

CAMPBELL ARCHITECTS, LLC

15602 BEECH TREE PARKWAY,
UPPER MARLBORO, MD 20774

Burden of Proof Special Exception Application

To: **Board of Zoning Adjustment**
Government of the District of Columbia
441 4th Street NW, Suite 200 South
Washington, DC 20001

For: **Alice Bellis**
Owner/Applicant
1415 Potomac Avenue SE
Washington, DC 20003

By: **Johnathan Campbell, AIA, NOMA, NCARB**
Campbell Architects, LLC
Authorized Agent
15602 Beech Tree Parkway
Upper Marlboro, MD 20774

Date: 10 January 2022

Subject: BZA Application, Rear addition to Bellis Residence
1415 Potomac Avenue, SE
(Square 1065NE, Lot 0021)

Dr. Alice Bellis, owner of 1415 Potomac Ave, SE hereby applies for special exception zoning relief under Subtitle E § 5201; relief from the lot area requirements of Subtitle E §201.1, relief from the rear yard requirements of Subtitle E §205.4, for relief from the lot occupancy requirements of Subtitle E § 304.1, and relief from the rear yard requirements of Subtitle E § 306.1 to construct a 2nd level to the existing rear addition and a rear deck to an existing flat in the RF-1 Zone at premises 1415 Potomac Avenue S.E. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

1. Lot Area Requirements (Subtitle E-§201.1). The proposed structures will be on a nonconforming tax lot. The lot area is 1460 sf while the minimum area requirement is 1,800 sf. In both instances this is an existing lot whose characteristics cannot change.
2. Rear Yard (Subtitle E-§205.4). The proposed 2nd level addition and rear deck will extend farther than 10 feet beyond the adjacent property.
3. Lot Coverage (Subtitle E-§304.1). The proposed 2nd level addition and rear deck will result in a proposed lot coverage of 67.1% where 60% is the maximum allowed in the RF-1 District.
4. Rear Yard (Subtitle E-§306.1) The existing rear stair has resulted in a rear yard of 15'-9" where a rear yard of twenty feet (20 ft.) is the minimum allowed in the RF-1 zones.

Zone: RF-1: The purpose of the RF-1 zone is to provide for areas predominantly developed with attached row houses on small lots within which no more than 2 dwelling units are permitted.

In the RF-1 Zone, 2 dwelling units may be located within the principal structure or 1 each in the principal structure and an accessory structure.

A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than 2 dwelling units (Subtitle U, Chapter 3).

Lot Characteristics: Rectangular lot measuring 67.84 / 78.25 feet in depth and 22.25/20.0 feet in width. Lot is bounded by adjoining lots to the east and west, Potomac Avenue to the north, and a 12-foot public alley to the south.

Existing Development: The property is developed with a two-story row building that is being used as a single household dwelling.

Adjacent Properties: The adjacent properties also are developed with residential row buildings.

Surrounding Neighborhood Character: The surrounding neighborhood is residential in character and is located closest to the Potomac Avenue Metro station.

I. PROPOSED PROJECT:

The applicant has proposed to construct a 2-story rear deck and a 2nd level rear addition on top of the existing 1st level rear addition that would extend beyond ten feet of the rear wall of the adjoining properties 1413 Potomac Avenue SE and 1417 Potomac Avenue SE. The proposed 2-story rear deck and 2nd level rear addition will not be visible from the street frontage, and will have no impact on the character, scale or pattern of housing along the subject street frontage. The proposed lot occupancy is 70.0% which exceeds the allowed lot occupancy of 60% (11 DCMR Subtitle E, Section 304.1). The proposed lot occupancy will be below the 70% maximum allowed by a special exception in the RF-1 district (11 DCMR Subtitle E Section 5201).

The applicant wishes to construct a 2-story rear deck and 2nd-story addition to an existing single-story accessory addition located at the rear of the property. The proposed addition will accommodate a new full bathroom and office space for the Applicant (approximately 305 square feet). The Applicant is seeking relief from the Lot Occupancy Requirement under Subtitle E §304.1. Under said Subtitle, the maximum Lot Occupancy permitted is 60%. The combined Lot Occupancy of the property with the main building and existing accessory addition structure is 61.3%, which is over the allowable requirement. The proposed new addition with rear decks will increase the Lot Occupancy by 8.7% for a total Lot Occupancy of 70.0%. The regulations permit relief from the lot occupancy requirements (for up to 70% lot occupancy), so long as the Application meets the criteria for relief under E § 5201.

