 sets a precedent for our development in terms of massing along the alley. Additionally Sheets A-23, A-24, and A-25 document alley conditions without rear yard setbacks in the ARTS/C-3-A District.

-The existing structure is built up to the rear property line and does not comply with the rear yard setback requirement as documented on sheet 1 of the Drawings. The proposed structure would be using the previously established setback.

-The increased width of the interior courtyard allowed by granting the rear yard setback exception would increase the amount of daylight, natural ventilation, and greenspace to the units fronting the courtyard, This is consistent with a stated goal of the Arts overlay district to “*expand the area's housing supply*”.

The request for special exception will not tend to affect adversely, the neighboring property for the following reasons:

-Sheet A-19 shows the shadows cast by the proposed construction and Sheet A-20 documents the location of the adjacent existing windows. These Drawings show the request for a special exception to be in compliance with the standard as set forth in section 774.3 of the zoning guidelines, “*Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.*”

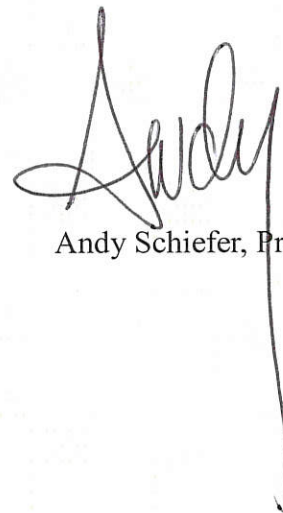
-Sheet A-20 documents the locations of the adjacent windows and shows the request for a special exception to be in compliance with the standard as set forth in section 774.4 of the zoning guidelines, “*In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.*”

-Sheet A-1 documents provisions for loading, service, and trash as set forth in section 774.5 of the zoning guidelines, “*The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.*” Additionally, the letter from the zoning administrator included as an exhibit states, “given the current situation, a three space parking credit exists. Given the proposed project that was discussed, the size of the addition will not trigger any additional parking spaces, under Section 2120.3” Therefore no parking exists and no parking is required (a parking space is provided as an amenity to the fair housing residence).

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Finally, at the July 10th 2014 hearing for the Historic Preservation Review Board the panel unanimously approved the 1738 14th Street NW project for concept and massing. In addition the Community Development Committee for ANC2F on August 27th 2014 voted unanimously to recommend approval of the request for a rear yard setback special exception.



Andy Schiefer, President