BZA Case No. 17041

BURDEN OF PROOF FOR SPECIAL EXCEPTION APPLICATION

From: Arthur G. Stewart, Jr. and Nilva R. da Silva (202/342-5086 work number)
3920 Ingomar St, NW, Washington, DC 20015

Sec 223
Special Exception for an addition to a one-family dwelling in the R-1-B district area

We are the current owners and residents of 3920 Ingomar Street, NW, DC 20015, and this is our primary and only residence. As our family has grown in the last twelve years, we are now in critical need of additional living space, therefore, we are seeking a special exception to build an addition in the back of the house.

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Sec 223.1
We are seeking a special exception under 11DCMR 3104.1, as we currently fall short of meeting the rear yard requirements under Section 404.1 (which calls for 25 feet clearance). We are located in the R-1-B district area.

Sec 223.2
Care has been taken in planning the addition to preserve the singular Tudor style appearance of the house and to have the minimum impact to the adjoining properties. There will be no alteration to the appearance of the front of the structure, minimum change to the sides of the house (the addition will follow the current line on each side) and the proposed rear façade will be comparable to the current rear façade.

There should be no adverse affect on the use or enjoyment of any one of my neighbors' properties. We will continue to have the same front and side yards square footages, with yard reductions in the rear yard facing the alley. Therefore, our side neighbors will see minimum changes in their properties. The neighbor across the alley currently has a 6 ft privacy fence, and over 30 ft clearance between their fence and their back door (our back yard is across from their back yard with the alley in between). Thus, they should have no adverse affect at all to their property.

The current two-car garage will be removed, yet with the preservation of two off-street parking spaces, thus providing additional unobstructed rear yard space. This removal will provide my side neighbor with a more open rear parking and a little more light in their back yard (as our current garage is built 3 ft to the property line.

Sec 223.3
The lot occupancy of the addition in the back of the house, with the two-car garage removed, does not exceed 50% in the R-1-B district.

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Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO. 15

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Subsection 3103.2 – Three tests to be proved by the applicant

Test 1 - Physical characteristics of the property
Our house was built in 1922, and its current position in the lot has proved to be a hardship for us. It is set further back into the lot than our neighboring houses. It would be possible to have an addition built either in front or on the sides of the house without seeking any special exception, however, an addition in the back of the house is the most unobtrusive to the current structure. The current structure of our house does not provide standard accommodation according to current standard; the rooms are very small, the closets tiny, and the number of bathrooms (currently two) are not adequate for our family's needs. This shortage of living space is a daily hardship on our family. If the house had been built closer in to the sidewalk (as several newer homes in our street are positioned), we would not be in need of a special exception from the DC Zoning Office.

Test 2 - Granting the application to a special exception will not be of substantial detriment to the public

Our addition to the back of the house would not be of any detriment to public, we would not need additional lighting in the alley (as it is already there), we would not contribute to changes in traffic, as we would continue to have our current 6 ft privacy fence separating our back yard from the alley ways. The only negative side effect of our addition is our loss of a large portion of our back yard, however, we are trading outdoor for indoor space.

Test 3 – Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations

Our request for a special exception is in agreement with the local zoning regulations; the addition is to be used for our own family, as residential space, not for rent for commercial use. Our request for a special exception is compatible with the zoning regulation requirement for the R-1-B area within the district.

FAX TRANSMITTAL

DATE: 5/22/03

TO: Ms. Davis
FAX: 202/727-6072
TELEPHONE: 727-6311

FROM: Nilva da Silva
B2A Case #17041
FAX: 202/342 5020
TELEPHONE: 202/342 5086

Number of pages (including cover): 3

If you do not receive the entire transmittal, please contact:

REMARKS: Ms. Davis,

Thank you so very much for taking this file via fax, I so appreciate it.

Nilva
202/342-5086

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