If the proposed single family home renovation requires further approvals, then all that should be necessary is the special exception approval set out in Section 223 of the zoning regulations. The Section 223 procedure was added in February, 1998, to ease the way for reasonable additions to single family homes where the additions would not otherwise meet the strict area variance requirements. In the words of Zoning Commission Order No. 840 (at 1):

> The purpose of the amendments is to provide a legal basis for making reasonable additions to single-family dwellings where the strict tests associated with an area variance are unattainable.

The Order went on to relate (at 2):

> The OP noted that on several occasions, the Board of Zoning Adjustment (BZA) had requested that the Commission and the OP explore whether additions to single-family dwellings and flats could be regulated by a special exception process rather than the area variance process. The OP further noted that the reason for the request was that some applicants had presented reasonable plans for additions to their homes to the BZA which were denied because the subject properties did not provide a legal basis for area variance relief. In many cases, neighbors expressed minor or no objections, and the proposed additions were reasonably attractive, functional additions to the homes in question. However, the properties lacked uniqueness or a specific characteristic that would have provided a legal basis for approval of the requested variance relief.

The Office of Planning pointed out that the side yard requirements of the Zoning Regulations were particularly appropriate for consideration under the Special Exception procedure. In words directly in point for this proposed addition the Order states (at 4):

> The Office of Planning again noted that the general lot occupancy limit provides a general density maximum within which the other standards of the subject zone districts are eligible for flexibility according to the proposed special exception process. OP further indicated that some of the other standards, especially side yard requirements do not lend themselves to a percentage formula so readily. For example, in an R-1 zone district with an eight-foot side yard requirement, a deviation may have a sound basis at zero side

'00 JUL 28 A10:30

BZA
Case No. 16621
Exhibit No. 5

Board of Zoning Adjustment
District of Columbia
CASE NO.16621
EXHIBIT NO.5

> yard, depending on the character of the abutting lot. A formula limiting the deviation to some percent of the standard might simply introduce an arbitrary, complicating factor. OP believes the standards in proposed Subsection 223.3 can address privacy, light, air, and design factors on a case-by-case basis.

The Special Exception procedure of Section 223.3 requires that

> The addition shall not adversely impact 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;
>
> (b) The privacy of use and enjoyment of neighboring properties is not adversely affected; and
>
> © The addition, together with the original building, as viewed from the street, is not out of character with the scale, and pattern of houses along the subject street frontage.

We think the proposed addition, which is on the side of the house that abuts an alley, in a neighborhood where other houses already abut that very alley, and is attractive, functional, no taller than the existing structure, and does not adversely affect the air, light or privacy of any neighboring property, plainly passes muster.