

DETAILED STATEMENT ADDRESSING “BURDEN OF PROOF”

DATE: 03 December 2014

TO: **Board of Zoning Adjustment
of the District of Columbia**
c/o Office of Zoning
441 4th Street, N.W.
Suite 200-S, Washington, DC 20001

REGARDING: **Application for Special Exception**
Proposed Rear Addition to Existing Single Family Row Dwelling

SUBJECT PROPERTY: 4430 9th Street, NW / Lot 33, Square 3020
Property Zoned R-3

STATEMENT:

GENERAL

Brandon and Emily Gallas, property owner's of 4430 9th Street, N.W., request a Special Exception pursuant to § 223.1 to permit a rear addition to an existing Single Family Row Dwelling that will vary from the rear yard requirement by 2 feet per § 404.1; and will vary from maximum lot occupancy requirement by 10% per § 403.2 in the R-3 residential zone district (§ 3104.1). Self Certified.

SPECIAL EXCEPTION / 3104.1 GENERAL STANDARDS

The proposed single family dwelling meets the special exception requirements pursuant to Sec. 3104.1 as follows:

- 1) **The proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map.**
 - a) The proposed single family row dwelling use is not changed from the existing and is consistent with the Zoning Regulations and the Zoning Map (R-3).
 - b) The proposed building height of 31 feet / 3 stories is consistent with the Zoning Regulations and the Zoning Map (40 ft. / 3 stories).
 - c) The proposed lot occupancy including the addition will comply with the lot occupancy as allowed under §223.3 (70%). *Note that the lot is undersized (1300 s.f.) from the standards of the zone (2000 s.f. for row dwellings).*

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- d) While the proposed rear yard is reduced by 2 feet from the minimum required 20 feet, the property is in the northern most and eastern most portion of Square 3020, and hence the impact on the adjoining properties will be minimal in terms of shadows cast. Additionally, being a corner lot with a large green area in public space to the North, the impact is further reduced.
- e) Attached to this statement are thirteen letters from neighboring property owners, and tenants, in support of the proposed addition. Including the abutting property owner to the South. The support of the signatories, indicates that they feel that the use of their properties will not be adversely affected by the proposed addition, which is a primary intent of the Zoning Regulations and Map.
- f) Attached to this statement is a letter from ANC 4C Commissioners indicating the Commissioner’s support of the proposed addition. This support indicates that they have determined that the use of the neighboring properties will not be adversely affected by the proposed addition, which is a primary intent of the Zoning Regulations and Map.

We have here demonstrated consistency with the general intent and purpose of the Zoning Regulations and Map.

2) Allowing the proposed use will not adversely affect the use of the neighboring property.

- a) The proposed single family row dwelling use is consistent with the neighboring properties which are a mixture of row dwellings and semi-detached dwellings (R-3).
- b) Attached to this statement are thirteen letters from neighboring property owners, and tenants, in support of the proposed addition. Including the abutting property owner to the South. The support of the signatories, indicates that they feel that the use of their properties will not be adversely affected by the use of the proposed addition.
- c) Attached to this statement is a letter from ANC 4C Commissioners indicating the Commissioner’s support of the proposed addition. This support indicates that they have determined that the use of the neighboring properties will not be adversely affected by the proposed addition.

We have here demonstrated that the proposed use will not adversely affect the use of the neighboring property.

SPECIAL EXCEPTION / 223.2 STANDARDS

The proposed single family dwelling meets the special exception requirements pursuant to Sec. 223.2 as follows:

1) The light and air available to neighboring properties shall not be unduly affected.

- a) The neighboring property directly to the South (Lot 34) of the proposed addition shares a common party wall and hence the light and air of that property will not be adversely impacted. *Note: that neighbor has obtained a permit for a third floor addition, the construction of which is underway.*

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- b) The property to the East is a semi-detached dwelling, which has a side yard abutting the subject property. This adds an additional buffer for light and air. Further, the third floor addition on lot 33, being constructed as a matter of right, will over-shadow any significant impact of the addition on the subject property to lot 33.
- c) Attached to this statement are thirteen letters from neighboring property owners, and tenants, in support of the proposed addition. Including the abutting property owner to the South. The support of the signatories, indicates that they feel that the light and air available to their properties will not be adversely affected by the proposed addition.
- d) Attached to this statement is a letter from ANC 4C Commissioners indicating the Commissioner’s support of the proposed addition. This support indicates that they have determined that the light and air available to the neighboring properties will not be adversely affected by the proposed addition.

We have here demonstrated that the light and air available to neighboring properties shall not be unduly affected.

2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

- a) The neighboring property directly to the South (Lot 34) of the proposed addition shares a common party wall and hence the privacy of use and enjoyment of that property will not be adversely impacted.
- b) The property to the East is a semi-detached dwelling, which has a side yard abutting the subject property. This adds an additional buffer for privacy.
- c) Attached to this statement are thirteen letters from neighboring property owners, and tenants, in support of the proposed addition. Including the abutting property owner to the South. The support of the signatories, indicates that they feel that the privacy of use and enjoyment of their properties will not be adversely affected by the proposed addition.
- d) Attached to this statement is a letter from ANC 4C Commissioners indicating the Commissioner’s support of the proposed addition. This support indicates that they have determined that the privacy of use and enjoyment of the neighboring property owner’s will not be adversely affected by the proposed addition.

We have here demonstrated that the privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

3) The addition, together with the original building, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale and pattern of houses along the street frontage.

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- a) The proposed addition recedes from the wall line along the Alison Street facade, keeping the overall massing of the house in scale with the neighboring dwellings.
- b) While the Matter of right third floor addition - which is proposed to be built simultaneously with the subject rear addition - forms a mansard floor above the existing portion of the house, the rear addition steps down to a more subservient massing which is common of many additions in the neighborhood.
- c) Windows of the proposed addition are designed in scale and proportion with the existing windows of the house and the neighboring dwellings.
- c) Attached to this statement are thirteen letters from neighboring property owners, and tenants, in support of the proposed addition. Including the abutting property owner to the South. The support of the signatories, indicates that they feel that the addition, together with the original building, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale and pattern of houses along the street frontage.
- d) Attached to this statement is a letter from ANC 4C Commissioners indicating the Commissioner's support of the proposed addition. This support indicates that they have determined that the addition, together with the original building, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale and pattern of houses along the street frontage.

We have here demonstrated that the addition, together with the original building, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale and pattern of houses along the street frontage.

- 4) 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 to adjacent buildings and views from public ways.**

- a) Refer to attached DC Surveyor's Plat, dated 08 October 2014
- b) Refer to attached Boundary Survey, dated 07 October 2014
- c) Refer to attached renderings (2 sheets)
- d) Refer to attached Architectural Drawings (sheets A-1, A-2, A-3, A-4, MD-1, MD-2 MD-3 and MD-4) for plans and elevation drawings, Dated 08 October 2014
- e) Refer to attached Aerial Photograph (1 sheet)
- f) Refer to attached Property Photographs (3 sheets)

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g) Refer to attached Context Photographs (3 sheets)

We have here demonstrated the use of plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.