The Applicant is also seeking relief from the Rear yard requirement under Subtitle E §306.1 for structures. Under said Subtitle, the minimum Rear Yard permitted is 20 feet from the rear lot line. As the existing rear stair currently exists, the rear yard measures 15'-6" from the rear lot line, a 4.5 foot deviation from the required 20 foot setback.

Enclosed in this application for relief are photographs and drawings that illustrate that the proposal will not adversely impact the adjacent properties. The owner/agent will be reviewing the plans with the neighbors and we will submit letters of "no objection" as we receive them. Please do not hesitate to contact the authorized agent, Campbell Architects, LLC, with any questions.

ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height	35'-0" max.	27'-6" ft.	30'-0" ft.	None required
Lot Width	20'-0" min.	18'-0" ft.	No Change	None required
Lot Area	1,800 sf. min.	1,460 sf.	No Change	Relief Requested
Lot Occupancy	60% max- 876.5 sf	61.3% 895.8 sf	70.0%- 1023.8 sf	Relief Requested
Rear Yard	20'-0" min.	15'-9"	No Change	Relief Requested
Side Yard	0' ft.	0' ft.	0' ft.	None required
Parking	1 space	1 space	1space	None required
Rear Addition	10'-0" ft. beyond adjoining property	12'-2" ft beyond adjoining property at 1417 Potomac Avenue	No Change	Relief Requested
Pervious Surface	0% min	168 sf	106 sf	None required

II. SUMMARY:

This special exception qualifies under ZR-16 Title 11 Subtitle E, Chapter 3. 306.1 Rear Yard Set back, and the proposed 2- Story deck and 2nd floor addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE E § 5201.3

901 Special Exception Review Standards

The Board of Zoning Adjustment will evaluate and either approve or deny a special exception application according to the standards of this section. The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps:

Square 1065 is along the Pennsylvania Avenue commercial corridor, and so approximately half of the square is Zoned MU-4. The subject property shares an alley with these commercial properties. Due to the triangular nature of the square, there is a diversity in lot shapes, widths and sizes, as one would expect, there is also a great diversity in lot coverage on the square.

b. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

c. Will meet such special conditions as may be specified in this title. Subtitle E, Section 5201.3 provides relief based on the following criteria:

**VI. SUBTITLE E CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (RF)
205 REAR YARD**

A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 201.1, Subtitle E §§ 205.4, Subtitle E §§ 304.1, and Subtitle E §§ 306.1

"An applicant for special exception under this section shall demonstrate that the 2nd level addition or accessory structure shall not have a substantially adverse effect 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 rear facade of the subject property and neighboring properties face Southeast. Therefore, an 2nd level addition on the south face of the subject property will not have a substantial effect on the neighbor's access to light - with the sun shining predominately from the south. The neighbor across the alley is to the south, so it will also not be effected by the an 2nd level addition to the North in terms of light and air. 1413 Potomac Avenue SE (Neighbor to the West): The existing rear wall of the neighboring property is three feet further south than the rear of the existing brick structure, therefore, the proposed an 2nd level addition will extend beyond the rear of the neighboring property by only 10'-0". 1417 Potomac Avenue SE (Neighbor to the East): The existing rear wall of the neighboring property is one foot further south than the rear of the existing brick structure, The proposed second level addition will extend 12'-2" beyond the rear wall at the second floor.

b. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The proposed addition will be along the property line and will not have any windows along the shared property line with either neighbor. There currently exists a 7-foot-tall concrete block wall between the subject property and the neighbor's property in the rear yard that will be maintained. The addition will maintain the 20-foot required setback from the alley, so the privacy and enjoyment of the commercial property to the south will not be restricted by the addition.

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.

Due to the Y shaped configuration of the alley, the proposed rear addition will not be visible from any street frontage. The proposed addition will be constructed with high quality, low maintenance, sustainable materials. The proposed addition and will be appropriately designed to be in context with the surrounding neighborhood in terms of character scale and pattern.

VI. 902 APPLICATION REQUIREMENTS

An application for a special exception shall meet the requirements of Subtitle Y § 300.

Along with this application, we have included the following items: A site plan showing the proposed addition and adjacent properties; Photos of the existing house and adjacent houses to the East and West; Plan and elevation drawings of proposed addition with materials labeled; Official Plat from the DC Office of the Surveyor.

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 is using and proposes to continue to use the row building for a single household dwelling, which is a permitted use in the RF-1 zone.

The proposed height of the 2nd story addition will be 30'-0" feet, which does not exceed the maximum permitted height of 35 feet and three stories.

Thank you,

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