

**BURDEN OF PROOF**  
3220 Brothers Place

**I. Introduction**

Mr. & Mrs. John Hayman (the “Applicant”) is the owner of the property located at 3220 Brothers Place SE., Square 5990, Lot 12 (the “Property”), which is zoned R-2. The improvements on the Property consist of a two-story, rear addition (the “Building”). The applicant proposes to construct a two-story addition to the existing residence.

**II. Project Description:**

The scope of the project entails complete interior renovation and remodel of single family detached residence. Renovation includes a 9’-3” net addition at the rear of the residence. This addition increased the area of the house from 908 sqft to 1,102 sqft.

The property is zoned R-2

The allowed Maximum Lot Occupancy is 40% (Sub D 210.1)

The Lot area is 2,625 sqft so the allowed building footprint (2625x.4) is 1,050.

{Lot area times 40%+2% or 42% [2625 X .42] =1,102}

Proposed building footprint sqftg.: Exist. Width X Proposed length [21’-5” X 51’6”] = 1,102

For which an administrative variance has been granted.

Including the roof overhang/ eaves in calculation of the lot coverage is specifically excluded. See attached page from *Title 11 Zoning - Page 56 Subtitle B\_0*. The applicable excerpts are highlighted.

**III. THE APPLICATION SATISFIES SPECIAL EXEMPTION CRITERIA OF SUBTITLE D § 5201 AND SPECIAL EXEMPTION CRITERIA OF X § 901.2**

**Reason zoning relief is required.**

The owner has been notified by Kathleen Beeton, Zoning Administrator, that:

Per zoning code section D-208.7, D-5201.1 (b), and X-901.1 the proposed addition does not meet the minimum required side yard.

Per zoning code section D-210.1, D-5201.1 (a), and X-901.1 the proposed addition exceeds the maximum lot occupancy.

Therefore Board of Zoning adjustment approval is required to allow the addition to be built.

A. This project meets the special exemption criteria of Subtitle D § 5201.1

The required side yard setback per Sub D 208.7 is 8'-0"

This existing residence side yard setbacks are 0'-0" from edge of roof to property lines (1.61' from exterior wall to the west property line and 1.7' from exterior wall to the east property line.) The sides of the addition are in line with the existing structure. They are no wider and maintain the existing side yard.

[To shift the sides of the addition by approximately 7'-0" away from the side property line, for a total of 14'-0", resulting in a 7'-6" wide overall width for the addition would make the addition impractical.]

This renovation is vital to the owners, Mr. and Mrs. Hayman to repair the overall structural integrity of the home and provide adequate living space for their family. The addition does not in any way change the character of the structure or adversely affect the neighboring residences.

Subtitle D § 5201.3 states that "an applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property." The Project meets the conditions of this section as follows:

*The light and air available to neighboring properties shall not be unduly affected.*

**Air flow and light proliferation will not be substantially affected. The adjacent properties will share very similar features, façade plane, and elevation height. The property located to the north appears that it's rear elevation would be even further back than what we are proposing.**

*The privacy of neighboring properties shall not be unduly compromised.*

**The proposed minor extension will not encroach, expose, or otherwise create unusual or increase physical or visual access to adjacent properties. Adjacent properties will maintain their ability to screen interior visibility and overall access to their property.**

*The level of noise in the neighborhood shall not be unduly increased;*

**The additional extension of the residence will not produce any additional noise nor amplify any ordinary noise in the neighborhood. The exterior façade material is uniform with neighboring and adjacent properties.**

*The use and enjoyment of neighboring properties shall not be unduly compromised;*

**As this extension remains well within the border and property lines of the subject lot it will not affect or compromise the use and enjoyment of neighboring properties.**

*No trees which would otherwise be protected by this title or other District of Columbia regulation, shall be damaged or removed; and*

**This extension is not close to nor will does it entail or require the removal of any trees.**

*The general scale and pattern of buildings on the subject street frontage and the neighborhood shall be maintained consistent with the development standards of this title.*

**The proposed additional extension will occur at the rear of the property only and will not be visible or affect the street frontage thus maintaining consistent scale and pattern of neighboring buildings.**

The scope also includes a parking space in the rear accessed from the alley.

**B. This project meets the special exemption criteria Subtitle X § 901.2**

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

**Granting this special exemption will not cause this residence to be out of harmony with the purpose and intent of the zoning code. The side yard setback of the addition and the proposed total lot coverage will maintain the existing side yard setback maintaining uniformity and consistency with neighboring properties and the size and scale of the residence will differ from any neighboring or adjacent residence.**

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

**The proposed extension will not adversely affect the physical or visual access to adjacent properties. Adjacent properties will maintain their existing level of privacy and overall use and access to their property.**

*(c) Will meet such special conditions as may be specified in this title.*

**IV. CONCLUSION.**

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.