

Conclusion – Burden of Proof

The burden of proof for special exception is two-fold, and the Applicant must demonstrate the following:

1. How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map

The original footprint of the house was built around 1905 which set the court dimensions which remain today. Many of the homes located in the RA-2 zone were built at the same time and have similar building footprints. Our proposed one-story addition and roof deck extends the court nonconformity, and this is consistent with many buildings in the RA-2 zone. The purpose of the RA-2 zone is to "Permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts." Our proposed addition conforms to the height, density, and area requirements and is in rear of the property, not visible from the street.

2. How allowing the use will not adversely affect the use of the neighboring property – ie. traffic, noise, lighting, etc.

The existing use of the property as a single family dwelling will remain unchanged. No additional traffic or noise will be generated as a result of granting this special exception. The design and massing of the addition has been carefully considered to minimize the natural light impact to the adjacent properties.

Additionally, special exceptions granted under section 5201.4 are required to meet the following criteria:

1. Not unduly affect light and air available to neighboring properties

The impact of an addition on the Applicant's property will have minimal effect on light and air for both adjacent properties to the east and west. Both adjoining neighboring properties (1823 S ST NW, and 1827 S ST NW) currently have higher building heights, and will continue to have a higher building height after our proposed one-story and roof deck addition. The properties across the alley are also mainly made up of two, three and four -story structures, and will not be affected.

2. Not compromise the privacy of use and enjoyment of neighboring properties

Effort has been made to minimize the window and door openings on the east and west facades. Adjacent properties will enjoy the same degree of use and privacy as they currently have now. The Applicant has met with both adjacent neighbors and has obtained letters of support for the Project.

3. Not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage

The proposed one-story and roof deck addition is located in the rear of the property and has been carefully designed to hidden from the street view. We have met with historic reviewers onsite performing a flag test to confirm that the addition would not be visible, and have obtained HPRB approval