

Burden of Proof

Statement of Explanation:

- 1. Existing and Intended Use of the Structure**
- 2. Basis for Granting Special Exception**

Rodriguez Residence
4726 Sedgwick St NW
Washington, DC 20016

Zone District: R-1-B

Existing and Intended Use

The property is used as single-family residence and will remain as such. The Owner would like to have a 2nd floor addition over the existing 1st floor footprint as well as renovations on the 1st floor within the existing footprint. More Bedrooms on the 2nd floor and expanded Living space on the 1st floor are the primary goals for this family's home.

Special Exception Sought:

For Relief from Subtitle D Section 206.7: seeking relief from a side yard of minimum 5' when adding onto an existing structure. The existing house has a side yard of 1.9' along an alley on the west side. The original structure was constructed with the 1.9' setback. Approximately 12 years ago, a wing of the house was added with the 1.9' setback via Special Exception approval (BZA Case 18125). To extend to this existing structure with a 2nd floor above with 1.9' setback will require relief as a Special Exception.

Basis for Granting Special Exception

Subtitle D, Section 206.7 specifies that in the case of an existing structure with a non-conforming side yard (1.9' in our case), an extension or addition may be made to the building, provided that the width of the side yard is not reduced or eliminated, and provided further that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5'). In our case, the proposed addition does not reduce the existing side yard, but it will be less than 5'. The addition will not increase the footprint length any, but it will be a 2nd floor above the existing 1st floor, with relief being sought for the same 1.9' setback that currently exists.



Subtitle D, Section 5201 addresses certain criteria for special exception approval for reducing Yard requirements (5201.1(b)):

Per Section 5201.4, certain criteria must be demonstrated in support of the special exception sought. This case addresses each of the criteria:

- (a) The proposed construction shall not have a substantially adverse effect on the use and enjoyment of any abutting or adjacent dwelling or property. In particular:
 - a. Light and air available to neighboring properties shall not be unduly affected. The proposed addition is on the west side of the property adjacent to a 16' wide public alley, so to the west of the proposed structure is almost 18' from an adjacent residential property line, well beyond the typical 8' side yard setback to a neighbor property. To the east, a side yard of 22' from the proposed addition itself is maintained from that portion of the building footprint. Therefore, light and air to adjoining properties will not be unduly affected.
 - b. The privacy of use and enjoyment of neighboring properties shall not be unduly affected. The proposed 2nd story addition is in keeping with 2 story residences that are common within this neighborhood and zoning district. The separation of adjoining properties to the west by the 16' alley provides further separation. There are a number of existing trees along the west side of the alley/adjoining properties that also provide visual buffer. The addition is set back far from the east property (22') as well. Therefore, the privacy of use and enjoyment of neighboring properties shall not be unduly compromised.
 - c. The proposed construction 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 or alley. The scale of the proposed addition is appropriate in scale and character of surrounding houses in the neighborhood. Most of the surrounding homes are 2 story structures. The design of the addition steps back the middle portion relative to the 1st floor to create a small roof line to further break up the mass of the elevation along the alley. Window patterns complement the original elevation of the 1st floor. On the east side, the 2nd story addition works with the existing house to create a nicely proportioned rear yard/courtyard space. The addition does not have significant visibility from the street as it is further away from the street itself.
 - d. In demonstrating compliance with paragraphs (a), (b), and (c), of this subsection, the applicant shall use graphical representation such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways. The application package includes multiple plan, elevation, and 3-D views to describe the project. Photos are also included that show the existing views and



trees/vegetation along the alley and yards, as well as front, rear, and side views.

- (b) The Board of Zoning Adjustment, per Section 5201.5 may require special treatment in the way of design, screening, exterior or interior lighting building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of the block. Given the compatibility of scale and design of the proposed addition with residential structures in this neighborhood and zoning category, we do not believe any additional treatments are necessary.

Subtitle X, Chapter 9 provides the general criteria for approval of Special Exceptions. The criteria are listed in Section 901.2. The proposed Special Exception sought meets these criteria:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulation and Maps:
- The subject property is within a zone district that is surrounded by similar R-1-B zoned properties.
 - Many of these residences have similar 2 story structures for the single-family homes. The proposed addition is in harmony with the scale and character of the neighborhood, as noted in discussion of 5201.4.c above.
 - The proposed structure, as noted above under the Subtitle D Section 5201 discussion, is in scale and character with the scale of the surrounding houses within the zone.
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps:
- Per Section 5201 discussion above, the Proposed structure will not adversely affect the use and enjoyment of neighboring properties.
- (c) Will meet such special conditions as may be specified in this title:
- We believe the design of the proposed structure does not require any further special conditions as it is compatible in scale and character within the community.

Conclusion

For the above reasons, we believe that Special Exception sought for a 1.9' side yard setback for a 2nd story above the existing 1.9' setback of the 1st floor meets the criteria for Special Exception relief. We would request this Special Exception application to be granted.

