

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant’s Statement of Jesse and Kristen Connell**  
**1724 Potomac Avenue, SE (Square 1102, Lot 92)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Jesse and Kristen Connell (collectively known as the “**Applicant**”), owners of the property located at 1724 Potomac Avenue, SE (Square 1102, Lot 92) (the “**Property**”). The Property, located in the RF-1 zone district and is improved with a two-story + cellar, detached single-family dwelling (the “**Building**”). The Applicant proposes to construct a two-story + cellar addition to the rear of the Building (the “**Addition**”), and to construct a new accessory building (the “**Accessory Building**”), to be used as a separate, second principal dwelling unit.

The Owners obtained Building Permit B2402211 and began construction in reliance on the approved plans. After the project was substantially underway—approximately 77% complete and after more than \$559,000 in construction costs had been incurred, the permit was later determined to have been issued in error due to zoning issues involving the elimination of a conforming side yard and the proposed second dwelling unit. The Owners have submitted an estoppel request to the Zoning Administrator seeking to allow the project to proceed based on their good-faith reliance on the permit. At the same time, the Owners are simultaneously pursuing this Application and special exception relief, reviewed *de novo*, to permit the proposed rear Addition that eliminates the conforming side yard (E-208.4).

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the requested special exception relief requested pursuant to Subtitle X § 901.2, and Subtitle E § 5201.

**III. BACKGROUND.**

**A. Description of the Subject Property and Surrounding Area.**

The Property is located at 1724 Potomac Avenue, SE (Square 1102, Lot 92) in the RF-1 zone, which permits rowhouse and similar residential development patterns. The Property is an interior lot containing approximately 2,760 square feet of land area and is improved with a two-story plus cellar semi-detached dwelling currently used as a single-family residence.

The surrounding neighborhood consists primarily of rowhouse, semi-detached, and detached residential buildings of similar scale and character, typical of the RF-1 zone. The Property fronts on Potomac Avenue, SE and is served by a public alley at the rear, which provides access to accessory structures and parking throughout the block.

The development pattern on the block includes a variety of rear additions and accessory structures accessed from the alley, consistent with the historic development pattern in Capitol Hill neighborhoods. Abutting the Property to the north is the public alley. Abutting the Property to the east and west are residential properties improved with single-family dwellings of similar scale and character. The Property fronts on Potomac Avenue, SE.

**B. Proposed Project.**

The Applicant proposes to renovate the existing dwelling and construct a two-story plus cellar rear Addition, as well as a new Accessory Building at the rear of the lot to be used as a separate dwelling unit. The proposed Addition largely replaces an existing deck and extends the structure toward the rear yard. The project also includes interior renovations to the existing dwelling and the construction of the new Accessory Building accessed from the public alley.

As shown in the architectural plans, the rear Addition extends along the western side property line, eliminating an existing conforming side yard along a limited portion of the Building footprint. The existing side yard is already narrow, approximately 4.5 feet at its smallest point, and the Addition extends to the lot line only at a point well interior to the lot. The Building will continue to maintain an open setback of approximately 19.5 feet at the front of the structure, creates an open court condition along the front portion of the building that maintains separation between structures and preserves open space toward the street. Importantly, no changes are proposed to the front façade of the Building, and the project will appear substantially the same from Potomac Avenue as the existing dwelling.

**C. Relief Requested.**

The proposed Addition eliminates an existing conforming side yard along a portion of the structure, which requires special exception relief pursuant to Subtitle E § 5201 and Subtitle X § 901.2. Specifically, Subtitle E § 208.4 provides that an existing conforming side yard shall not be reduced to a nonconforming width or eliminated. Because the Addition extends to the side lot line

where a conforming side yard currently exists, the proposal requires special exception relief under Subtitle E § 5201.

**IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.**

**A. Overview.**

Pursuant to Subtitle X § 901.2, the Board of Zoning Adjustment is authorized to grant special exception relief where the proposed relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect neighboring property, subject to the specific criteria of the applicable use or development standard. When the specific criteria are met, approval of a special exception is presumed appropriate. See *Nat'l Cathedral Neighborhood Ass'n v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

**B. General Special Exception Requirements of Subtitle X-901.2.**

**1. The Requested Relief is in Harmony with the General Purpose and Intent of the Zoning Regulations**

The requested relief is consistent with the purpose and intent of the RF-1 zone, which is intended to accommodate a mix of rowhouse-type residential buildings and allow modest residential additions consistent with the character of the neighborhood. The proposed project maintains the existing residential use of the Property and preserves the existing scale and appearance of the Building from the street. The elimination of the side yard occurs along the interior portion of the structure and results in a court condition toward the front of the Building, preserving the existing open space in that area. The elimination of the side yard will be imperceptible from the public street. Further, the RF-1 zone is intended to accommodate rowhouse-type development patterns. By extending the structure to the side lot line at a limited portion of the Building footprint, technically creating a rowhouse building—a building form that is common and anticipated within the RF-1 zone. The accessory building is fully oriented toward the public alley, consistent with the established pattern of development on the block, where accessory structures and garages are accessed from the alley and are visually secondary to the principal dwelling, as is the intent of the regulation.

Because the front façade and overall streetscape remain unchanged, the project continues to maintain the architectural rhythm and residential character of the block. Accordingly, the requested relief is in harmony with the general purpose and intent of the zoning regulations.

**2. The Requested Relief Will Not Adversely Affect the Use of Neighboring Properties**

The requested relief will not adversely affect neighboring properties. The Addition is located primarily to the rear of the existing dwelling, an area where rear additions are common throughout the neighborhood. The project does not introduce new massing or visual changes along the public street and therefore does not alter the character of the streetscape. Additionally, the Property retains a substantial rear yard area (about 100 feet), ensuring that neighboring properties will continue to receive adequate light and air. The proposed accessory dwelling unit is modest in scale, located at the rear of the lot, and consistent with the pattern of alley-accessed accessory structures throughout the neighborhood. It will function as a typical accessory apartment and will not alter the residential character of the block. The owners of the abutting property have confirmed that the proposed addition will not interfere with existing solar panels, further demonstrating the absence of adverse impacts. Additionally, the project exceeds the minimum parking requirement by providing three off-street parking spaces, further reducing any potential impacts on on-street parking in the neighborhood.

While the Board reviews this Application de novo, the factual context remains relevant. The project was permitted, substantially constructed (approximately 77% complete), and undertaken in good-faith reliance on a duly issued building permit. The requested relief therefore does not introduce a new or speculative development pattern, but rather allows completion of a project that has already been largely realized and integrated into the Property.

**C. Specific Special Exception Requirements of Subtitle E-5201.**

**5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:**

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

The light and air available to neighboring properties will not be unduly affected by the elimination of the side yard. The existing side yard is already narrow—approximately 4.5 feet at its smallest point—and the proposed Addition extends to the lot line only along a limited interior portion of the Building. Importantly, the Building will continue to maintain approximately 19.5 feet of open setback along the front portion of the Property, creating a court condition that preserves open space and allows light and air to reach the neighboring property.

An existing rear deck will be removed as part of the project, and the proposed Addition will be constructed generally within the same location as the removed deck. As a result, the project does not materially reduce the rear yard depth and continues to provide a substantial rear yard area. In addition, the modest scale and height of the Addition further minimize any potential impacts on light and air available to adjacent dwellings. Accordingly, the limited elimination of the side yard will not result in any undue impacts on the light and air available to neighboring properties.

**(b)The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;**

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised by the proposed Addition or elimination of the side yard. The Addition does not introduce new windows or balconies that would create direct views into neighboring dwellings beyond what currently exists. The project is oriented primarily toward the rear yard and alley, maintaining the same privacy relationships that currently exist between properties on the block.

**(c)The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage;**

The proposed Addition, together with the existing Building, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage. No modifications are proposed to the front façade of the dwelling, and the Building will appear substantially the same when viewed from Potomac Avenue. The elimination of the side yard occurs along the interior portion of the structure and will not be perceptible from the public street. From the alley, the Addition presents a scale and

massing consistent with other accessory structures and rear additions in the immediate vicinity. Accordingly, the proposed Addition will not substantially visually intrude upon the character, scale, or pattern of houses along the street or alley frontage.

**V. CONCLUSION.**

As demonstrated above, the requested relief results in a modest and contextually appropriate modification to an existing residential property, will not be perceptible from the public street, maintains adequate light, air, and privacy for adjacent properties, and is consistent with the established development pattern of the neighborhood. Accordingly, the Application satisfies both the general and specific criteria for special exception relief, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

*Alexandra Wilson*

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