



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 per section 774.2 of the zoning regulations. A comparison of proposed versus required setbacks follows:

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 10' 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 consistent with general intent and purpose of the zoning regulations for the following reasons:

Several properties along the 1700 block of 14th Street NW do not have rear yard setbacks. Most notably the five story building at 1712 sets a precedent for our development in terms of massing along the alley.

The existing structure is built up to the rear property line and does not comply with the rear yard setback requirement. The proposed structure would be using the previously established setback

Widening the interior courtyard allows the dwelling units facing the court to receive more daylight, have better views, have better natural ventilation, and maximize the impact of the required green area.

The building plan includes provisions for the concealment of off street service functions, including trash storage, parking, loading and access points.

Angles of sight lines between the adjacent buildings are such that privacy for both buildings is reasonably protected and not unordinary within the urban context. The existing adjacent building is a side yard exposure to the alley and contains only one small window.

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The apartment windows at the rear of the property are sufficiently located above the level of the alley to maintain light, air and privacy.

Finally the proposed solution attempts to balance the project requirements and present a solution that does not adversely effect the neighboring properties. By placing the residential portion of the development along the rear of the property we are pairing a compatible use with the townhouse and apartment across the alley. Additionally the courtyard separation gained by the reduction of the rear yard setback enhances the historic portion of the building along 14th street by creating a clear distinction between old and new, which supports the goals of the Historic Preservation Review Board.

Andy Schiefer, President

Joel deLeon Project Manager
