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D.C. BOARD OF ZONING
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D. A detailed statement explaining how the application meets the specific tests identified in the Zoning Regulations for special exception.

4659 Massachusetts Avenue Washington, DC 10016

223 Additions to One-Family Dwellings or Flats (R-1)

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all the applicable area 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.

The addition proposed is to a one family dwelling that occupies over 40% of its lot, and thus does not comply with all the applicable area requirements.

223.2 The addition shall not have a substantially adverse affect on 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;
The addition does not rise as high as the main roof on the building, nor is it of a large area.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
The addition in no way expands the footprint of the building towards its neighbors nor does it rise as high as the main roof of the building

(c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visibly intrude upon the character, scale and pattern of houses along the subject street frontage; and
The building, together with the addition is within keeping with the character and scale of the other buildings in the neighborhood. The building, without the addition was rather smaller than the typical building in the neighborhood, and the addition serves to slightly increase its conformity.

(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.
This application includes plans, photographs and elevations which thoroughly document the building and its relationship to its surrounding environment.

223.3 The lot occupancy of the dwelling or 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.

BZA
Case No. 17389
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17389
EXHIBIT NO. 4

The lot occupancy of the dwelling, together with the addition shall be 47%, and the District is R-1B.

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.

We acknowledge the Board's right to require special treatment, but we do not anticipate that the Board will find these measures necessary.

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

The existing and proposed use of single family detached dwelling is conforming.

3104 Special Exceptions

3104.1

The Board is authorized under 8 of the Zoning Act, D.C. Official Code 6-641.07(g)(2) to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title, as follows:

...Additions to one-family dwellings or flats...Any R District... section 223...

We expect that the Board will find this proposed special exception to be in harmony with and not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, and our proposal conforms to the special conditions set out in Section 223, as demonstrated above.

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Form 121: Applicant's Burden of Proof for Variance and Special Exception Applications

Subsection 3104.1:

Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in Title 11 DCMR.

In addressing these standards the applicant must address the following:

1.) How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map; and

The proposed addition will not increase either the building's footprint or the buildings overall height and will not change the building's use. The addition will only raise what is currently a one and a half story small portion of the building to a full two stories, the roof of which is lower than the building's main roof. The building's existing size, height and use are entirely in harmony with the intent and purpose of the Zoning Regulations and Map, and are entirely in harmony with the scale and character of the surrounding neighborhood. The neighborhood is typified by houses larger than this one.

2.) How allowing the use will not adversely affect the use of the neighboring property – ie. Traffic, noise, lighting, etc...

The proposed special exception for an addition to a single family detached dwelling will in no way change the use or occupancy of the building. The use of neighboring property will be completely unaffected by any change in traffic noise or lighting.