

Burden of Proof

Special Exception Application

717 5th Street NE

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

From: **Jennifer Fowler**
Agent/Applicant
1819 D Street SE
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Date: September 26, 2024

Subject: **BZA Application, Ward Addition**
717 5th Street NE (Square 0833, Lot 0802)

Sean and Audrey Ward, owners of 717 5th Street NE, hereby apply for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a third floor addition over the existing house and a three-story + cellar rear addition to an existing single family row dwelling in the RF-1 zone. The zoning relief requested is as follows:

Application of Sean and Audrey Ward, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy limitations of Subtitle E § 210.1, to construct a third floor addition over the existing house and a three-story + cellar rear addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 717 5th Street NE (Square 0833, Lot 0802).

I. Summary:

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

Subtitle E §210.1: The proposed additions will expand the cellar, first and second floors at the rear and dogleg and add a third floor addition over the existing house and rear addition. It will increase the lot occupancy from 1416 SF (67%) to 1477.9 SF (70%).

The proposed addition will extend 1'-0" beyond the existing first floor rear addition and will extend to the north property line. On the north side of the property, the proposed addition will extend 7'-0" past the existing rear wall.

II. Qualification of Special Exception

5201 Special Exception Review 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;*

719 5th Street NE

719 5th Street NE lies north of the proposed addition at 717 5th Street NE. It is a large two-story condominium building and extends approximately 26'-6" beyond the proposed rear wall of 717 5th Street NE. However, the building at 719 5th Street SE is set over from the shared property line. The proposed addition will extend the 7'-0" beyond the north side of the existing rear wall at 717 5th Street NE.

Because of the depth of the addition and the addition being oriented on the south side of the condominium building, the light and air available to 719 5th Street will be impacted somewhat. However, the existing dogleg at 719 5th Street will help mitigate the impact. Any impact will be limited to the dogleg at 719 5th and will have a minimal impact on the existing condominium building.

715 5th Street NE

715 5th Street NE lies south of the proposed addition at 717 5th Street NE. The proposed addition will extend 6" beyond the corner of the rear bay at 715 5th Street NE. The rear wall of the addition will only extend 1'-0" beyond the existing rear addition on the south side of 717 5th Street NE.

Because of the minor depth of the addition and that the addition is on the north side of 715 5th, the light and air available to 715 5th Street will not be impacted.

Neighbors to the East

Neighbors to the east of 717 5th Street NE are separated from the property by a 15' wide public alley. Additionally, the existing two-story carriage house at 717 5th Street NE further separates the proposed addition from the neighbors to the East. The proposed rear addition at 717 5th Street will be 61'-1" from the rear property line. Due to the separation between the proposed additions and the neighbors to the east, no shadows will be cast.

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

719 5th Street NE

719 5th Street NE lies to the north of the proposed addition at 717 5th Street NE. The wall along the shared property line will be solid with no windows, thus prohibiting views into the dogleg at 719 5th Street. The existing privacy fence also obstructs views. The new rear wall will have windows, but any views will be limited to the dogleg and rear yard at 719 5th Street. Therefore, the proposed addition at 717 5th Street NE will not compromise the privacy of 719 5th Street NE.

715 5th Street NE

715 5th Street NE lies to the south of the proposed additions at 717 5th Street NE. The new wall along the shared property line will only extend 6" beyond the corner of the rear bay at 715 5th Street. The existing privacy fence will also obstruct some views. The new rear wall will have windows, but any views will be limited to the rear yard at 715 5th Street. Overall, the privacy of use and enjoyment of 715 5th Street NE will not be unduly compromised.

Neighbors to the East

The proposed three-story + cellar rear addition is separated from the neighbors to the east by a two-story carriage house, large rear yards, a 15' wide public alley, garages, and privacy fences. Therefore, the proposed additions at 717 5th Street NE will not unduly impact the privacy of use and enjoyment of the neighbors to the east.

c.) The proposed addition or accessory structure, together with the original building, or the proposed new 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 and alley frontage; and

The existing square is extremely dense with garages, large backyards, privacy fences, and a 15' wide public alley.

The proposed addition will be similar in massing to the other houses on the block. The rear addition will not be visible from 5th Street NE. Additionally, the proposed additions will be constructed with high quality materials and will be appropriate in scale for its surroundings.

(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, new building, or accessory structure to adjacent buildings and views from public ways

Plans, photographs, and elevational drawings have been submitted into the record.

901 Special Exception Review Standards

Subtitle X 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;*

As described more fully above, the addition will be in harmony with the intent of the Zoning Regulations due to the fact that the massing, materials, and details will mimic existing structures on the alley.

- 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 minimally impact the light and air or privacy of the neighboring properties.

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

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) Photos of the existing house and surroundings.

Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.

b) 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,


Jennifer Fowler
Agent/Architect
