

Burden of Proof

Special Exception Application

1513 D Street SE

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
1453 Pennsylvania Avenue SE
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Date: January 28, 2025

Subject: **BZA Application, Spencer Addition**
1513 D Street SE (Square 1075, Lot 0076)

Erica Spencer, owner and occupant of 1513 D Street SE, hereby applies 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 rear and dogleg addition to an existing single family row dwelling in the RF-1 zone. The zoning relief requested is as follows:

Application of Erica Spencer, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 210.1, to construct a third floor addition over the existing house and a three-story rear & dogleg addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 1513 D Street SE (Square 1075, Lot 0076).

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 addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

The proposed additions will expand the first and second floors at the rear and dogleg and add a third floor addition over the existing house and rear additions. It will increase the lot occupancy from 633.4 SF (51.8%) to 849.2 SF (69.4%).

The proposed addition will extend 10'-0" beyond the existing first floor rear wall. The addition will be 10'-0" past the existing first floor rear wall of the neighbor to the east and 10'-0" past the existing first floor rear wall of the neighbor to the west. Both adjacent neighbors have second floor rear bays, and the proposed addition will extend 8'-6" beyond the existing rear bays.

II. Qualification of Special Exception

5201 Special Exception Review Standards

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

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;*

1511 D Street SE

1511 D Street SE lies west of the proposed addition at 1513 D Street SE. The proposed addition will extend 10'-0" past the existing first floor rear wall at 1511 D and 8'-6" past the existing second floor rear wall at 1511 D Street.

Because of the depth of the addition, the light and air available to 1511 D Street will be impacted somewhat. However, the existing 4'-4" wide dogleg at 1511 D Street will help mitigate the impact. Any impact will be limited to the dogleg and rear yard at 1511 D and will have a minimal impact on the existing house at 1511 D Street.

1515 D Street SE

1515 D Street SE lies east of the proposed addition at 1513 D Street SE. The proposed addition will extend 10'-0" past the existing first floor rear wall at 1515 D and 8'-6" past the existing second floor rear wall at 1515 D Street. A portion of the proposed third floor addition at 1513 D will be set over 3'-6" from the shared property line.

Because of the depth of the additions, the light and air available to 1515 D Street will be impacted somewhat. However, the impact will be minimal since the proposed rear addition is only 10' deep. Any impact will be limited to the rear yard at 1515 D and will have a minimal effect on the existing house at 1515 D Street.

Neighbors to the South

Neighbors to the south of 1513 D Street SE are separated from the property by a 30' wide public alley. Additionally, privacy fences and rear yards further separate the proposed addition from the neighbors to the south. The proposed rear addition at 1513 D Street will be 20'-1" from the rear property line. Due to the separation between the proposed additions and the neighbors to the south, no shadows will be cast.

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

1511 D Street SE

1511 D Street SE lies to the west of the proposed addition at 1513 D Street SE. The wall along the shared property line will be solid with no windows, thus prohibiting views into the dogleg at 1511 D. The proposed rear wall will have windows and doors, which will allow some views into the rear yard at 1511 D Street. However, the views will be limited to the rear yard and the existing privacy fence also obstructs views. Therefore, the proposed addition at 1513 D Street SE will not compromise the privacy of 1511 D Street SE.

1515 D Street SE

1515 D Street SE lies to the east of the proposed additions at 1513 D Street SE. The new wall will be along the shared property line and will not have any windows, thus prohibiting views into the rear yard at 1515 D Street. The proposed rear wall will have windows and doors, which will allow some views into the rear yard at 1515 D Street. However, the views will be

limited to the rear yard and the existing privacy fence also obstructs views. Overall, the privacy of use and enjoyment of 1515 D Street will not be unduly compromised.

Neighbors to the South

The proposed three-story rear and dogleg addition is separated from the neighbors to the south by large rear yards, a 30' wide public alley, garages, and privacy fences. Therefore, the proposed additions at 1513 D Street SE will not unduly impact the privacy of use and enjoyment of the neighbors to the south.

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 large backyards, privacy fences, and a 30' wide public alley.

The proposed addition will be similar in massing to the other houses on the block. The rear and dogleg addition will not be visible from 15th Street SE. 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:

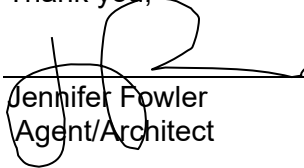
a) Photos of the existing house and surroundings.

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