

BZA Special Exception Burden of Proof

27 March 2017

Sub-Title U 301.1 (C) A permitted principal dwelling unit within an accessory building subject to the following conditions of:

(E) An accessory building constructed as a matter-of-right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception.

We are asking for this Special Exception to be considered by the BZA because we believe we meet all the criteria in Sub-Title U 301.1 (C) except for having an existing Accessory structure built before January 1, 2013 (Sub-Title U301.1 (c) (e)). For this property, there is an existing Garage foundation, missing the enclosure, that was an Accessory structure built before 1959 (see attached zoning survey dated 1938 calling out for a new Garage in Square 992 on Lot 65). This, in addition to the following Burden of Proof requirements makes this a strong case for a Special Exception to the rule above.

In harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.

The proposed Accessory structure is being placed on an existing Garage foundation with the intended use of a second story Apartment above a re-built Garage. The Alley in which this accessory structure proposes to be built already has several (4) two story Alley Houses on the north side of the Alley that is 30 FT wide. I believe this proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map because if the Garage enclosure on the existing foundation had existed before January 1, 2013 this proposed apartment addition to the Garage would be consistent with the Zoning Regulations and Zoning Map.

Will not adversely affect the use of neighboring properties.

I believe this proposed 2 story accessory structure will not adversely affect the neighboring properties due to the placement on the Alley that has a generous width of 30 feet and all adjacent properties have either rear yard setbacks or parking spaces off the alley thus the proposed structure would not cast adverse shadows on adjacent properties. The height and footprint of the proposed structure would be smaller in size and height of the existing Alley structures at the north end of the square.

Signature Eric R. Petersen
Eric R. Petersen, Home Owner

Date 27 MAR 2016

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