

Date: 11/21/2017
Project Name: WISE RESIDENCE
Location: Square 0762, Lot 0828, SE
Washington, DC 20003
Owners: Mr. & Mrs. Brian Wise
RE: BURDERN OF PROOF

To Whom It May Concern,

The following paragraphs describe the burden of proof for the proposed ground-up, two-story, single-family residential structure at Square 0762, Lot 0828. The proposed brick veneer, alley lot structure is seeking two (2) special exceptions and two (2) area variances based on the proposed residential design. The proposed single-family residential use is allowed by matter of right in a RF-3 zoned district. The following list below encompasses all four (4) of the Special Exceptions / Area Variances that we are seeking relief from:

- Area Variance to E201.1: Relief from Lot Area.
- Area Variance to C303.3 (a)&(b): Relief from Lot Frontage, to reduce frontage along a public alley to a street not less that 24 feet in width.
- Special Exception to E5104: Relief from rear yard setback, to reduce the minimum required rear yard setback from 5 feet to none.
- Special Exception E5106.1: Relief from alley setback, to reduce the setback from the centerline of the alley from 12 feet to 10 feet.

Each section of code that is being requested for relief is further examined in this document respectively.

The area variance for lot area (E201.1) is being sought for relief due to the existing conditions of the site. The existing lot 0828, in square 0762 is already under the required lot area minimum stipulated for residential flat lots in an RF-3 zoned district. The minimum area stipulated for an RF-3 lot should be 1,800sf. Due to the existing location, adjacency, and size of the lot, there is no opportunity for the lot to grow in size, or change from its current existing condition.

Granting relief from this section of code **would not** be of substantial detriment to the public good. All elements of traffic, noise, lighting, and circulation already function with the existing border and outline of this lot.

The granting of this relief **would not** be inconsistent with the general intent and purpose of the Zoning Regulations and Maps, and would further go to strengthen the character of the alley, bring about much needed repair to an otherwise empty corner, and encourage further revitalization of this existing alley.

The area variance for lot frontage along a public alley [(C303.3 (a)&(b))] is being sought for relief due the existing conditions of the width of the alley as it currently exists. The alley maintains a 20' width adjacent to our proposed structure and reduces to a 14' foot width as it connects to the adjacent street (3rd St. SE) between the existing row home structures that front 3rd street SE. Due to the existing conditions of the alley and the adjacent alley lot structures, there is no opportunity to adjust the width of the existing alley beyond its current configuration.

Granting relief from this section of code **would not** be of substantial detriment to the public good. Contrary to the stipulated width of 24', the existing alley has sufficient space for the circulation of all types of vehicles ranging from emergency, public utility, and trash collection. The current alley way provides circulation to various residential and commercial properties and has always functioned this way for the past 80 years.

Traffic and circulation would not change with our proposal because no part of the proposal would extend beyond the existing lot lines to impede on the already functioning circulation of the alley. DDOT and FEMS have previously reviewed the case and have found no objections to the proposal.

The granting of this relief **would not** be inconsistent with the general intent and purpose of the Zoning Regulations and Maps. The Capitol Hill area is full of many tight and unique public alleys that often do not conform to this section of code, yet the successful function and utilization of these alleys continues. All elements affected by the existing conditions of the alley function will remain the same with or without the erection of our proposed residential structure.

The special exception for rear yard setback (E5104) is being sought for relief in order to avoid the creation of an undesirable and unmonitored space adjacent to our property. Due to the proposed configuration of our residential structure, the rear yard setback would have to occur between the rear of our structure and the adjacent structure to our lot along this alley. This would cause a gap between the two structures that would disrupt the alley elevation by creating a 5 foot break between our property and the neighboring property. It would also remove approx. 340sf. from the entire proposed residence, which is quite significant considering that the existing lot size is already smaller than that of more typical residential structures long this block. In addition to the items listed below, this would provide further privacy to the adjacent residential neighbors along C street SE while strengthening the adjacency and continuity of structures along the alley.

Granting relief to this section of code **would not** be a substantial detriment to the public good. The continuity between structures would only strengthen and clarify both pedestrian and vehicular circulation. It would have no impact on vehicular traffic, and would also reduce any potential security concerns of having a long, unmonitored corridor that would exist between the adjacent neighboring structure and nearby residences. The continuity between structures would help to provide a buffer for the adjacent neighbors from any noise that might be coming from the alley due to trash or utilitarian vehicles. The removal of this setback will also not significantly impact the quality of air or light to neighboring properties, due to the already taller structures along the perimeter of the alley which shield natural light and slightly buffer air flow from the surround streets. FEMS, DDOT, HPRB, and the abutting property owner has previously provided either support of this relief, or letters with no objection.

The granting of this relief **would not** be inconsistent with the general intent and purpose of the Zoning Regulations and Maps. Relief from this setback would provide a more consistent continuity to the alley, which, is preferred from both a historical and architectural point of view.

The special exception for alley setback (E5106.1) is being sought for relief in order to avoid a 2 foot setback on both the southern and western perimeter walls of the proposed residential structure. Due to the existing conditions of the alley, the narrower width of the alley reduces the distance from the centerline of the alley street which is how the alley setback is measured. Due to these existing conditions it extends the setback 2 feet across our lot lines that are adjacent to the alley. (southern and western lot lines) This would create a challenging hardship since the alley lot sits along the corner of the existing alley, and therefore experiences this condition on both the southern and western perimeter of the property. Aside from the potentially lost square footage across 2 stories (approx. 132sf) this would not contribute to changing the circulation or access around the corner since there are existing barriers and guard posts in place to distinguish the corner and to protect the corner of the lot and anyone who might occupy it.

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Granting relief to this section of code **would not** be a substantial detriment to the public good. By allowing the 2 foot relief, the proposed residential structure can now sit flush with the adjacent structure on the neighboring property to the north. This further helps to contribute to the continuity and character of the structures along this alley street. There has been no objection to this from DDOT, or FEMS, and the HPRB has previously issued a letter in support.

The granting of this relief **would not** be inconsistent with the general intent and purpose of the Zoning Regulations and Maps. Relief from this setback would provide a more consistent continuity to the alley, which would further strengthen the corner condition of the alley as well as the overall continuity of structures along the alley elevation.

Aside from the relief being sought with this application, it is also important to note that in a previous submission, with a similar proposal, relief for a total of 8 special exceptions and variances was being requested / required. The property owners took the initial feedback that was given and worked hard to change the design and intention for this proposed residential structure in order to propose a more conforming design, that can still appropriately address the historical, architectural, and overall character elements of this existing alley lot. Great effort was made to accommodate these changes in hopes of providing a design that could better occupy this alley and accommodate the reliefs that are being sought.

Based on the proposed scope of work, the proposed residential use that is allowed as a matter of right in an RF-3 zoned district, and the owner's persistence in trying to better accommodate the design, it is our intention and hope that the Office of Planning (OP), the Neighborhood Commission (ANC), and the Historic Preservation Board (HPRB) recommend approval of our request for the special exceptions and area variances listed in this document. We hope that the Board of Zoning Adjustment will approve our request upon receipt of the approvals and reports from the respective associations / agencies.

Sincerely,

Mateusz Dzierzanowski