

BZA Special Exception Burden of Proof

5 November 2018

Sub-Title U 301.1 (C) A permitted principal dwelling unit within an accessory building subject to the following conditions of:

(E) An accessory building constructed as a matter-of-right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception.


We are asking for this Special Exception to be considered by the BZA because we believe the meet the all criteria in Sub-Title U 301.1 (E) except for having an existing Accessory structure built before January 1, 2013 (Sub-Title U301.1 (c) (e)). As a matter of right, this property can construct a single story Accessory Structure (Garage) within the rear yard setback on the Alley. With the deep lots (170 ft) and wide Alley (30 ft) we believe we are not adversely effecting the character of the Alley and adjacent properties.

In harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.

Where the proposed Accessory structure is being placed, well away from adjacent existing residential structures and along a side alley, minimizes any potential impact for adjacent property owner's light and air. The Alley in which this accessory structure proposes to be built already has several (11) accessory structures on the Alleys within the block. I believe this proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map because if a Garage had existed before January 1, 2013 this proposed apartment addition to a Garage would be consistent with the Zoning Regulations and Zoning Map.

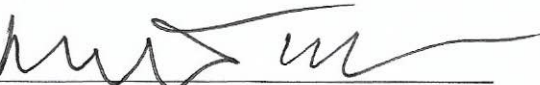
Will not adversely affect the use of neighboring properties.

I believe this proposed 2 story accessory structure will not adversely affect the neighboring properties due to the placement on the Alley that has a generous width of 30 feet and the adjacent properties have generous rear yard setbacks and in several instances, Garages off the alley thus the proposed structure would not cast adverse shadows on adjacent properties. The height and footprint of the proposed structure would be within the zoning limits if this special exception would be granted.

Signature  Date 16 DEC 2018
Eric R. Petersen, Owner's Agent

Avenue Design PLLC, 1109 D St SE Washington DC 20003

Signature  Date 12-16-18
Laura Takacs, Home Owner Owner

Signature  Date 12/16/18
Bob Payne, Home Owner Owner