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Statement in Compliance with Form 121:
Applicants' Burden of Proof for **Special Exception** Applications

ADDITIONS TO ONE FAMILY DWELLINGS OR FLATS

3104.1

223 Additions to One-Family Dwellings or Flats

223.2

a. "The air and light available to neighboring properties shall not be unduly affected"

(Air/Light). The addition does not unduly affect light or air available to any neighboring properties. Please look at Picture Exhibit **a-A**. As the properties concerned are in the northern hemisphere, the overhead trajectory of the sun is from southeast to southwest for most of the year. The construction has therefore had little effect on the amount of sun striking any neighboring property.

Further, the rear of the nearest neighboring property (owned by the Pritchards) at 204 11th Street, NE is approximately17½ feet apart from the subject property line. However prior testimony given by Ms. Pritchard in the BZA case 16811 was that the distance from between the rear of her home and the property line was a "mere 13 feet). That is untrue. See measurements diagram **a –B**.

Moreover, even if the two story addition were set back 8 feet from the property line, any change in light and air would be de minimus. Please note that the permitted height in an R-4 dwelling is 40 feet. The addition in question is substantially less than this maximum permitted height.

b. "The privacy of use and enjoyment available to neighboring properties shall not be unduly affected.

(Privacy) The addition does not unduly affect the privacy of use and enjoyment of any neighboring properties. The front balcony on the second floor provides a direct/unobstructed view from the master bedroom only toward the south (Constitution Avenue). The balcony does not interfere with any neighbor's privacy any more than did the previous second floor

BZA
Case No. 17007
Exhibit No. 5

Board of Zoning Adjustment
District of Columbia
CASE NO. 17007
EXHIBIT NO. 5

windows in the original structure. Additionally, a balcony could have been/could be constructed that faced directory toward the rear yards of 11th street properties as a matter of right. The now existing balcony is to be used evenings and weekends to sit or read. Plants could be planted further to obscure the top of the balcony wall. However, even without the plants, when one is seated on the balcony, there is no view toward the eastern, 11th Street side. See diagram b-A

c. "The addition, 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."

Approvals from the Historic Preservation Office and the Capital Hill Restoration Society were sought and granted before the permit was issued. We assert that these approvals satisfy requirement c—that the addition and the structure as a whole do not substantially visually intrude upon the character, scale and pattern of houses along the street frontage on houses on either the alley, Constitution Avenue, or 11th street. ~~See attachments c, and B~~

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 to adjacent buildings and views from public ways."

Supporting documents and pictures in support of points which are raised in a, b, and c are duly attached and labeled as noted above and may be supplemented with additional exhibits at a later date.

223.3 "The lot occupancy of the sewlling of flat, together with the addition, shall not exceed fify percent (50%) in the R-1 and R-2 Districts or seventy (70%) in the R-3, R-4, and R-5 Districts."

We are in an R-4 District. With our addition the completed structure occupies approximately 52% of the lot. Ordinarily row dwellings in R-4 are allotted up to 60% of lot occupancy. This section permits up to 70% in an R-4 district. Note that we are not seeking the additional 10% of lot occupancy granted under this section.

223.4 "The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties."

Comment: The Historic Preservation Office and the Capital Hill Restoration Society approvals were reviewed and approved before the permit was issued. Efforts were made to provide a visually pleasing exterior surface toward neighboring properties, however our request to discuss access to the adjacent Pritchard property was denied.

223.5 "This section may not be used to permit the introduction or expansion of a nonconforming use."

A single family dwelling is not nonconforming.