

APPLICANT’S STATEMENT EXPLAINING HOW THE APPLICATION MEETS THE BURDEN OF PROOF FOR A SPECIAL EXCEPTION

BACKGROUND.

A. Property Ownership

The property is owned by Cheryl A. O’Neill and Matthew J. Bell.

B. Description of Subject Property and the Surrounding Area

The subject property is a single-family house located at 3619 Everett Street NW and is in the R-1-B zoning district. It is a semi-detached dwelling sharing a party wall with 3617 Everett Street on the east. The property is on a rectangular lot measuring two thousand six hundred and forty-six (2,646) sq. ft. in land area. To the west is a series of similar semi-detached dwellings, the majority of which have rear decks or porches. To the north is a public alley and to the south the public ROW of Everett Street.

C. Proposed Project

The Applicant is proposing an enclosed porch on the north side of the dwelling. The existing dwelling is two stories with an attic and a “walk-out” basement on the north side, abutting the rear yard. The proposed porch addition will include one hundred eighty and a half (180.5) square feet. It will project into the rear yard, increasing the habitable space on the primary living level and allow it better access to the light and air of the rear yard. No alterations to the second or attic level are proposed.

THE APPLICATION MEETS THE REQUIREMENTS OF 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 judgement of the Board, the special exception will be in harmony with the general purpose and intent of the of the Zoning Regulations and the Zoning Maps, and will not adversely affect the use of the neighboring property, subject also, in this case to the specific requirements for relief under D-207.1 and D-210.1 of the Zoning Regulations.

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 Map.

The subject property is located in the R-1-B zone; the purpose of the zone is “to provide for areas predominantly developed with detached houses in moderately sized lots.” The Property will remain a semi-detached single-family dwelling and no alterations to the existing lot are proposed.

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

The granting of the special exception will also not tend to adversely affect the use of neighboring properties as described below.

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 principal 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 constructed at the main level of the house and thus will cause only a minor increase in shadow to the adjoining properties. There are no solar installations on either of the adjoining properties.

- (b) **The privacy and use of adjacent properties shall not be unduly compromised:**

The proposed porch addition is setback from the side yard property lines of both adjacent houses. It maintains the existing non-conforming setback of 6.5 feet on the west. This conforms to the requirements of D-208.7 which establishes that in the case of a building with a non-conforming side yard, an addition is permitted if it does not impinge on the existing side yard and is greater than five (5) feet. On the east, the proposed porch establishes a 6-foot setback to the adjoining house at

3617 Everett. These side yard setbacks will preserve the existing privacy and use of the yards of adjacent properties.

The walk-out basement condition at 3619 Everett exists at all nine of the lots and existing dwellings on the south side of Everett Street. This topographic condition eliminates direct access to the light and air of rear yards from the primary living level located a story above. The majority of the existing houses, six out of the total nine, or two-thirds, have constructed either screened decks or porches at the main living level to address this condition, and provide access from the primary living spaces to the light and air in the rear yards. The proposed porch addition is in keeping with this pattern. With a depth of 9.5 feet, it is less than the depth of the majority of the existing decks and porches which range from 10 to 14 feet in depth. None of these porches or decks, which have existed for over a decade, have compromised the use and privacy of the rear yards.

(c) The proposed addition or accessory structure, together with the original building, or the new principal 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 area is primarily two-story single-family semi-detached houses. The elevations of the proposed porch continue the aesthetic, scale, massing and design elements of the existing adjoining properties and other properties in the area. When viewed from the public alley, the proposed project will not visually intrude on the character, scale, and pattern of neighboring buildings. The proposed porch addition will not be visible from Everett Street.

D. Specific Special Exception Requirements of Subtitle D-207.1 and D.210.1.

The Board of Zoning Adjustment may grant full or partial relief from the requirements of Subtitle D-207.1 and D-210.1. The applicant is asking for specific relief from the following:

(a) Subtitle D-207.1

The applicant is requesting relief from the rear yard requirement of Subtitle D-207.1 which establishes a minimum of twenty-five feet (25') in the

R-1-B zone. The existing rear yard is non-conforming at twenty-three and a half feet (23.5'). The proposed porch addition will result in a rear yard of fourteen feet (14'). While it reduces the size of the rear yard, it improves the access to the light and air of the yard from the primary living level. The proposed porch will be constructed over an existing concrete patio and will thus have minimal impact on the amount of pervious surface on the lot which will remain at over fifty percent (50%) and meet the requirements of D-211.1.

The proposed porch addition is in conformance with Subtitle D-207.4 which stipulates that the rear wall of any row or semi-detached building may not be constructed further than ten feet beyond the rear wall of any adjoining dwelling. The proposed porch addition will project 9.5 feet beyond the rear wall of the existing dwelling at 3619 Everett and will project 1.5 feet beyond the rear wall of the adjoining dwelling at 2317 Everett Street due to a rear deck that was constructed many years ago which is 8 feet beyond the rear wall of both principal dwellings.

(b) **Subtitle D-210.1**

Subtitle D210.1 establishes a maximum of 40% lot occupancy in the R-1-B zone. The existing lot occupancy is 37.2%. The proposed porch addition will increase the lot occupancy to 44%, which is modest increase above the 40% requirement.

E. Conclusion

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

Respectfully Submitted,



Matthew Bell, FAIA
DC Architects License # ARC 5634
Owner and Architect



Cheryl O'Neill
Owner