

**ATALLAH RESIDENCE
BZA APPLICATION
6100 Broad Branch Road, NW**

Burden of Proof Statement

I. Introduction

Applicants Nichole and Jad Atallah, request special exception relief, pursuant to 11-D DCMR 5201.1 (c) to add a second story addition over an existing one story stucco and frame portion of their 2 story brick dwelling into the existing rear yard setback of the existing residence at 6111 Broad Branch Road, NW, Washington, DC 20015 (Square 2009, Lot 7) extending the second floor only. The existing residence located in the R-1-B zone has a rear wall setback from the property line of 10.5 feet. Because the current lot is odd shaped and a nonconforming property and the rear lot line is not parallel to the existing rear wall of the house, a portion of the proposed addition will encroach the required rear yard minimum of 25 feet by 14.5 feet.

II. Standards of Review

11-D DCMR 207.1 of the Zoning Regulations requires a rear yard setback of 25' in the R-1-B zone:

207.1 A minimum rear yard of twenty-five feet (25 ft.) shall be provided in the R-1-A and R-1-B zones.

Special Exception approval is required to provide less than the 25' rear yard as follows:

11-C 202.2 Enlargements or additions may be made to the structure; provided that the addition or enlargement itself shall:

- (a) Conform to the use and development standards;
- (b) Neither increase nor extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined; and
- (c) Any enlargement or addition not meeting paragraphs (a) and (b) must obtain relief from the applicable development standards.

Special Exception approval is required per (c) any enlargement or addition not meeting paragraphs (a) and (b) must obtain relief from the applicable standards to provide relief from (b) neither increase nor

extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

5201.1.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general variance criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy
- (b)
- (c) Yards
- (d) Pervious surface

III. Compliance with the Standards of Subtitle X, Section 901

A. The Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Maps.

As stated in 11-D DCMR 101.3, “the purposes of the R-1-A and R-1-B zones are to (a) protect quiet residential areas now developed with detached dwellings and adjoining vacant area likely to be developed for those purposes; (b) stabilize the residential areas and promote a suitable environment for family life. To the greatest degree possible, the Applicant’s proposed addition seeks to be compatible with the architectural vocabulary of the existing home. The Applicant is proposing the changes specifically to provide for the needs and accommodations of their family. The home now and with the proposed changes will still blend seamlessly with the other homes on the street. Pursuant to 11-X DCMR 901.2 (a), the special exception request to permit an addition will be in harmony with the general purpose and intent of the Zoning Regulations and Map by maintaining side yard setback dimensions for both adjacent properties that the addition abuts to their side yards. In fact, the Applicant has obtained letters of support from their adjacent neighbors. 11-A DCMR 101.1 calls for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare. As confirmed by the letters of support, the use will not change or interfere with the existing light and air. Similarly, because the home will be utilized by the Applicant and their family as intended, the use will not allow undue concentration of population and the overcrowding of land nor will it result in an uneven distribution of population, business and industry and use of the land.

B. The Special Exception Will Not Tend to Adversely Affect the Use of Neighboring Property in Accordance with the Zoning Regulations and Maps.

The proposed addition will not tend to adversely affect the use of the neighboring properties. It will be one of the many similar, single-family detached dwellings in this R-1-B neighborhood. The addition is on the rear of the property abutting side yards of both neighbors. The requested reduction in rear yard is still within requirements of side yard setbacks. These neighbors have provided letters of support attesting to this lack of adverse impact.

IV. Compliance with 11-D DCMR 5201.4

11-D DCMR 5201.4 requires, "An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

- a) The light and air available to neighboring properties shall not be unduly affected;
- b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- 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;
- d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

The proposed addition to the second story and to the rear wall will not negatively impact the light and air to neighboring properties nor shall the privacy of use and enjoyment of these properties be negatively affected. The addition is on the rear of the property abutting side yards of both neighbors. The requested reduction in rear yard is still within requirements of side yard setbacks. The rear wall of the existing and proposed is not parallel to the rear property line. With the proposed addition, the residence will maintain the character, scale and pattern of houses along the subject street frontage. Per (d) the application package includes plans and photographs that demonstrate compliance with (a) through (c) as well as letters of support from neighbors who have reviewed the proposal and construction. There will be

no change to the existing lot occupancy. Lot occupancy will remain compliant (33.44%) where 40% is allowed in the R-1-B zone.

V. Community Outreach

Pursuant of Subtitle Y 300.11 No application shall be accepted unless accompanied by a certificate of service demonstrating that a copy of the application and all accompanying documents have been served upon:

- (a)The Office of Planning; and
- (b)The affected ANC

The Applicant will be contacting the local Advisory Neighborhood Commission and the Office of Planning within the next week to seek their feedback on this application.

VI. Conclusion

Based on the foregoing, the Applicant meets the test for a special exception to allow the proposed addition, and the special exception request should be granted.