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Yates Residence
6520 8th Street, NW
Washington, DC 20012
3-18-04

District of Columbia Office of Zoning
Board of Zoning Adjustment of the District of Columbia
441 4th Street, NW
Washington, DC 20001

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D.C. BOARD OF ZONING
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Statement of Burden of Proof
Subsection 3104.1 from form 121

Dear Chair Person Geoffrey H. Griffis,

1) The proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map; and the original intent of the design was to be built on the existing foundation adjoining to the side of the existing addition at the rear of the home, and is 4' past the outside corner of the said addition to accommodate the southern portion of the existing foundation, which is surrounded by a fence on the north and west sides of the proposed sunroom as to not affect the neighboring property.

2) Allowing the use will not adversely affect the use of the neighboring property via noise. The new sunroom is being built on an existing patio slab, which is fenced off to the front and neighboring property, as to not disturb the adjoining property or the front of the house or the street. The openings at all sides of the sunroom have been kept to a minimal 2 on each side. Light into the neighboring house is not directly affected mainly due to the existing fence at the north and west of the proposed sunroom, which block off the openings to the property lines on those sides. Also, the openings that exist on the neighbor's home occur beyond the addition and are not compromised in any way due to the before mentioned fence.

BZA
Case No. 17180
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17180
EXHIBIT NO. 4

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (YATES)

223.1 An addition to a one-family dwelling or flat, in those districts where a flat is permitted, that does not comply with all the requirements of 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under 3104, subject to the provisions of this section.

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or proper, in particular:

a) The light and air available to neighboring properties shall not be unduly affected; light into the neighboring house is not adversely affected since there are no openings directly on the neighbor's east wall closest to the property line, mainly because of an existing fence. The openings that exist on the neighbor's east side occur beyond the addition and are guarded by the existing fence, therefore the light and air into the neighbor's house is not affected.

b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; there are sliding doors to be installed all three sides on the proposed sunroom, but they open to an existing fence with no openings on the east wall and to a gated fence on the north wall. The enjoyment of the neighboring property to the west will remain unaffected, mainly due to the fact that every step was taken to preserve the existing fence that separates the two properties. The original design calls for the proposed sunroom to be built on the existing foundation located on the west side of the home inside the existing fence.

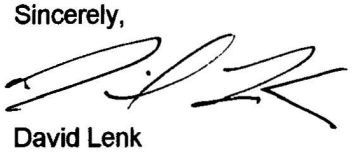
c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and it is nearly impossible to see the proposed sunroom from the public alley at the southern end of the property due to an existing carport and shed located at the south end of the property. The top, or roofline, of the proposed sunroom can be seen from the front and west side of the property, but it is mainly enclosed inside an existing fence along the two sides. From the east side of the property, it is nearly impossible to see the entire sunroom from the public alley; the only part that can really be seen from that angle is the 4' extension of the room off of the corner of the existing house addition and the southern wall of the proposed sunroom. The front of the main house, which faces 8th Street, is not being altered so the character and patterns of the house and street remains untouched and intact.

d) In demonstrating compliance with the 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 sunroom to adjacent buildings and views from public ways

223.3 The lot occupancy of the dwelling of flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts. The lot occupancy ratio of 43.8% with the addition does not exceed the 50% allowed, so there is some green space left untouched on the site.

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.

Sincerely,



David Lenk
Sales Representative/Agent