

## **Burden of Proof – 4925 41<sup>st</sup> St NW – Special Exception Application**

### **The Special Exception Request Meets the General Special Exception Requirements of Section 3104.1**

The proposed addition is consistent with the general intent and purpose of the Zoning Regulations and Zoning Map. The R-1-B Zone is intended as a zone for one-family and semi-detached houses. The proposed addition will not change the nature of the existing house on the Property; the addition will simply allow for interior space that is better suited to the needs of the Applicant's family. Currently the front door opens into the middle of the Applicant's living/family room. By extending the porch and relocating the front door to the right of the front of the house, the interior rooms will function at a much higher level.

The proposed addition will not affect the use of the neighboring properties. The existing setbacks, while greater than the setbacks permitted under the zoning code were grandfathered and have been previously approved. Importantly, we have shared the proposed plans and elevations with the adjacent neighbors to the south (4914 41<sup>st</sup> St) and to the west (4917 41<sup>st</sup> St). They have all indicated that they are supportive of the addition, as evidenced by the attached emails ([Attachment B](#)). The scope of the extension will, not adversely affected neighboring properties.

### **The proposed Special Exception meets the specific requirements of Zoning Regulation 223.2 for zoning relief for single-family dwellings**

In addition, pursuant to Zoning Regulation 223.2 the porch extension will not have a substantial adverse affect on the use or enjoyment of any abutting property, with respect to the following:

1. The light and air available to the neighboring property will not be unduly affected.

The light and air available to the neighboring properties will not be unduly affected. The proposed porch extension does not extend further into the front or side yards than the existing house. Also, the proposed extension will not be enclosed, although the existing roof line will be extended, the sides of the porch will remain open with railings for safeguards. Since the proposed extension is in the front of the house, neighbors to the east are not affected since only the rear yards abut. Also, neighbors to the north will not be affected since an alley separates the Property from the neighbors to the north with their backyards abutting that alley. The neighbor to the east, who has approved the extension, will not be affected since their site lines will remain the same.

2. The privacy of use and enjoyment of neighboring properties will not be unduly compromised;

The privacy and use and enjoyment of the neighboring properties will not be unduly compromised. Again, the proposed porch extension does not extend further into the rear or side yards than the existing house.

3. 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 houses along the subject street frontage; and

As indicated by the elevations and photos submitted as part of the application, the addition as viewed from the street and alley will not substantially visually intrude upon the character, scale and pattern along the subject street frontage. The porch extension will be in character with the existing porch and architecturally, the addition is will be in keeping with the style of the Applicant's house, which is comparable to the style of the other dwellings located along the alley. Further, the porch extension will not extend any further into the rear or side yards than the existing subject house.

4. In demonstrating compliance with paragraphs (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.

The Applicant has included as part of their application plans, photographs and elevations to demonstrate that the proposed addition is compatible with the surrounding area.

5. **Section 223.3** *"The lot occupancy of all new and existing structures on the lot shall not exceed 50% in the R-1 and R-2 Districts ..."*

The existing lot occupancy is 43% and the proposed lot occupancy is 46%

For the reasons set forth below, we respectfully request the Board of Zoning Adjustment's approval of the requested special exception.

Respectfully submitted,

Ann Marie Mehlert

Peter Mehlert