STATEMENT

OF EXPLANATIONS AND REASONS

SUPPORTING THE APPLICATION

OF

STEPHEN P. MCCARRON

TO THE BOARD OF ZONING ADJUSTMENT

OF THE DISTRICT OF COLUMBIA

FOR A SPECIAL EXCEPTION

PURSUANT TO SECTIONS 223.1 and 3104

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

3416 McKinley Street, N.W.

SQUARE 1996, LOT 10

BZA Case No.

BZA
Case No. 17113
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17113
EXHIBIT NO. 4

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I. INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of Stephen McCarron (hereinafter "applicant") for a special exception, pursuant to Section 223.1 of the Zoning Regulations of the District of Columbia, to complete an addition at the back of the house which is 3 feet 8 inches from the side lot line.

II. THE SUBJECT PROPERTY

A. Location and Description of the Property

The property is a one-family detached dwelling located at 3416 McKinley Street, N.W., Square 1996, Lot 10, in the R-1-B Zone, which permits single-family detached houses. The property is on the south side of McKinley between Broad Branch Road and Nevada Ave. The dwelling was built in 1913 and has remained with the same side yard set back continuously since its erection.

B. Area Surrounding the Property

The predominant uses in the area are low density residential.

C. Zoning History and Use History

The area is zoned R-2.

III. EXISTING AND INTENDED USE OF THE PROPERTY

Your applicant purchased his home on McKinley Street in December 1987. Your applicant, his wife Sarah and their 4 year old daughter utilize the premises as their full-time residence.

Your applicant desires to build an addition to the back of the house to enlarge the kitchen and add a screened-in porch on the first level, and enclose the area beneath the first level for an art studio and a mud-room.

IV. REASONS SUPPORTING SPECIAL EXCEPTION

The addition is planned along the same east side yard setback as the house. Plats and surveys filed at the Office of the Surveyor show the existing east side yard as approximately 5 feet. Thus, in June 2003, your applicant obtained a building permit to proceed. However, a subsequent survey by your applicant to assure there would be no problems during construction showed the east side yard setback to be 3 feet 8 inches. Your applicant advised the Department of Consumer and Regulatory Affairs (DCRA) of this subsequent survey in September 2003, and DCRA referred the matter to the Board of

Zoning Adjustment in that Section 405.8 of the Zoning Regulations permits the extension of a nonconforming side yard adjacent to a house built before 1958, with a minimum five foot setback.

The Application meets the specific test identified in the Zoning regulations for a variance for the reasons that follow.

A. Physical Characteristics of the Property

The strict application of the side yard regulation would result in peculiar and exceptional practical difficulties as well as exceptional and undue hardship to your applicant. The dwelling was built in 1913, prior to the adoption of the regulations, with an east side yard of 3 feet 8 inches. The kitchen, which your applicant desires to enlarge, is and has always been along this east side yard. Enforcement of the current side yard set-back of 8 feet would greatly reduce the additional kitchen area so that it would be insufficient and impractical. Unfortunately, there is no other way to expand the kitchen that would not cause exceptional practical difficulties. Furthermore, enforcement of the 8 foot set-back for the addition would result in an unusual appearance of the building.

B. No Adverse Effects

There is currently a wooden deck with a roof-like trellis of wisteria over the western side of the deck, which will be replaced by the planned addition. The house adjacent to the eastern lot line is on a double lot and is set back approximately 15 feet from the subject lot line. The owners of this adjacent property, Mr. and Mrs. Clay Black, have reviewed the plans and have no objection to the addition. See attached letter from Clay and Moira Black. There will be little, if any, loss of light to the east side adjacent property because the addition will replace the trellis of wisteria that overhangs the current deck. (The west lot line of the current dwelling and the proposed addition is in compliance with the 8 foot set back requirement.)

Granting the variance will not cause any detriment to the public good. The variance would only allow an addition of 1 foot and 4 inches along the current building line in the back of a private dwelling.

C. Compliance With Comprehensive Plan

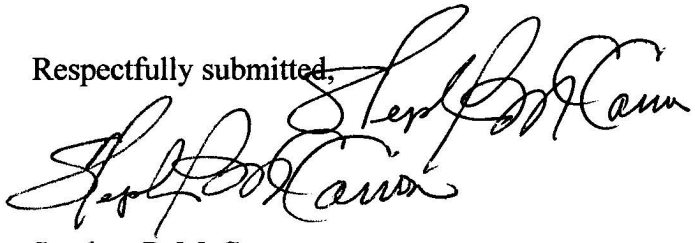
The subject property is neither a landmark nor in a Historic District. The variance also would not impair the intent, purpose or integrity of the zoning plan.

V. CONCLUSION

The Special exception is needed to permit the addition to this single family house to be built within the 5-foot side yard setback area. Your applicant satisfies the requirements for grant of the Special Exception. The Board is authorized to grant special exceptions where, "in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property ..." 11 DCMR §3104.1

Applicant requests that a Special Exception be granted to allow this nonconformity as such use is unlikely to have any negative effects on the neighborhood. Moreover, such a use will be in harmony with the purpose and intent of the Zoning Regulations.

Respectfully submitted,



Stephen P. McCarron
Applicant