

Application for Special Exception

Brink Higgins Residence
3512 Rodman Street NW
Washington, DC 20008
April 8, 2016

BURDEN OF PROOF

Statement regarding contact with local ANC and Adjacent Neighbors

We have contacted Nancy MacWood(SMD09) and Margaret Seigel(SMDO5) of the ANC-3C Planning and Zoning Committee. We have emailed them drawings and spoken with them about requirements for contacting the neighbors affected by the project.

Further, we have met and shown drawings to the side neighbors immediately adjacent to the project at 3510 Rodman Street, NW and 3514 Rodman Street, NW, as well as the neighbors to the rear at 3529 Quebec Street and 3531 Quebec Street, NW. (See photos on Sheets A300, A301 and A302).

We pledge that we will submit a statement of our efforts to the ANC no less than two weeks prior to the scheduled public hearing/meeting.

Need for Special Exception

Section 405.9 requires side yards of 8.0 feet in an R-2 district.

On the east side of the house, the existing side yard is 3.5 feet. The proposed two-story addition, to be built at the rear of the existing house, sits 4" (.33 feet) back from the east face of the existing house, resulting in a setback of 3.83 feet.

This setback does not conform to Sections 405.9, requiring us to seek relief of 4.17 feet through a Special Exception.

We are applying for Special Exception relief pursuant to Section, 3104.1, 302 and 223.1.

Other Proposed Additions Not Requiring Special Exception

On the west side of the house, the existing side yard is 5.13 feet. The proposed two-story addition sits 4" (.33 feet) back from the face of the existing house, with a setback of 5.46 feet. A one-story addition behind this sits 1.9 feet further back, with a setback of 7.36 feet.

Section 405.8 states that:

In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).

Since this house was built in 1926, we are covered under Section 405.8, and these additions are allowed.

There are three other additions on the house:

- a. Pergola: There is a proposed pergola at the rear of the new addition, with framing members at 24" o.c. This pergola projects into the required east side yard. However, by ruling of the Zoning Administrator, pergolas with framing members 24" o.c. or greater may project into required side or rear yards, so this pergola is allowed.
- b. Covered Front Porch: The proposed front porch sits behind the front Building Restriction Line and 8.1 feet from the west side property line.
- c. Shed: The proposed one-story shed entirely in the rear yard of the property, per Section 2300.2.a and occupies less than 30% of the required rear yard, per Section 2500.3.

Relief Requested Eligible for Special Exception

The requested relief is eligible for Special Exception under the following sections of the Zoning code:

Section 3104.1

The zoning code grants the Board authority to allow for special exceptions:

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.

The proposed addition is eligible to Special Exception because, per the chart at 3104.1, it is an "addition to one family dwelling or flat", in "any R district", and we have met the conditions for the Special Exception that are specified under Section 223 (see arguments below).

Further, this is an improvement to an existing single-family residence and as such is consistent with the intent and purpose of the zoning regulations and map.

The proposed addition will not create any additional noise or traffic.

Section 302

We are pursuing this Special Exception pursuant to the requirements of Section 302, which says that:

Any use or structure permitted in R-1 Districts under §§ 205 through 209, 211 through 221, and 223 shall be permitted as a special exception in an R-2 District if approved by the Board of Zoning Adjustment under § 3104.

Section 223.1

Section 223.1 states that an addition shall be permitted as a Special Exception to a one-family dwelling that does not comply with Sections 401, 402, 403, 404, 405, 406 or 2001.3, subject to the provisions of this section.

As stated above, the proposed project does not comply with Section 405.9.

Requirements of Section 223.2

Section 223.2 (a through d) requires that the addition shall not have substantially adverse effects on the use or enjoyment of any abutting or adjacent dwelling or property.

(a) and (b) Light and Air, Privacy and Enjoyment

As can be seen in the location plan, the residence is bordered by a public alley to the south, a street to the north, and single-family detached residences to the east and west.

The neighbor to the east will be most affected by the proposed addition. However, the project will not have substantially adverse effects on this neighbor for the following reasons:

The proposed side yard will be 4.17 feet less than the required side yard. However, between the applicant's house and this neighbor, there is approximately 16 feet between the buildings, with 3.5' feet on our side of the property line and 12.5' on their side of the line. (See Site Plan, Sheet C001).

Also, the proposed addition has a hipped roof, limiting its massing to the existing second story eave line. Finally, the massing of the addition is broken by having brick at the first floor and clapboard siding on the second floor. All of these elements serve to limit the impact on the light and air of the addition to 3510.

To the west of the property is 3514 Rodman Street, NW. As mentioned above, the additions on this side of the house conform to zoning and are not an element of the Special Exception. However, as with the east elevation, every effort has been made to minimize the massing of the additions, and will have a minimal impact on light and air for this neighbor.

To the south of the property is an 12.0' wide public alley. Across the alley are two residences, 3529 and 3531 Quebec Street, NW. As shown on the site plan and location plan, both of these properties, as well as our property, have greater than the required rear yards and therefore would not have any negative impact on the privacy and enjoyment for the residents of this residence. These properties are also to the south of the applicant's property, so their light and air would not be affected.

To the north of the property are the fronts of houses along Rodman Street, NW. As shown on the site plan and neighborhood plan, our requested special exception would not have any negative impact on the light and air, privacy and enjoyment for the residents of these residences.

For all of the reasons listed above, the proposed addition will have minimal impact on the light, air, privacy of use and enjoyment of neighboring properties.

(c) Street and Alley Views of House

The proposed addition will be at the rear of the house and have limited visibility from Rodman Street, NW, and will have visibility from the public alley to the south.

The addition has an architectural character that is draws from that of the original house. The massing is two story, with brick at the first floor, and painted clapboard siding above, serving to break up the massing.

(d) Graphic Presentation

On the attached set of drawings are site plans (C001) and photographs (Sheets A300, A301 and A302) that demonstrate the relationship of the building to the adjacent buildings and views from public ways.

Requirements of Section 223.3 Lot Occupancy

The proposed lot occupancy of the project, including the new garage, will 36.44%, which is under the 40% maximum allowable.

Respectfully submitted on behalf of Nicholas Higgins and Bridget Brink (owners),

Christopher R. Snowber AIA
Authorized Representative of Owner