

Burden of Proof Special Exception Application

1381 Potomac Avenue 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
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Date: October 29, 2020

Subject: **BZA Application, Wisehart-Hruby Addition**
1381 Potomac Avenue SE (Square 1046, Lot 0128)

Benton Wisehart and Laura Hruby, owners and occupants of 1381 Potomac Avenue SE, hereby apply for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a two-story rear addition with a cellar at the rear of an existing single family row dwelling in the RF-1 zone. The zoning relief requested is as follows:

Application of Benton Wisehart and Laura Hruby, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the rear addition requirements of Subtitle E § 205.4, and from the lot occupancy requirements of Subtitle E § 304.1, to construct a two-story rear addition with cellar to an existing attached principal dwelling unit in the RF-1 Zone at premises 1381 Potomac Avenue S.E. (Square 1046, Lot 0128).

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 addition will expand the first and second floor levels at the rear. It will increase the lot occupancy from 719.4 SF (53.0%) to 945.1 SF (69.6%).

The proposed addition will extend 13'-2" past the existing rear deck that will be removed. The addition will be 10'-8" past the rear wall of the neighbor to the northeast, and 11'-3" past the rear wall of the neighbor to the southwest. Therefore, the proposed rear addition will extend past the 10' maximum allowed by-right relative to both adjoining neighbors. (Subtitle E § 205.4).

II. Qualification of Special Exception

5201 Special Exception Review Standards

By satisfying the requirements of E-5201.3 through E-5201.6, the application also meets the general special exception requirements of X-901.2.

5201.3 An applicant for special exception under this section shall demonstrate that the 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;

1379 Potomac Avenue SE

1379 Potomac Avenue SE lies southwest of the proposed addition at 1381 Potomac Avenue SE. The proposed 21'-3" deep addition replaces an existing two-story open deck. The rear wall of the addition will extend 11'-3" past the existing rear wall at 1379 Potomac, which is 1'-3" beyond the allowable setback.

Because of the depth of the addition, the light and air available to 1379 Potomac Avenue will be impacted somewhat. However, the overall impact will not be undue because the proposed addition lies to the north. Shadows will mostly be limited to morning hours in the winter, spring, and fall. The impact during the summer will be minimal.

1383 Potomac Avenue SE

1383 Potomac Avenue SE lies to the northeast of the proposed addition at 1381 Potomac Avenue SE. The proposed rear wall of the addition will extend 10'-8" past the existing rear wall of this neighbor, which is 8" beyond the allowable setback.

Because of the depth of the addition, the light and air available to 1383 Potomac Avenue will be impacted somewhat. Since the addition lies to the south of 1383, there will be shadows cast primarily in the afternoon hours in the winter, spring, and fall. The impact during the summer will be minimal.

Neighbors to the South

Neighbors to the south of 1381 Potomac Avenue SE are separated from the property by a 10'-0" alley, privacy fences, and rear yards. Due to the orientation of the streets and addition, no shadows will be cast onto properties facing 14th Street SE. Shadows will be limited to the alley.

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

1379 Potomac Avenue SE

1379 Potomac Avenue SE lies to the southwest of the proposed addition at 1381 Potomac Avenue SE. The proposed two-story addition replaces an existing two-story open deck that currently allows unlimited views into the rear yard of 1379 Potomac.

The new addition will improve the privacy of adjacent neighbors with the introduction of enclosed space. Additionally, the wall along the shared property line will be solid with no windows. The rear landing from the first floor to grade has been designed to accommodate circulation only and will not be large enough for furniture. The existing privacy fence along the shared property line also obstructs views.

The new rear wall will have standard-sized double-hung windows with transoms, that are compatible with the surrounding houses.

Therefore, the proposed addition at 1381 Potomac Avenue SE will add to the privacy of use and enjoyment to 1379 Potomac.

1383 Potomac Avenue SE

1383 Potomac Avenue SE lies to the northeast of the proposed addition at 1381 Potomac Avenue SE. The proposed two-story addition replaces an existing two-story open deck that currently allows unlimited views into the rear yard of 1383 Potomac.

The property at 1383 is much shallower than 1381, and the views from the proposed addition will primarily be of the alley immediately behind 1383 Potomac.

The new addition will improve the privacy of adjacent neighbors with the introduction of enclosed space. Additionally, the wall along the shared property line will be solid with no windows. The rear landing from the first floor to grade has been designed to accommodate circulation only and will not be large enough for furniture. The existing privacy fence along the shared property line will help to obstruct views.

The new rear wall will have standard-sized double-hung windows with transoms, that are compatible with the surrounding houses.

Therefore, the proposed addition at 1381 Potomac Avenue SE will add to the privacy of use and enjoyment to 1383 Potomac.

Neighbors to the East

The proposed two-story addition replaces an existing two-story open deck that currently allows for unlimited views into the rear yards and windows of the houses that front 14th Street SE.

The new addition will improve the privacy of the alley neighbors with the introduction of enclosed space. The rear landing from the first floor to grade has been designed to accommodate circulation only and will not be large enough for furniture.

The new rear wall will have standard-sized double-hung windows with transoms, that are compatible with the surrounding houses.

Therefore, the proposed addition at 1381 Potomac Avenue SE will not unduly impact the privacy of use and enjoyment of the neighbors to the east.

- (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;*

The east end of existing square is extremely dense with backyards, privacy fences, garages, and a public alley. The west end of the alley is open and green because of the school building and grounds located there.

The proposed addition will be similar in massing to the other houses on the 1300 block of Potomac Avenue SE and 900 block of 14th Street SE. The rear addition will not be visible from the street. Additionally, the proposed addition 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 or accessory structure to adjacent buildings and views from public ways*

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

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