

**Burden of Proof
Special Exception Application**

119 6th St SE

To: Office of Zoning

Government of the District of Columbia
Suite 210 South
441 4th Street, NW

From: Roopa Kosuri and Kanak Patel

Owner/ applicants
119 6th St SE
Washington, DC 20003

Date: November 12, 2021

Re: BZA application for north side yard relief at 119 6th St SE (Square 0842, Lot 0831)

Roopa Kosuri and Kanak Patel, owners of 119 6th St SE, hereby apply for Special Exception per E § 207.4 for addition to encompass the existing 1st floor deck and 2nd floor balcony.

The (north) side yard will not meet the minimum setback of 3 feet per section E § 207.4.

Summary

The proposed side yard will have a deviation of 2 feet. There is already a deck and balcony constructed before our purchase of the property in the exact footprint of the proposed project. If a full three feet setback were provided, we would have to tear down the existing structures. Accordingly, without the relief, we would be unable to build the structure that the deck and balcony already encompass, which is a clear practical difficulty.

Were that space to be trimmed down, we would lose 2 feet in width of usable living space which is a relative practical difficulty considering design requests, and amount of relief requested. The current two-story deck structure is one that already incorporates designed structural amenities including columns, exposed wood ceiling, electric lights and a ceiling fan.

Furthermore, the relief is for the north side yard which abuts our current wooden fence and does not abut any other property. The completed project will be in line with the rest of the house. We are requesting special exception approval from the three-foot rule side yard pursuant to E § 207.4 as evaluated against the criteria of E § 5201.

As set forth below, our application meets the requirements for the requested Special Exception.

Special Exception Review Requirements

Summary

In this case, the granting of a special exception for side yard setback relief, “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 in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2), and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under E § 5201, and E § 207.4.

Our application meets the standards (901.2, E § 5201, E § 5201.4) that are required by the Special Exception Review process as follows:

901.2 (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps

The degree of relief we are seeking is relatively small and the relief is related to design considerations that will keep the proposed building in character with the surrounding buildings. Accordingly, the proposed Project and use of 119 6th Street SE, will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

901.2 (b) 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 Project will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

- The additional two feet in the side yard (north) will not unduly affect light and air available to neighboring properties
- The privacy of use and enjoyment of any neighbors will not be unduly compromised by the additional length as there are no windows proposed on the north side of the property.
- The additional Building length will not impact the view from 6th Street SE nor will it substantially visually intrude upon the character, scale, and pattern of houses along 6th St SE.

901.2 (c) Will meet such special conditions as may be specified in this title.

Based on the above, we believe I have demonstrated that I meet the test for Special Exception relief under Subtitle X 901.2 of the Zoning Regulations.

Requirements of Subtitle E § 5201.1

5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;

The lot occupancy of 119 6th Street SE will remain unchanged from the existing deck structure to remain less than 70%, as per the requirement stated.

(b) Yards, including alley centerline setback;

The front, rear, and south yard will remain unaffected. The north side yard special exemption is requested to account for the 2 feet deviation, as is required in Subtitle E 207.4. Please see the appropriate section.

(c) Courts; and

No courts are in question.

(d) Pervious surface.

The amount of pervious and non pervious surface will not change from our requested project.

Requirements for Subtitle E § 5201.4

E § 5201.4 (a) The light and air available to neighboring properties shall not be unduly affected;

The enclosed addition will not increase the elevation of the property. Both adjacent dwellings are taller than our property. The house is directly east-facing so as the sun travels the horizon any shadow created is predominantly directly east and west and not in the north or south direction where the adjacent properties are located. The air available to adjacent properties will not be affected as beyond all physical structures is a large open private drive. In addition, the property in question as well as the properties immediately adjacent to the north and the south are all unattached with airflow on all sides of the homes.

E § 5201.4 (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised

The privacy of use and enjoyment will not be compromised by the addition for the following reasons. The neighbor south of us has no windows, doors, or yard facing our property. The addition will not have any windows to the north, thus preserving the privacy of our neighbors to the north. In fact, privacy and enjoyment should improve to our neighbor to the north since presently the decks are both utilized and open, and when on the second-floor deck you can look down directly onto the north neighbor's yard. The new enclosed addition will allow for use of the same upper and lower deck spaces without direct sight of the neighbors.

E § 5201.4 (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public alley shall not substantially visually intrude upon the character scale and pattern of houses along the subject street frontage.

The addition we are proposing will not impact the view from 6th Street SE. The pattern, scale, and character of the houses on 6th Street will remain unchanged since our project cannot be viewed from the front side. There is no public alley, street, or public way located to the rear.

E § 5201.4 (d) In demonstrating compliance with paragraphs above (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 structure to adjacent buildings and views from public ways.

We, the applicants, have included plans and photographs sufficient to represent the relationship of the proposed project to adjacent buildings and views from public ways with this application. If further materials or information is needed we will provide them.

Conclusion

For the reasons stated above, this application meets the requirements for Special Exception relief for E § 207.4 by the Board, and we respectfully request that the Board grant the requested relief.

Respectfully Submitted,

Two handwritten signatures in black ink. The top signature is written in a cursive style and appears to be 'Roopa'. The bottom signature is also cursive and appears to be 'Kanak'.

Roopa Kosuri & Kanak Patel
Owners of 119 6th St SE

