

BURDEN OF PROOF

Special Exception Relief – Subtitle D §§ 5004.1(a), 5201.2(c), 5201.4 and Subtitle X § 901.2

Applicants Kevin Alonzo and Jane Luxner respectfully request special exception relief to permit construction of a modest one-story accessory storage shed in the rear yard of the property located at 5020 Belt Rd NW, Square 1756, Lot 0844.

The property is located in the R-1B zone and is improved with a single-family dwelling. The proposed accessory structure is a 10-foot by 10-foot residential storage shed. The shed will be located in the rear yard and will be accessory to the existing single-family residential use. The relief requested concerns only the alley-centerline setback for the accessory structure. As calculated by the Department of Buildings, the required alley-centerline setback is 7.5 feet, and the proposed shed would be located approximately 5 feet from the alley centerline, requiring relief of approximately 2.5 feet.

The proposed shed is modest in size and height. It will be approximately 9.6 feet tall and one story, which is well below the maximum permitted height and number of stories for accessory structures. The shed will be used only for ordinary residential storage and will not be used as a dwelling unit, garage, commercial space, or any other separate use. The shed will not create new vehicular access, will not affect the traveled portion of the alley, and will not affect existing parking or alley circulation.

The requested special exception satisfies the applicable standards of Subtitle D § 5201.4 and Subtitle X § 901.2, as set forth below.

I. Subtitle D § 5201.4 – No Substantially Adverse Effect on Abutting or Adjacent Property

Subtitle D § 5201.4 requires the Applicants to demonstrate that the proposed accessory structure will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property. The proposed shed satisfies this standard.

A. Light and Air Available to Neighboring Properties Will Not Be Unduly Affected

The proposed shed will not unduly affect the light or air available to neighboring properties. The structure is small, one story, and approximately 9.6 feet in height. It is a 10-foot by 10-foot accessory storage shed located in the rear yard near the alley, not a large building addition or a principal structure. Because of its modest scale and rear-yard location, any shadow or massing effect will be limited and will not materially affect the light and air available to neighboring homes or yards.

The shed will not block any public way, will not extend over any property line, and will not alter the open character of the rear yard in a manner that would unduly affect surrounding properties. The requested relief is limited to a 2.5-foot reduction from the required alley-centerline setback, and the shed will remain set back approximately 5 feet from the alley centerline.

B. Privacy of Use and Enjoyment of Neighboring Properties Will Not Be Unduly Compromised

The proposed shed will not unduly compromise the privacy of neighboring properties. The shed is for residential storage only and will not contain habitable space, a dwelling unit, a roof deck, a balcony, or any elevated outdoor living area. It will not create a new location for regular occupancy or gathering, and it will not create new opportunities for overlooking adjacent properties.

Because the proposed use is limited to ordinary residential storage, activity associated with the shed will be infrequent and incidental to the existing single-family dwelling. The project therefore will not change the residential character of the property or create privacy impacts beyond those normally associated with a modest rear-yard accessory structure.

C. The Accessory Structure Will Not Substantially Visually Intrude Upon the Character, Scale, or Pattern of Houses Along the Street, Alley, or Other Public Way

The proposed shed will not substantially visually intrude upon the character, scale, or pattern of houses along the street, alley, or other public way. The structure will be located in the rear yard and will not alter the appearance of the principal dwelling from Belt Rd NW. From the alley, the shed will read as a modest residential accessory structure of a type commonly associated with single-family homes.

The shed's limited footprint, one-story height, and residential storage function are consistent with the scale and pattern of accessory structures in residential neighborhoods. The proposed structure will be substantially smaller than the principal dwelling and will remain subordinate to it. The requested relief relates only to the alley-centerline setback and does not involve excessive height, a new dwelling unit, a commercial use, or any change to the established single-family residential use of the property.

D. Graphical Materials

The application record includes graphical representations sufficient to show the relationship of the proposed shed to adjacent properties and public ways, including the shed plans, photographs, and the revised DOB referral and computation materials. These

materials demonstrate the location of the proposed shed in the rear yard, the relationship of the shed to the alley, and the limited nature of the requested setback relief.

II. Subtitle X § 901.2 – General Special Exception Standards

Subtitle X § 901.2 authorizes the Board of Zoning Adjustment to grant special exception relief where the proposed relief: (a) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; (b) will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and (c) will meet the special conditions specified in the Zoning Regulations.

A. The Requested Relief Will Be in Harmony With the General Purpose and Intent of the Zoning Regulations and Zoning Maps

The requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The property is in the R-1B zone and will continue to be used as a single-family dwelling. The proposed shed is a customary residential accessory structure that will support the existing residential use by providing storage for household and yard items.

The relief requested is narrow and limited. The shed complies with the applicable residential character of the zone, remains modest in size and height, and will not introduce any new use to the property. The project will not create an additional dwelling unit, will not create commercial activity, will not change the principal residential use, and will not materially alter the character of the surrounding neighborhood.

The proposed location also allows the Applicants to place a small accessory storage structure in the rear yard while minimizing disturbance to the usable yard area and existing landscaping, including the mature Japanese Maple tree. Granting relief would therefore allow a reasonable and compatible residential accessory structure without undermining the purpose or intent of the R-1B zone.

B. The Requested Relief Will Not Tend to Affect Adversely the Use of Neighboring Property

The requested special exception will not tend to affect adversely the use of neighboring property. The proposed shed is small, one story, and approximately 9.6 feet in height. It will be used only for residential storage and will not generate traffic, noise, lighting, fumes, commercial activity, or regular occupancy.

The shed will not interfere with alley circulation. It will not provide vehicular access, will not be used as a garage, and will not obstruct the traveled portion of the alley. Existing parking

will remain unchanged. The proposed structure will also not reduce the pervious surface below the required level, and the project will maintain the residential use and character of the property.

In addition, adjacent neighbors have been contacted regarding the project, and multiple adjacent property owners have provided statements of support or non-opposition. This further supports the conclusion that the modest accessory shed will not adversely affect neighboring properties.

C. The Application Meets the Specific Special Exception Conditions of Subtitle D

As described above, the application satisfies the specific special exception conditions applicable to the requested relief. The proposed accessory structure will not unduly affect neighboring light or air, will not unduly compromise neighboring privacy, will not substantially visually intrude upon the character, scale, or pattern of houses along the street or alley frontage, and is supported by graphical materials showing the proposed shed's location and relationship to adjacent properties and public ways.

III. Conclusion

For the reasons stated above, the proposed accessory storage shed satisfies the applicable special exception standards of Subtitle D and Subtitle X. The requested relief is limited to a modest reduction in the alley-centerline setback for a small, one-story residential accessory storage shed. The project will remain compatible with the single-family residential character of the R-1B zone, will not adversely affect neighboring properties, will not interfere with alley circulation, and will not substantially impair the light, air, privacy, or visual character of adjacent properties or public ways.

Accordingly, Applicants Kevin Alonzo and Jane Luxner respectfully request that the Board of Zoning Adjustment approve the requested special exception relief.

Handwritten signatures of Kevin Alonzo and Jane Luxner in black ink. The signature of Kevin Alonzo is on the left, and the signature of Jane Luxner is on the right. Both signatures are written in a cursive, flowing style.

Kevin Alonzo and Jane Luxner