

Supplemental Filing
Special Exception Application
404 Independence Avenue SE- BZA#18641

To: The Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: Jennifer Fowler
Architect/Agent
1819 D Street SE
Washington, DC 20003

Date: October 15, 2013

Subject : BZA Application for an Addition at 404 Independence Avenue SE
(Square 818, Lot 807)

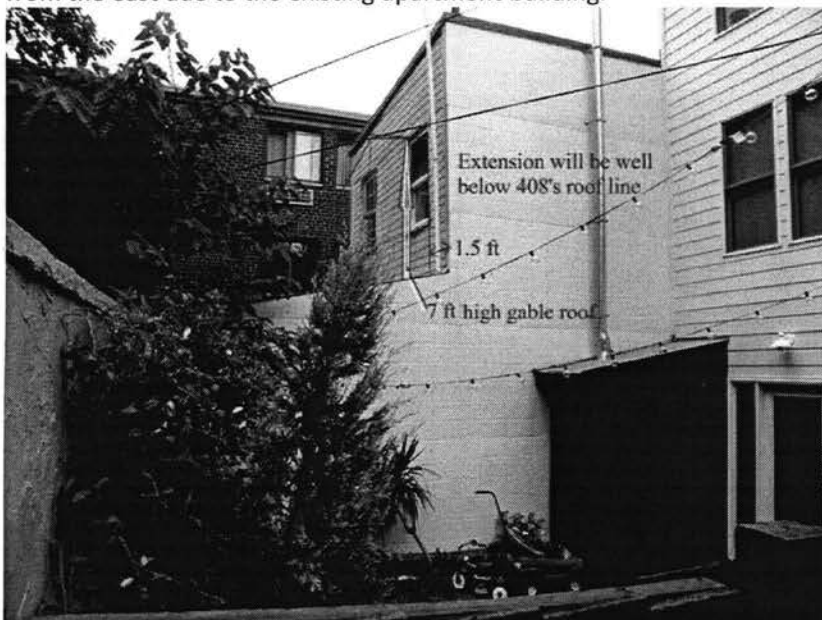
Dear Board of Zoning Adjustment,

This letter serves to explain revisions made to the proposal for a rear addition to 404 Independence Avenue SE, in response to concerns raised by the adjacent neighbor at 402 Independence Avenue SE.

Plan Revisions:

The owners of 402 Independence have expressed concerns about the impact of light and air on their rear patio. While we feel that the original proposal had a minimal impact on light and air, we are proposing a compromise plan which will further minimize the impact. The revised plans dated 10-15-13 reflect a 1.5' setback, as well as a gabled roofline, on the rear portion of the addition that extends beyond the existing second floor structure at 404 Independence. The image below illustrates the proposed view from the rear yard at 402 Independence. While the previous proposal had a straight wall along the shared property line, the gabled roof design greatly minimizes the impact and keeps the view of the sky enjoyed by 402 Independence Avenue intact. These are some images that help to explain the impact, in addition to the sun study.

Image 1: Sketch showing proposed addition. It can be seen that the proposed gable roof will minimize effect on the sunlight from the east due to the existing apartment building.



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CASE NO.18641
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Image 2: Looking up from the backyard of 402. It can be seen that the proposed wall extension has minimal effect on the view of the sky from the patio.

