

**Burden of Proof
Special Exception Application**

718 North Carolina Avenue SE

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

From: Michael Fowler
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Date: August 18, 2022

Subject: BZA Application, Britton-Ehly Residence
718 North Carolina Avenue SE (Square 0899, Lot 0049)

Joseph Britton and Katharine Ehly, owners of 718 North Carolina Avenue SE, hereby apply for a special exception pursuant to Subtitle X, Chapter 9, to build a two-story rear screen porch addition. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

Application of Joseph Britton and Katharine Ehly, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, to construct a rear two-story screen porch addition to an existing attached single family dwelling unit in the RF-1 Zone at premises 718 North Carolina Avenue SE (Square 0899, Lot 0049).

I. Summary:

This special exception qualifies under ZR-16 Subtitle E, Chapter 5201 and Subtitle X, Chapter 9, because the lot occupancy does not exceed 70%, and the proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

Subtitle E §304.1: The existing lot coverage of 1201.7 SF (59.4%) will increase to 1366.7 SF (67.6%) with the proposed addition.

II. Qualification of Special Exception

5201 Special Exception Relief from Certain Required Development Standards

By satisfying the requirements of E-5201.1, and E-5201.4 through E-5201.6, the application also meets the general special exception requirements of X-901.2, see below.

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new 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;*

716 North Carolina Avenue SE

716 North Carolina Avenue SE is a two-family flat that lies to the west of the property at 718 North Carolina Avenue SE. The rear of 716 North Carolina Avenue SE is currently set back 10'-7" from the rear wall of 718 North Carolina Avenue SE. The proposed two-story screen porch at 718 North Carolina Avenue SE will extend an additional 15' past the rear wall of 716 North Carolina Avenue SE; however, the rear wall locations will not change and remain offset by 10'-7". The face-on-line wall of the proposed screen porch adjacent to 716 North Carolina Avenue SE will be a combination of solid and screen panels to provide a balance of privacy, light, and air. For these reasons, the light and air available to 716 North Carolina Avenue SE will not be unduly affected.

720 North Carolina Avenue SE

720 North Carolina Avenue SE is a single-family row dwelling that lies to the east of the property at 718 North Carolina Avenue SE. The rear of 720 North Carolina Avenue SE currently aligns with the rear wall of 718 North Carolina Avenue SE. The proposed two-story screen porch at 718 North Carolina Avenue SE will extend 15' past the rear wall of 716 North Carolina Avenue SE; however, the rear wall locations will not change and remain aligned. There is a 5'-0" open court separating the east wall of the proposed screen porch and 720 North Carolina Avenue SE. For these reasons, the light and air available to 720 North Carolina Avenue SE will not be unduly affected.

Neighbors across the alley to the North

The properties to the north are separated by the rear yards and a 10' public alley. For these reasons, the light and air available to the properties across the alley to the north will not be unduly affected.

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

716 North Carolina Avenue SE

The existing rear wall of 716 North Carolina Avenue SE is set back 10'-7" and there are no windows on the adjacent party wall. The proposed face-on line screen porch wall will be a combination of solid and screen panels to balance privacy with availability of light and air. A 7' wood privacy fence separates the properties. Overall, the addition will not unduly compromise the privacy of use and enjoyment of the 716 North Carolina Avenue SE.

720 North Carolina Avenue SE

The existing rear wall of 720 North Carolina Avenue SE aligns with 718 North Carolina Avenue SE and there are no windows on the party wall facing it. The proposed screen porch will be separated from the property at 720 North Carolina Avenue SE by a 5'-0" open court. A 7' wood privacy fence separates the properties. Overall, the addition will not unduly compromise the privacy of use and enjoyment of the 720 North Carolina Avenue SE.

Neighbors across the alley to the North

The properties to the north are separated by the rear yards and a 10' public alley. Overall, the addition will not unduly compromise the privacy of use and enjoyment of the neighbors across the alley to the north.

- 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 will not be visible from a public street. The existing square is extremely dense with a variety of existing structures and additions. The proposed addition is consistent in size and material construction of the existing adjacent structures. Because of the presence of other nearby structures and additions, the proposed two-story rear addition and carriage house will be in harmony with the intent of the regulations.

- d. *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plan, 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.*

Architectural plans and photographs have been submitted with the application.

206.3 Roof Top or Upper Floor Elements

Any new building, or alteration or addition to an existing building, including a roof structure or penthouse (the "proposed construction") at the time of application, shall not significantly interfere with the operation of a solar energy system on an abutting property, unless agreed to by the owner of the solar energy system, subject to the following:

- (a) *"Time of application" shall mean the earlier of either:*
- (1) *The Department of Consumer and Regulatory Affairs officially accepts as complete the application for the building permit for the proposed construction; or*
 - (2) *The Office of Zoning officially accepts as complete an application for zoning relief for the proposed construction;*
- (b) *"Solar energy system" shall mean a solar energy system of at least 2kW in size that, at the time of application, is either:*
- (1) *Legally permitted, installed, and operating; or*
 - (2) *Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;*
- (c) *"Significantly interfere" shall mean that the proposed construction increases the shading incident on the solar energy system by more than five percent (5%) as determined by a comparative solar shading study acceptable to the Zoning Administrator; and*
- (d) *All applications for the proposed construction, whether for a building permit or for zoning relief, must include one of the following:*
- (1) *An affidavit by the applicant stating that there is no solar energy system on an abutting property;*
 - (2) *A comparative solar shading study which meets the minimum standard established by the Zoning Administrator for the purpose of determining the increased annual incident solar shading by percent; or*
 - (3) *A written agreement executed by the owner of the impacted solar energy system accepting the interference with the solar energy system.*

There is no solar energy system on an abutting property.

901 Special Exception Review Standards

901.2 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 judgement 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;*

The new two-story rear screen porch addition will be constructed of similar materials to other adjacent and nearby rear additions. Because of the presence of the other nearby additions and porches, the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

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

As described more fully above, the addition will not impact the light and air or privacy of the neighboring properties. The addition will also not adversely affect the use of neighboring properties as residential because the applicant is not proposing a change from the existing use as a single-family dwelling.

- c. *Will meet such special conditions as may be specified in this title.*

902 Application Requirements

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

Along with this application, we have included the following items:

- a) Photos of the existing house and surroundings;
- b) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
- c) Official Plat from the DC Office of the Surveyor.

If you require any further clarification or have any questions regarding the application, we are available at any time to discuss them with you.

Thank you,

Michael Fowler

Michael Fowler
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