

## **Applicant's Statement in Support of Special Exception Relief**

### **1309 Potomac Ave. SE, Square 1046, Lot 0854**

#### **I. Introduction**

This Statement is submitted on behalf of Bradley Mueller and Allison Strodel (the "Applicant"), owners of the property located at 1309 Potomac Avenue, SE. (Square 1046, Lot 0854) (the "Property"). The Property is currently used as a one-family row dwelling (the "Building"). The Applicant is proposing to construct a new two-story garage ("the Garage") at the rear of the Property. The proposed Garage will have a footprint of 396 SF, increasing the lot occupancy from 40% to 70%. As the RF-1 Zone limits lot occupancy to 60%, the Applicant is requesting special exception relief pursuant to D § 5201 from the lot occupancy requirements of E § 304.1 in order to construct a new accessory structure. As discussed more fully below, the Application meets the test for special exception relief, pursuant to 11-X DCMR Chapter 9 and as evaluated against the criteria of 11-E DCMR § 5201.

#### **II. Background**

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

The Property is zoned RF-1. It is located in the Capitol Hill neighborhood but it falls outside of the Capitol Hill Historic District. The property is a small, irregular shaped lot measuring thirteen (13 ft.) in width at the front and sixteen feet six inches (16.5 ft) in width at the rear, alley side, of the lot. The property measures thirteen hundred and twenty six square feet (1326 SF) in land area. The Property is improved with a two-story, one-family row dwelling that was constructed in 1905 and predates the Zoning

Regulations. Abutting the Property to the east and to the west are other one-family dwellings. To the north and south of the Property are Potomac Avenue and an alley, respectively.

#### B. Proposed Project

The Applicant is proposing to construct a new two-story Garage at the rear of the Property. The Project will consist of a garage, with Alley entrance, on the ground floor and a studio/playroom on the second floor. The Project will have a building footprint of sixteen feet six inches by twenty-four feet (16'-6" x 24'-0"). This will increase lot coverage by three hundred ninety six square feet (396 sq. ft.) and lot occupancy from 40 to 70%. The Applicant is essentially requesting another one hundred thirty-two square feet (132 sq. ft.) to make the project viable.

### **III. The Application Satisfies Special Exception Requirements of 11-X DCMR §901.2 and 11-E DCMR § 5201.**

#### A. Overview.

Pursuant to 11-X DCMR # 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under 11-E DCMR # 5201 of the Zoning Regulations. In reviewing applications for special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the

proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application.

#### B. General Special Exception Requirements of 11-X DCMR § 901.2

The granting of a special exception in this case “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps“ and “will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps” ...(11 DCMR Subtitle X § 901.2). The Applicant is requesting to provide a two-story Garage at the rear of the Property and is requesting an additional 10% lot occupancy. There are a number of garages facing the alley on other lots in the block.. The Applicant is proposing a modest Garage that will be comparable to other garages in the block and also to other accessory buildings in the greater Capitol Hill neighborhood and it will not adversely affect the use of the neighboring properties.

#### C. Requirements of 11-E DCMR § 5201

The proposal in this application satisfies the requirements of 11-E DCMR # 5201, as follows:

**Section 5201.3** *“An Application for a special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse affect 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;*

The light and air available to the neighboring properties shall not be unduly affected by the new accessory structure. The property is bounded to the east and west by parking

pads and resulting shadows will primarily fall on the parking pads. Other properties in the block have garages at the rear of their respective properties some of which are larger than the proposed Garage.

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

The privacy and use of enjoyment of neighboring properties shall not be unduly compromised. There will be windows in the garage but the garage will not be used as a full-time residence and there currently exists views into the adjacent neighbor's rear yards from an existing bedroom window in the main dwelling.

*(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 houses along the subject street frontage; and*

The accessory structure will not substantially visually intrude upon the character, scale, or pattern of houses along the streets or alleys. The garage will not be visible from public street frontage. As demonstrated by the photographs submitted with this Application, there are a number of garages in the subject alley which vary in style and character.

*(d) 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; and*

The Applicant has provided graphical representations such as plans, photographs and

elevations to sufficiently represent the relationship of the proposed accessory structure to adjacent buildings and views from public ways.

*(e) The Board of Zoning adjustment may approve lot occupancy of all new and existing structures on the lot...[up to a maximum of 70% in the RF-1 Zone]*

The Applicant is requesting relief from lot occupancy. The requested lot occupancy is at seventy percent (70%) lot occupancy.

**Section 5201.4** *“The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.”*

The Applicant will comply with Board directives for protection of adjacent and nearby properties.

**Section 5201.5** *“This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.”*

The Applicant is not requesting to introduce or expand a nonconforming use.

**Section 5201.6** *“This section may not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.”\*

The Applicant is not requesting to introduce or expand nonconforming height or number of stories.

#### **IV. Conclusion**

For the reasons outlined in this Applicant's Statement, the Applicant respectfully requests the relief as detailed above.

Applicant's Statement  
1309 Potomac Ave SE

Respectfully submitted,

Myron Ward, RA

Myron Ward, RA  
Myron Ward Architect  
Date: April 20, 2020