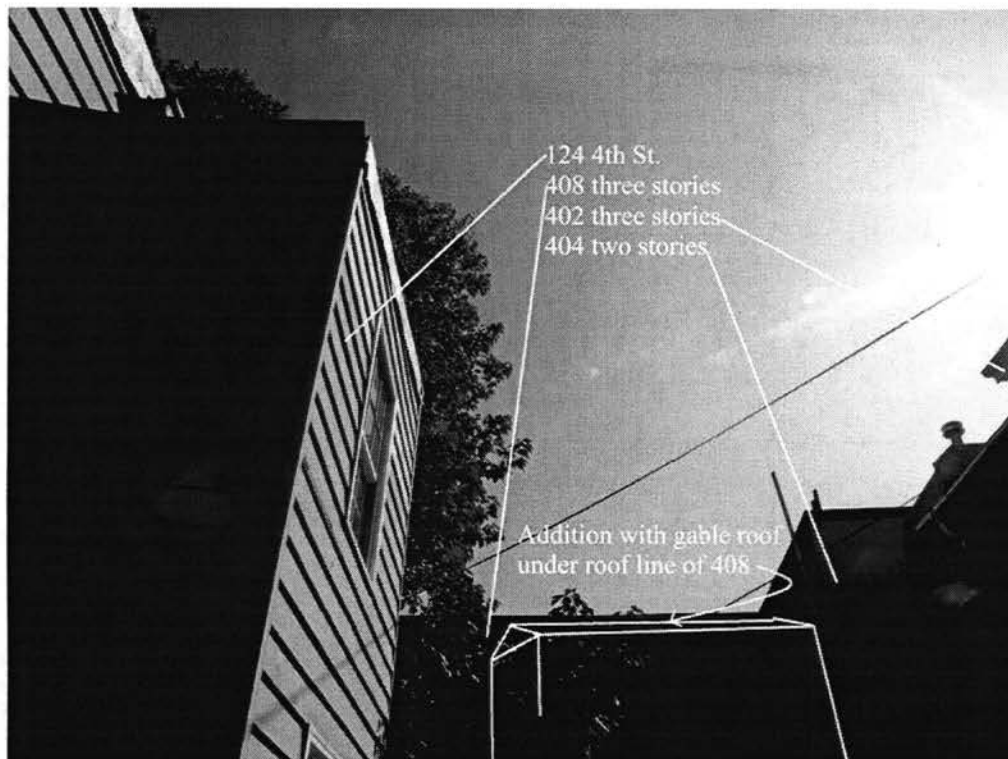


Image 3: Full Backyard of 402 Independence Avenue



Image 4: Last Half of the backyard of 402 Independence Ave SE that will be affected by the proposed extension.



Image 5: Looking towards the west of the backyard at 402 Independence Ave SE.



Image 6: Looking upward west of the backyard of 402 Independence Avenue.



Image 7: Looking upward north of the backyard of 402 Independence Avenue.

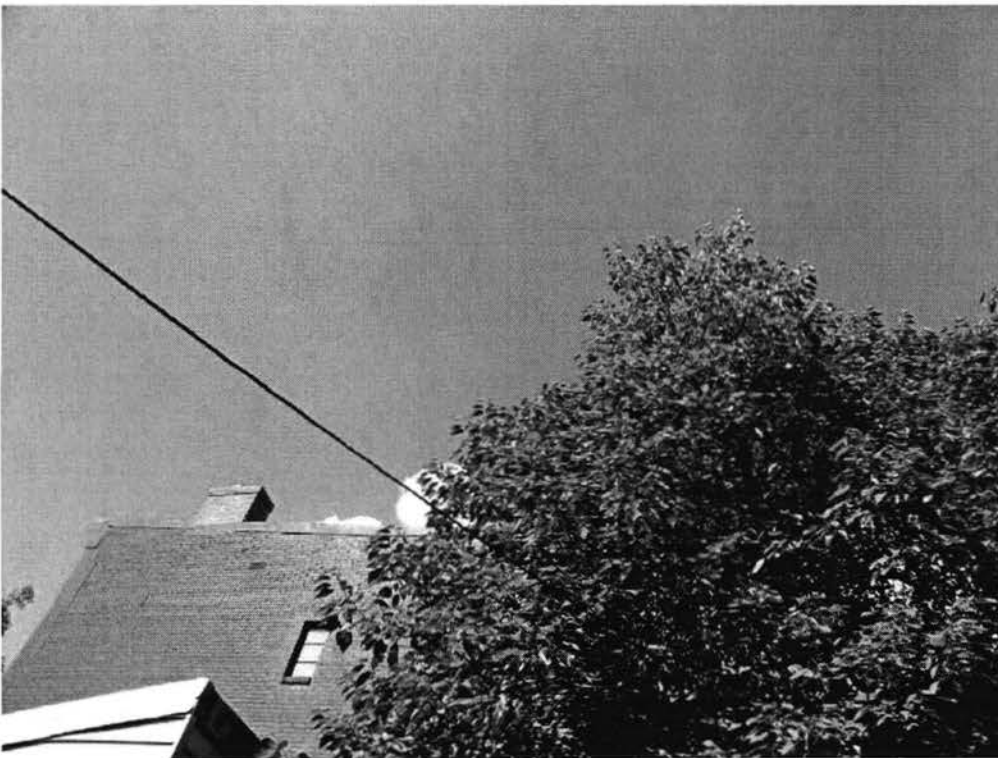


Image 8: Extension is about 15 feet away from this window of 402. The height of extension will be about two thirds of the second story of 404 and well inside the property line and there is no light and air coming from that direction. So, light and air will not be unduly affected for 402.

