

BURDEN OF PROOF

Subject: BZA Application, 407 ½ 4th Street SE
Square 0793, Lot 0012

The owner of 407 ½ 4th Street SE is applying for a special exception pursuant to Subtitle X, Chapter 9, to add a rear two story addition to the existing single family home.

The lot size of the project is 868 sq ft and the existing lot occupancy is 422.84 sq ft (48.71%). The proposed 12ft rear addition will result in a lot occupancy of 571.64 sq ft (65.86%).

The addition will extend 12' past the existing neighbor's rear wall (407 4th Street SE) which is 2' greater than the maximum 10' allowed by right (Subtitle E205.4).

I. Summary

The special exception qualifies under ZR-16 Subtitle X, Chapter 9 because the development will not have a substantially adverse effect on the use or enjoyment of any abutting dwelling or property.

II. Qualifications of Special Exception

The Board of Zoning Adjustment will evaluate and either approve or deny a special exception application according to the standards of this section. The Board of Zoning Adjustment 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 of Zoning Adjustment, the special exceptions:

a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The proposed addition to the existing single family home will be consistent with the intent of the Zoning Regulation and Zoning Maps. Square 0793 has multiple zones, lot shapes, and types of structures. The proposed lot coverage and continued residential use will be consistent with other properties in and adjacent to the square.

b. Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and;

Please see responses to (c)

c. Will meet such special conditions as may be specified in this title, Subtitle E, Section 5201.3 provides relief based on the following criteria:

"An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect 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

409 4th Street SE

409 4th Street SE lies to the South of the proposed addition at 407 ½ 4th Street SE. The proposed two story rear addition will not extend past the existing rear wall of 409 4th Street SE and the structure at 407 ½ 4th Street SE will continue to be shorter (height-wise) than the structure located on the adjacent property of 409 4th Street SE. Therefore the light and air will not be affected by the proposed rear addition.

407 4th Street SE

407 4th Street SE lies to the North of the proposed addition at 407 ½ 4th Street SE. The proposed two story rear addition will extend 12' past the existing house at 407 4th Street SE. Therefore, the proposed addition will impact the light and air available to 407 4th Street SE somewhat; however the impact on daylight will be limited and very minimal. The shadows cast in the rear yard will occur during the afternoon hours.

b. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

409 4th Street SE

409 4th Street SE lies to the South of the proposed addition at 407 ½ 4th Street SE. The proposed two story rear addition will not extend past the existing rear wall of 409 4th Street SE and the structure at 407 ½ 4th Street SE will continue to be shorter (height-wise) than the structure located on the adjacent property of 409 4th Street SE. Therefore the privacy will not be affected by the proposed rear addition.

407 4th Street SE

407 4th Street SE lies to the North of the proposed addition at 407 ½ 4th Street SE. The proposed two story rear addition will extend 12' past the existing house at 407 4th Street SE. Therefore, the proposed addition will impact the privacy in the rear yard of the house, but it will be minimal.

c. The addition or accessory structure, 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.

The existing square is very dense with housing and there is no alley behind the house at 407 ½ 4th Street SE. The proposed rear addition will not be visible from the public street. The proposed rear addition will be constructed with high quality materials to blend with the design and character of the neighborhood. The single family home falls in the Capitol Hill Historic District and will be approved by the appropriate Historic Staff.