

Burden of Proof Statement

I attest that the information submitted is accurate to the best of my knowledge.

Subtitle U § 901.2, requires that the project: (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 such special conditions as may be specified in this title.

Regarding requirement **901.2 (a)**, the neighboring properties to 4436 Alabama, at 4428 and 4440 (Figure 1, Figure 2 and Figure 5) properties along this steep section of Alabama have retaining walls that are approximately 5.5' in height due to the same issues of steep drop-off and unstable eroding soils. Hence, the construction of the wall at 4436 Alabama Ave SE will be in harmony with the neighboring properties along west side of Alabama Ave.

Regarding **901.2 (b)** the retaining wall will not adversely impact the neighboring properties as the wall will be along the rear of 4436 Alabama Ave SE. The location at 4440 has no yard structures near the wall's location as seen in Figure 2 and the wall will stop 4-ft inside of the property line near the 4440 Alabama side and the retaining wall will stop short of the property line hence the retaining wall will not adversely impact the neighboring properties. Additionally, the construction of the wall will not be obstructive to the current views of the homes across the alley. These homeowners have complimented the view of the wall at 4440 Alabama Ave SE.



4435 Alabama Ave SE

4440 Alabama Ave SE

Figure 1: 4440 Alabama Ave SE

With regards to **901.2 (c)** The retaining wall will meet such special conditions as may be specified in this title. I emailed and chatted with ANC 7E commissioner and the other commissioners concerning the intent to construct the wall during the March 8, 2021 General Meeting and no objections have been made to its construction.



Figure 2: 4428 Alabama Ave SE

Subtitle U § 1401.3, requires that: A retaining wall shall not exceed four feet (4 ft.) in height in the following locations, unless a lower height is required by Subtitle C § 1401.5 and 1401.6: (a) Along a street frontage or property line; (b) Within any required side setback; (c) In the R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-16, R-19, and R-21 zones, within twenty-five feet (25 ft.) of the rear property line, as measured from the rear property line inward; and (d) In the R-2, R-3, R-10, R-13, R-17, R-20, and RF zones, within twenty feet (20 ft.) of the rear property line, as measured from the rear property line inward.

With regard to **Subtitle U § 1401.3 (c)**, I request that the retaining wall along the rear yard 2-ft. inside the property line and adjacent to the alley can exceed the four feet (4 ft.) limit to accommodate a flat area and stabilize the steep slope of the yard. The existing yard' steep slope, which has been the site of illegal dumping of trash, carpets construction debris (See Figure 1.) will be removed, and clean soil put in its place to stabilize the soil that now falls into the alley. The height of the wall would also accommodate a flat space between two steep slopes for play and other activities for the residents of the structure.



Figure 3: 4436 Alabama Ave SE rear slope

With regard to Subtitle C § 1402, in which I must “demonstrate that conditions relating to the building, terrain, or surrounding area would...make full compliance unduly restrictive, prohibitively costly, or unreasonable,” I submit the following explanation and photograph:

With regard to **Subtitle C § 1402**, I am requesting **special exception relief** due to the steep sloping rear yard from the building structure to the alley changes grade by 20-ft and a 4-ft. retaining wall would not be adequate to provide a stable slope usable flat space. The yard is eroding on the soil on the slope, which consists of illegally dumped trash bags, old carpet, and construction debris, artificially represents a slope to the alley and once these hazardous materials are removed the drop would even steeper than present. A 4-ft wall will not be tall enough to support such a steep grade or allow sufficient space to effectively support a less steep slope. As a result, I am seeking **special exception relief** for construction of a 5.5-ft (exposed wall) as shown on the plans produced by licensed engineers.

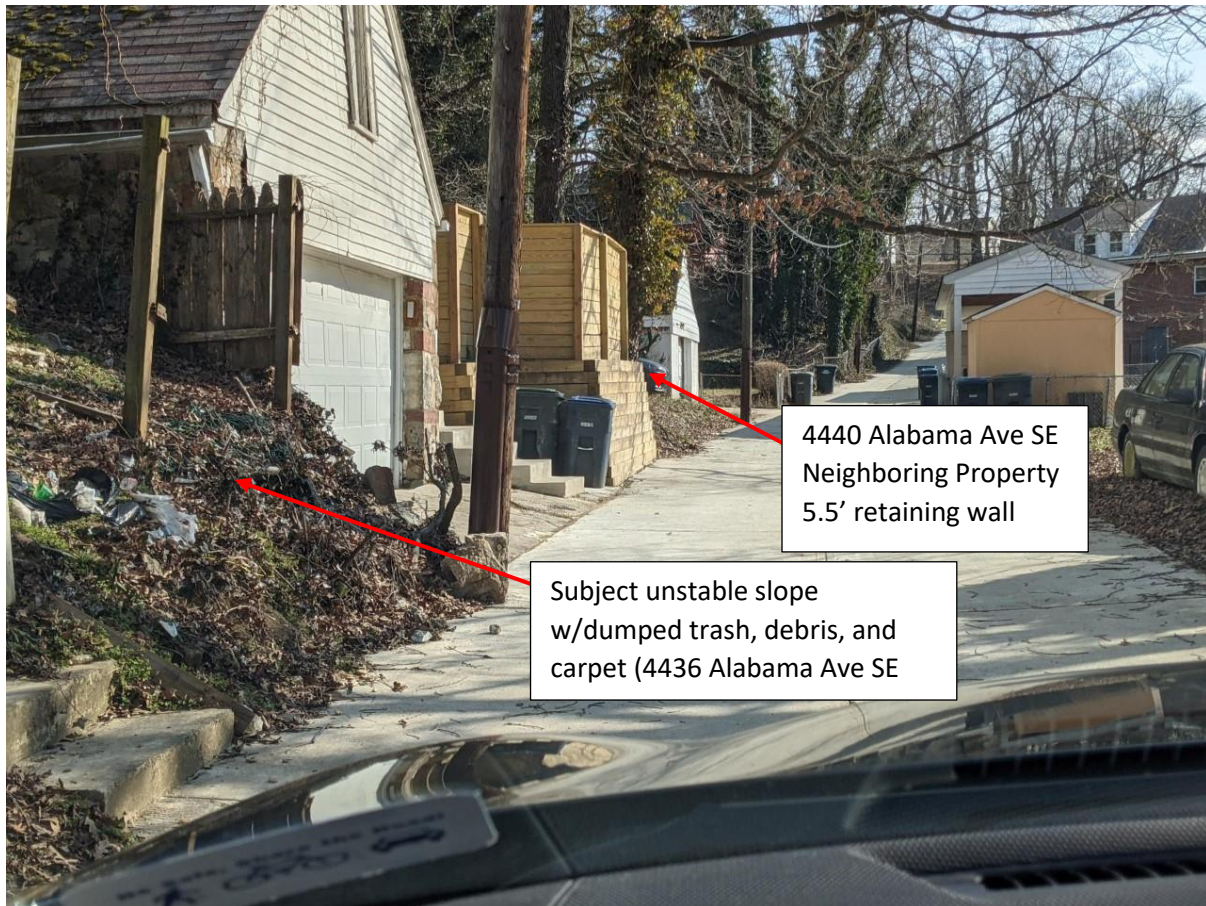


Figure 4: 4436 Alabama Ave SE and 4428 Alabama Ave SE