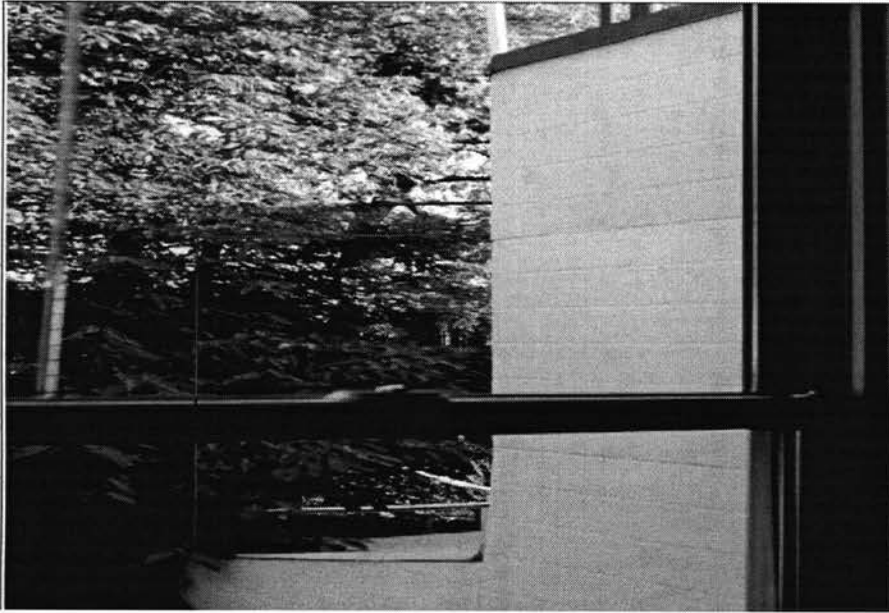
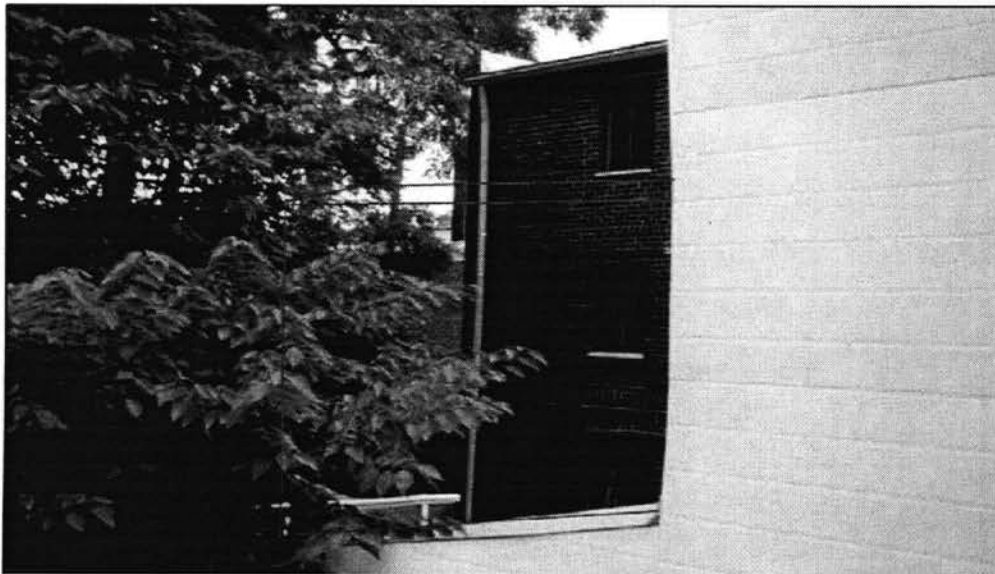


Image 9: View from another Window of 402. This is the view from another window of 402. It is about 20 ft. away from the extension and the extension will have minimal impact on light and air because other buildings behind have already blocked the light and air available for this window from this direction. In addition, the sun never rises from this North East direction. There will be no extreme, unreasonable and unnecessary blockage of light and air.



