

May 23, 2019

Board of Zoning Adjustment

Applicant's Preliminary Burden of Proof Statement

This statement is submitted on behalf of Kennedy 9 LLC (the "Applicant"), owner of the property located at 5413 9th ST NW in the RF-1 zone district, near the intersection of 9th St & Kennedy St, NW. The property is currently an empty lot.

The Applicant is planning to build a Two-Family (Flat) Row Building that will extend more than 10' beyond the adjoining structure at 5415 9th ST NW. To do so, the Applicant is requesting Special Exception relief from Title 11 Subtitle E § 205.5:

205.5 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.

The following are the provisions required for granting a Special Exception, in bold below each point is evidence of how the proposed project meets each requirement.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

We do not believe the structure will adversely affect the light & air available to the neighboring properties as the design of the structure proposes a ~8' open court to the rear to begin ~11' from the neighbor's furthest rear wall. Therefore, the impact on their property is greatly lessened. Furthermore, a residential building exists just south of the property that is 5 stories in height and will impact the light and air of the property regardless of our proposed structure.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The neighboring property utilizes only 47% of their lot, therefore the building is positioned in such a way that the windows and doors in the rear are set-back from the neighboring property, providing privacy.

- (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;*

The addition is in the rear. Existing block is composed of a diverse mix of buildings in which this structure would not visually interfere.

- (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*

The applicant has prepared a compilation of drawings and photographs documenting the existing conditions and proposed addition.

- (e) *The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The design proposed 59% lot occupancy. The applicant has prepared a Plat to show this condition.

5201.4 *The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

The applicant will comply with all reasonable requirements provided by the Board of Zoning.

5201.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The proposed use is a Two-Family flat which is conforming with U§301

5201.6 *This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The proposed structure is to be 35'-0" and 3 stories, both of which are conforming with title 11 subtitle E § 303