

Burden of Proof

Special Exemption Application

To: Office of Zoning  
Government of the District of Columbia  
Suite 210 South  
441 4<sup>th</sup> St NW  
Washington DC 20001

From: Gregoire Holeyman, RA, LEED AP  
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Date: May 25, 2025

Subject: BZA Application, rear addition in RF-1 Zone  
**424 7<sup>th</sup> Street NE; (Square 0862, Lot 0183)**

Steven and Natalia Graham (the “Applicants”), owners and occupants of the property located at 424 7th Street NE; (Square 0862, Lot 0183) (the “Property”), hereby apply for a special exemption pursuant to 11 DCMR Subtitle X, Chapter 9, to build a two-story plus basement rear addition onto an existing semi-detached single-family residence in the RF-1 zone. The zoning relief requested is as follows:

Application of Steven and Natalia Graham, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201, from the rear yard requirements of Subtitle E § 207.1, to construct a two-story rear plus basement addition onto an existing semi-detached single-family residence the RF-1 Zone at premises 424 7<sup>th</sup> Street N.E. (Square 0862, Lot 0183).

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

The Applicant is proposing removing an existing two-story plus basement wood-framed structure from the original two-story plus basement masonry structure, and installing a new two-story plus basement wood-framed structure.

The proposed addition will increase the lot occupancy from 967 SF (54.9%) to 1054 SF (59.7%).

The proposed addition will be reduced the rear yard from 16’-3” to 12’-3” in depth. (Subtitle E §207.1).

The proposed addition will not extend past the existing structure of neighbors to the south. Therefore, the proposed rear addition will not extend past the 10’ maximum allowed by-right. (Subtitle E § 205.4).

## **II. Background**

### **A. Description of the Property and Surrounding Area.**

The Property, zoned RF-1, is a corner lot located at the intersection of E and 7<sup>th</sup> Streets NE. The subject Property measures 1,766 square feet in land area and is improved with a single-family, two-story plus basement semi-detached dwelling (the “Building”). The existing rear yard measures about sixteen feet and three inches (16’-3”).

To the south of the Property are similar lots, which are improved with single-family dwellings and flats. To the west, the rear of the Property faces an alley, and the sides of similar lots, also improved with single-family dwellings and flats. To the north, the Property faces E Street NE. To the east, the Property faces 7<sup>th</sup> Street NE.

## **III. Qualification of Special Exemption**

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under E-5203.1 of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board’s discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements:

### **General Special Exception Requirements of Subtitle X § 901.2.**

*Per Subtitle X § 902.1, 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.*

As described below, the proposed addition will be in harmony with the intent of the Zoning Regulations since 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 below, the proposed porch 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.*

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Property is located in the RF-1 zone; “The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted.” The Property will remain a single-family dwelling. The proposed rear yard is permitted via special exception approval. Accordingly, the proposed Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

As described more fully below, the Proposed Building will not tend to adversely affect the use of neighboring properties.

### **5201 Special Exception Review Standards**

*Per Subtitle E § 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*
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*
- (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;”*
- (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*

The addition will have minimal impact on the light and air available to the neighbors and will not unduly compromise the privacy of use and enjoyment of neighboring properties, outlined as follows:

#### 422 7<sup>th</sup> St NE

422 7<sup>th</sup> St NE lies to the south of the Property. This property contains a two-story plus basement attached single-family dwelling of similar height and width to 424 7th St NE. The property also has an existing one-story masonry garage with roof deck structure that extends from the main house to the rear property line.

Because of the depth of the proposed addition, the light and air available to 422 7<sup>th</sup> St NE will be somewhat impacted. However, the overall impact will not be undue because no shadows will be cast on the property, as the sun path is from the South.

As well, the proposed addition will not unduly compromise the privacy of use and enjoyment at 422 7<sup>th</sup> St NE, since the party wall along the property line will be solid, without windows or openings that would provide views into the neighboring property.

Both the property owner and the tenant of 422 7th St NE support the proposed addition and have submitted letters of support to that effect.

#### Neighbors to the West (600 block of E St NE)

Neighbors to the west of 424 7<sup>th</sup> St NE are separated from the property by a 15’-0” alley and privacy fences. Due to the separation between the proposed addition and the neighbors to the West,

no shadows will be cast. As well, the addition will not create new views into neighbors to the West, significantly beyond views already existing from the current rear structure.

Neighbors to the South (400 block of 7<sup>th</sup> St NE)

The proposed addition is modest in nature, as it will match the height, width and scale of existing surrounding buildings, especially the houses along 7<sup>th</sup> St NE. The proposed addition mirrors the depth of existing rear yards already found at 412 7<sup>th</sup> St NE and 414 7<sup>th</sup> St NE, located at the end of the 7<sup>th</sup> Street NE development. By approving a 12'-3" rear yard, the proposed addition will create a "bookend" at each corner of this street.

**902 Application Requirements**

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

Along with this application, the following items have been included into the record:

- 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 there are any further clarifications needed regarding the application for special exemption, we are available to discuss details.

Respectfully Submitted,

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Agent/Architect  
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