

Earl Hooks/ Reno 809 LLC 9247 Oakglen Ct Manassas VA 20110

February 12, 2018

## **SPECIAL EXCEPTION - Existing and Intended Uses, Burden of Proof**

**Project Address : 809 49<sup>th</sup> St NE Square:5178 Lot: 806 Zone R2**

**Owner: Reno 809 LLC**

Special Exception Subtitle D 5201.1 I am asking to seek side yard relief from the existing subject property 809 49<sup>th</sup> st NW. The intention is to subdivide existing tax lot into Two (2) separate lots, of which the new proposed lot will not meet the minimum lot width or area requirements.

The physical characteristics of the property makes it difficult for the owner to build or use the property to maximum use and remain in compliance with the zoning regulations due to the location of the subject property on the 12,000 sq ft lot. I am requesting an exception to the north side yard requirements. The requirements call for 8ft side yards and I am asking to reduce it to 3.90 which is a 51.25% reduction.

The property currently has 1 single family detached home positioned in the middle of the lot. The total lot is 12,000 sq ft. We intend to build a single family detached home on the North side of the lot. The newly created lot would need to have 8ft side yard setbacks on each side and a 40 ft front in order to conform.

Currently the subject property a 3200 sq ft house occupies 12000 sq ft. If we are granted this exception that house will occupy 8000sq ft which is more land than is currently occupied by the average home in this neighborhood. The average lot is between 3500-5000 sq ft.

Initially on this task of subdivision through applications with DCRA and the Zoning Office that wrote the initial memo, I was under the impression that the lot could be subdivided into 3 lots but would need to go through BZA for a variance. Only after review from the Office of Planning I have found that this is not the case and that this exception is currently the only possible way for me to maximize the property use, my investment and comply with the general intent and purpose of the zoning map. Currently there are many houses in the 800 blk of 49<sup>th</sup> st NE that have less than 8ft side yards including the neighbor to the south, and have far less than 4000 sq ft of land. Once again this house will have 8000.

Granting the application will not be of substantial detriment to the public good as related to traffic, noise or lighting. There will be off street parking allowing for more visitors or existing neighbors to use street parking which is plentiful. There is no additional burden of noise and lighting as the existing housing matches what is being proposed. There is a very small lot size deviation from the set 8ft yard requirements. There will be a total of approx. 12 ft between the houses as opposed to 16ft.

Granting the application will not be inconsistent with the general intent and purpose of the zoning regulations map. Our proposed project specs abide by the current limitations of the zoning map:

Zoning Height Limit 40 ft Proposed Project 24 ft

Zoning Max Stories 3 Proposed Project 2 Stories

Zoning Front Setback- No lesser or greater than existing. Proposed Project No lesser or greater than existing.

Zoning Rear Yard Setback 20 ft Proposed Project 20ft or greater.

Zoning Side Set Back 8ft, Proposed Project 8ft set back

The proposed project will have off street parking.

Granting the approval of the application will not be of substantial detriment to the public good. We in fact believe it will contribute to the continued improvement of the Deanwood neighborhood.

Submitted by:

Earl Hooks

Reno 809 LLC

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