

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Burden-of-Proof Statement of Martin A. Price, Trustee and Sandra L. Velvel,
Trustee
4928 Indian Lane, NW (Square 1512, Lot 13)

I. INTRODUCTION.

This Statement is submitted on behalf of Martin A. Price, Trustee and Sandra L. Velvel, Trustee (collectively the “**Applicant**”), owners of the property located at 4928 Indian Lane, NW (Square 1512, Lot 13) (the “**Property**”). The Property is located in the R-1A zone and is improved with a detached single-family dwelling (the “**Building**”). The Applicant proposes to construct a one-story addition to the rear of the western portion of the Building (the “**Addition**”). The Addition will reduce the rear yard setback to 11.6 feet, only in the area occupied by the Addition, while the remainder of the rear yard will maintain the existing condition. The R-1A zone requires a rear yard of 25 feet, therefore, the Applicant requests special exception relief from the rear yard requirements of D-207 pursuant to D-5201.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2 and D-5201 and has the authority to review the Application as an expedited review case pursuant to Y-401.2(b).

III. BACKGROUND.

A. Description of the Property and Surrounding Area.

The Property is located in the R-1A zone district. It is an interior lot measuring 14,227 square feet in land area. Abutting the Property to the west is 4934 Indian Lane, NW, which consists of a detached single-family dwelling. Abutting the Property to the east is 4920 Indian Lane, NW, which consists of a detached single-family dwelling. Abutting the Property to the north is Indian Lane. Abutting the Property to the south is 4929 Rockwood Parkway, NW, which consists of a detached single-family dwelling.

B. Proposed Project.

The Applicant is proposing to construct a one-story addition at the rear of the Building. The Addition, which will be located in the western portion of the lot, will be 11.6 feet from the rear property line. The Addition is otherwise conforming to the development standards of the R-1A zone.

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. Overview.

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under D-5201 of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment, 753 A.2d 984, 986 (D.C. 2000).

B. General Special Exception Requirements of Subtitle X § 901.2.

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

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Property is located in the R-1A zone; "The R-1A zone is intended to provide for areas predominantly developed with detached houses on large lots" The Property will remain a detached single-family dwelling. The proposed rear yard request is permitted via special exception approval. Accordingly, the proposed Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. The granting of the special exception will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

As described more fully below, the proposed Addition will not tend to adversely affect the use of neighboring properties.

C. Specific Special Exception Requirements of Subtitle D-5201.

5201.4: An Application for special exception relief under this section shall demonstrate that the proposed addition, new 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;

The proposed Addition is just one-story. Its modest size and height ensure that any impact on light and air to neighboring properties will be limited. Given the existing site conditions, including landscaping and the orientation of neighboring structures, the Addition will not create substantial shadowing or obstruct the availability of light and air to adjacent properties.

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

The Addition is one story, and the surrounding area includes existing mature landscaping that will continue to provide visual separation between properties.

(c)The proposed 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 street or alley frontage;

The proposed Addition is located at the rear of the Property and due to the location and existing vegetation, will not be visible from Indian Lane. Regardless, it is designed to match the existing building's character, Its scale and design align with the existing home and neighborhood.

V. CONCLUSION.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

Martin P Sullivan

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