Sun Study (separate exhibit):

We have prepared a sun study that compares the existing and proposed structures and their impact on sunlight throughout the year. What we found with the sun study is that the proposed addition will have no impact on the sunlight enjoyed by 402 Independence Avenue SE. The proposed gable roofline reduces the height and massing of the proposed addition such that it will not cast any additional shadows than already cast by the large apartment building at 408 Independence SE. Following is a breakdown by date and time:

March/September**9:30 AM**

The proposed addition will have no impact on the sun available to the rear yard or existing building at 402 Independence Avenue SE. The existing rear yard is already in shadow due to the existing two story addition at 404 Independence and the apartment building at 408 Independence.

12:00 PM

The proposed addition will have no impact on the sun available to the rear yard or existing building at 402 Independence Avenue SE. The existing rear yard is already in shadow due to the existing two story addition at 404 Independence and the apartment building at 408 Independence.

4:00 PM

The proposed addition will have no impact on the sun available to the rear yard or existing building at 402 Independence Avenue SE. At this point in the day the sun has moved across the sky, coming from the west, and 402 Independence is casting shadows onto the building at 404 Independence.

June**9:30 AM**

The proposed addition will have no impact on the sun available to the rear yard or existing building at 402 Independence Avenue SE. The existing rear yard is already in shadow due to the existing two story addition at 404 Independence and the apartment building at 408 Independence.

12:00 PM

The proposed addition will have no impact on the sun available to the rear yard or existing building at 402 Independence Avenue SE. The sun is shining from directly south of 402 Independence, thus the shadows are extending north-south and not crossing property lines.

4:00 PM

The proposed addition will have no impact on the sun available to the rear yard or existing building at 402 Independence Avenue SE. At this point in the day the sun has moved across the sky, coming from the west, and 402 Independence is casting shadows onto the building at 404 Independence. The garage at 400 Independence is casting a shadow into the rear yard of 402 Independence.

December**9:30 AM**

The proposed addition will have no impact on the sun available to the rear yard or existing building at 402 Independence Avenue SE. The existing rear yard is already in shadow due to the existing two story addition at 404 Independence and the apartment building at 408 Independence.

12:00 PM

The proposed addition will have no impact on the sun available to the rear yard or existing building at 402 Independence Avenue SE. The sun is very low, and it is shining from directly south of 402 Independence, thus the shadows are extending north-south and not crossing property lines.

3:30 PM

The proposed addition will have no impact on the sun available to the rear yard or existing building at 402 Independence Avenue SE. At this point in the day the sun has moved across the sky, coming from the west, and 402 Independence is casting shadows onto the building at 404 Independence. The garage at 400 Independence is casting a shadow into the rear yard of 402 Independence.

Summary:

The Aung Hla family has owned the property for 23 years and would like to adapt it to the growing needs of the family. The existing house has only one legitimate bedroom on the second floor. The additional two rooms on the second floor are substandard in size, and are not private due to the location of the bathroom. Peter and Myint live in the house along with their two children ages 11 and 14, as well as an 80 year old mother and her son. In order to remain in their house they need to expand to create additional bedrooms and bathrooms.

We have made several compromise offers to the owners of 402 Independence SE and we have tried to accommodate their concerns. However, we have not received any feasible offers except for the suggestion that we not extend the second story over the existing footprint. Our proposal reduces the height of the wall along the shared property line by six feet from the original proposal. We feel that the revised plans offer a reasonable compromise that addresses the neighbor's concerns but also allows the Aung Hla family to have the space that they need for their multi-generational family.

Seven neighbors, including the neighbor at 406/408 Independence Avenue and No. 124, 4th Street, who would be most affected, have signed support letters for the extension plans.

We would like to request the Zoning Commission to grant the scaled down request for extension. There have been numerous precedents where the BZA granted expansions despite opposition by neighbors (For example, Application #12851, #18000, #18294.) when the extension does not unduly affect the light and air of neighbors, and the requested relief is not inconsistent with the intent and purpose of the Zoning Regulations. Since the expansion abuts the far end of their backyard and also too low to block any light and air coming from over the top of 408 building roof line, there is no extreme, unreasonable or unnecessary blocking of light and air for the three story house at 402 Independence.

Thank you for your consideration.

Jennifer Fowler