



December 2, 2024
Board of Zoning Adjustment
of the District of Columbia
441 4th Street, NW – Suite 210S
Washington, DC 20001

Re: BZA Application for 4725 Yuma Street, NW (Square 1534, Lot 0033)

Burden of Proof Statement

Brief Description of Project: The project is the renovation of and addition to an existing 2-story single family home located at the above address and in ANC 3E and SMD 3E06. The addition is 2 stories and will contain a new kitchen, dining area, and bedroom suite. The renovation scope will involve relocation of interior partitions to relocate the existing stairs and create a new mud room on the first floor. The project also includes a new rear exterior deck. This scope has been permitted under permit number #B2400906.

The owners intend to submit a permit modification to add a single-story screen porch over the new deck and to keep their existing accessory garage in place rather than demolishing it.

Relief Requested and Relevant Code Sections: Relief is requested regarding the minimum rear yard requirement of 25' as stated in Subtitle D section 207.1 and from D section 5004.1 (a) which does not allow a garage in a required rear yard. The furthest wall of the new addition is 42' from the rear lot line as shown in the plat. However, during permit review, the zoning reviewer clarified that the required rear yard is to be measured from the rear wall of the structure towards the rear lot line and that no accessory structure shall be allowed within the setback. Therefore 25' clear would be required between the primary structure and the existing accessory garage. The furthest wall of the proposed addition to the existing garage is 17.9'.

The existing garage was built prior to 2021, however in March 2021, section 5004 was modified to allow only sheds 50 square feet in area or less within the rear yard setback. The owner is requesting

the garage be grandfathered in its current location and at its current size.

The proposed project meets all other requirements in the development standards for the R-1-B zone as recorded in the self certification form. Per D section 5201.1, the Board of Zoning Adjustment may grant relief from the yard development standards as a special exception, subject to the provisions of section 5201 and the general special exception criteria at Subtitle X, Chapter 9:

Special Exception Criteria: Per Subtitle D Section 5201, *Special Exception Relief from Certain Development Standards*, the proposed addition does not have a substantially adverse effect on the use or enjoyment of the adjacent properties. The proposed design meets the specific criteria listed and is described in detail below.

- A. Available light and air to neighboring properties** – As shown in photo 'A', there is a significant slope in grade along Yuma Street as well as at the alley behind the property, with the neighboring property to the east being at a higher elevation than the subject property, and the property to the west being at a lower elevation. The massing of the permitted addition (as shown in the elevation drawings) indicated the two-story addition is located on the east side of the house where it has less impact on light and air of both abutting neighbors.

The deck and proposed one-story screen porch are located on the west side of the house and are open air, having minimal impact on the lower west abutting neighbor. Additionally, the west abutting neighbor has a one-story addition adjacent to the property line shared with 4725 shown in photos 'F' and 'G' that has no windows facing 4725 as well as an existing garage located within its rear yard. The west neighbor's addition is comparable in depth and height to the proposed screen porch.

Given the above and with the understanding that the garage will remain at its' existing size, it will have no negative impact on access to light or air for the neighboring properties.

- B. Privacy of use and enjoyment of neighboring properties** – As shown in Photo 'H', the east abutting neighbor' ground floor is several feet higher than the ground floor of the subject property at 4725. The proposed two-story addition will not extend higher than the existing house and will maintain the same roof profiles and slopes as shown in the proposed elevation drawings. Additionally, minimal windows are proposed on the east side of the addition, about 28 square feet of glass making up 8.5% of the east façade. The lower elevation of the addition relative to the east neighbor further minimizes impacts to privacy and enjoyment of the property to the east. Finally, the east abutting lot also has two trees adjacent to the shared fence line that will be unimpacted and will maintain privacy for the

east abutting neighbor as seen in Photo 'H'.

As shown in Photos 'F' and 'G', and described above, the west abutting neighbor's addition is of similar depth to the proposed addition at 4725, has a first floor at a lower elevation than the first floor of 4725, and has no windows facing 4725. The proposed addition and existing accessory garage should present no change to privacy or enjoyment of the west abutting property.

Finally, abutting neighbors have given written confirmation they have no objections to the existing garage remaining in place with its current dimensions together with the proposed addition. These written confirmations can be found under the 'other' category of uploaded documents.

C. Character, scale and pattern along alley – Two story additions are a common element along the alley within square 1534. For example, across the alley, 4712, 4716, and 4724 Alton Place all have two-story rear additions with accessory garages that appear to be less than 25' away as this had previously been allowed by the code. As this is already part of the character of the neighborhood, the existing accessory garage and new addition at 4725 will not visually intrude on this established pattern.

Regarding scale, as mentioned above and shown in Photos 'F' and 'G', the west abutting neighbor has an addition of similar depth to the proposed addition at 4725. Also, as can be seen in Photo 'H', the property two houses to the east, 4717 Yuma Street, has a 2 story portion of the structure that extends towards the rear a similar distance to the proposed addition at 4725. The existing garage is just large enough for one parking space, 12' by 20' and matches the scale of other accessory garage structures along the alley.

Per Subtitle X Section 901.2, the proposed design meets the specific criteria listed and is described in detail below.

A. Harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps - The project does not seek to make any changes to existing uses on the lot as indicated in the statement of intended uses. Apart from requesting that the existing garage be grandfathered per the regulations prior to 2021, which permitted garages within required rear yards, the proposed design complies with all other development standards for the R-1-B zone. The proposed design is also in keeping with the character of the zone and immediately surrounding properties, which generally have similar garage structures and existing additions that do not comply with the new language in the 2021 revision.

B. Will not tend to affect adversely, the use of neighboring property in accordance

with the Zoning Regulations and Zoning Maps - For the reasons stated in the previous paragraphs regarding compliance with Section 5201.4, the addition and existing garage do not have an adverse effect on light, views, air movement, or visual privacy for the subject property or adjacent properties.

The accompanying plans, elevations and photos should demonstrate compliance with section Subtitle D 5201.4, paragraphs a, b, and c as well as Subtitle X 901.2 and show that the design will not adversely affect the neighboring properties.