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**BURDEN OF PROOF
APPLICATION FOR SPECIAL EXCEPTION
5405 Sherier Place NW, Washington DC 20016**

To: DC Office of Zoning
Board of Zoning Adjustments
441 4th Street, NW, Suite 200S
Washington, DC 20001

Owner / Applicant Charles Weil and Leigh McCue-Weil
5405 Sherier Place NW
Washington, DC 20016

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Charles Weil and Leigh McCue-Weil, owners of 5405 Sherier Place NW, hereby apply for a Special Exception to allow the construction of a small side yard addition. This is pursuant to DCMR Chapter 11-X9, Section 901.2 to provide relief from the requirement of DCMR Chapter 11-D304.1

The aspects of the proposal that fall outside the current zoning regulation are as follows:
The proposed construction will exceed the maximum lot occupancy permitted.

SUMMARY

Charles Weil and Leigh McCue-Weil purchased their home in 2016 at 5405 Sherier Place NW, located in the in the R-1-B Zone. (Square 1444, Lot 0043). They seek permission from the Board of Zoning Adjustment (BZA) construct a small addition in their side yard.

They seek a special exception from the 40% maximum lot occupancy limit. The proposed addition will not have a substantial adverse effect on the use or enjoyment of any abutting or adjacent dwellings or properties.

Charles and Leigh have contacted their ANC representative, and described the proposed addition. They have discussed the plans with neighbors and will continue their outreach in the weeks ahead. They will submit a statement of their efforts to the ANC no less than two weeks prior to the public hearing.

STATEMENT OF EXISTING AND INTENDED USE

The existing use is a single family, residential building. There is no change in use being sought.

Board of Zoning Adjustment
District of Columbia
CASE NO.20071
EXHIBIT NO.8

BASIS FOR GRANT OF SPECIAL EXECPTION

The requested relief is within the BZA's authority per D 5201.1 (a): In an R zone district, relief from the design requirements of D 304.1 (x, 901.2) may be approved by the Board of Zoning Adjustment as a special exception under (X, 901.2)

The BZA is authorized under §8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

PROJECT DESCRIPTION

The property at 5405 Sherier Place NW is a single family detached home built in 1973. There is an existing detached garage accessed from the public alley in the rear. The front façade of the main structure is on the property line. The entry door is set back in the "L" of the structure, approximately 19'-5" from the front façade. The proposed addition is a 6'-10" wide x 11'-9" deep one-story structure that fits into the existing L, creating a Mud Room / Entry Vestibule and small front porch. The existing house, garage and deck cover 1,883 square feet of the 4,431 square foot lot, or 42.5% lot coverage. The proposed addition would add 80 square feet, increasing the lot coverage to 44.3% lot coverage. The maximum lot occupancy is 40% for this property zoned R-1-B.

BURDEN OF PROOF STATEMENT

This proposed side yard addition complies with the intent and spirit of the DC zoning regulations. As stated in D 300.1 "The purpose of the R-1-A and R-1-B zones are to:

- (a) Protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for the purposes; and
- (b) Stabilize the residential areas and promote a suitable environment for family life."

And continued in D 300.3 "The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots."

DC code provides that an applicant for special exception 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;*
- b. *The privacy of use and enjoyment of the neighboring properties shall not be unduly compromised;*
- 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 the houses along the subject street or alley frontage.*

As outlined below, Charles and Leigh's request satisfies these requirements.

- a. *The light and air available to neighboring properties shall not be unduly affected by the proposed addition.*

The proposed modest 1-story addition, tucked into the L of the existing structure, will not affect the light and air available to the neighboring structure at 5401 Sherier Place NW, which is set back further from the street, and at a higher elevation. The proposed addition will not be visible from the neighboring structure at 5417 Sherier Place NW, and will therefore not affect the light and air available to this neighbor.

- b. *The privacy of use and enjoyment of the neighboring properties shall not be unduly compromised by the proposed addition.*

The proposed addition maintains the existing 8'-0" side yard setback to the right, and does not unduly affect the neighboring structure at 5401 Sherier Place NW, which is set back further from the street and at a higher elevation. The neighboring structure to the left, 5417 Sherier Place NW will not be able to see the proposed addition as the existing front façade of 5405 will still be approximately 7'-8" in front of the addition, and 7'-4" taller than the proposed addition.

- 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 the houses along the subject street*

There is a diverse array of homes in the 5400 block of Sherier Place NW., both in architectural style and siting in relation to the streetscape of Sherier Place. The modest proposed addition at 5405 Sherier Place will not substantially intrude on the established character, scale or pattern of houses along Sherier Place.

CONCLUSION

For the reasons set forth above, we respectfully request the Board of Zoning Adjustment approve the application for Special Exception.

Thank you,

Elizabeth Shepard, AIA