

Burden of Proof

Special Exception Application

912 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
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Date: August 13, 2026

Subject: **BZA Application, Cooper Addition**
912 5th Street NE (Square 0807, Lot 0042)

Andrew Cooper, owner and occupant of 912 5th Street NE, hereby applies for special exceptions pursuant to 11 DCMR Subtitle X, Chapter 9, to build a three-story addition on the rear of an existing single family row dwelling in the RF-1 zone. The zoning relief requested is as follows:

Application of Andrew Cooper, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 210.1 and the rear yard requirements of Subtitle E § 207.4, to build a three-story addition on the rear of an existing semi-detached principal dwelling unit in the RF-1 Zone at premises 912 5th Street NE (Square 0807, Lot 0042). Additional relief is requested for the penthouse requirements of Subtitle C § 1501.1(c) to build a penthouse on the roof of the proposed addition.

I. Summary:

Subtitle E §210.1: The proposed addition will expand the second floor at the rear. It will increase the second-floor lot occupancy from 968.9 SF (59.8%) to 1133 SF (70.0%).

Subtitle C §1501.1 (c): A penthouse is proposed that is not entirely within the matter of right permitted height for the building.

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 effect on the use or enjoyment of any abutting or adjacent dwelling or property.

The existing one-story rear addition will be removed and rebuilt as a three-story + cellar rear addition. The proposed addition will expand the cellar and second floor level and create a third-floor level with a penthouse and roof deck. It will be the same size as the existing rear addition on the first level.

The proposed addition will extend as far back as the existing rear addition and will extend to the property line on both sides. The addition will align with the neighbor at 914 5th Street and extend approximately 11'-1" past the rear wall at 904 5th Street NE. 904 5th Street is set back from the property line by approximately 6.5' so no relief is needed from Subtitle E §207.4.

The existing lot occupancy on the first floor is 1133 SF, 70%, while the existing lot occupancy on the second floor is 992 SF, 61.2%. The proposed addition does not change the first-floor occupancy and increases the second-floor occupancy to 1133 SF, 70%. The proposed third occupies 603.5 SF 37.2%.

Board of Zoning Adjustment
District of Columbia
CASE NO. 21478
EXHIBIT NO. 22

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;

904 5th Street NE & Neighbors to the South

904 5th Street NE is an apartment building that lies south of the proposed addition at 912 5th Street. The proposed addition will extend approximately 11'-1" beyond the existing rear wall at 904 5th Street, the same distance as the existing one-story rear addition. The apartment building at 904 is setback from the property line approximately 6'-7", so the proposed addition at 912 5th will be set back from the apartment building. The proposed addition at 912 5th will have a minor impact on the light and air available to 904 5th Street and neighbors to the south due to the size. However, the impact will be limited to the rear and side yards at 904 5th Street and the rear yards for the neighbors to the south. Therefore, the proposed addition at 912 5th Street will have a minimal impact on the existing building at 904 5th Street NE and the neighbors to the south.

914 5th Street NE

914 5th Street NE lies north of the proposed addition at 912 5th Street. The proposed addition will not extend beyond the existing rear wall at 914 5th Street. Because the proposed addition will be on the south side and extend to the property line, the light and air available to 914 5th Street will be impacted somewhat. However, the impact will be limited to the rear yard at 914 5th Street, and will have a minimal impact on the existing house at 914 5th Street NE.

Neighbors to the East

Neighbors to the east of 912 5th Street are separated from the property by a 15' wide public alley. Additionally, the existing garage at 912 5th, privacy fences, and the rear yard further separates the proposed addition from the neighbors to the east. The proposed addition at 912 5th Street will be 52'-7" from the rear property line and will extend as far back as the existing one-story rear addition. Due to the separation between the proposed addition 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;

904 5th Street NE & Neighbors to the South

904 5th Street NE lies to the south of the proposed addition at 912 5th Street NE. The wall along the shared property line will be solid with no windows and the existing privacy fence will remain. The proposed rear wall will have windows and doors, which will allow some limited views into the rear yards of the neighbors to the south, but not the main houses. Therefore, the proposed addition at 912 5th Street will not compromise the privacy of 904 5th Street or the neighbors to the south.

914 5th Street NE

914 5th Street NE lies to the north of the proposed addition at 912 5th Street NE. The wall along the shared property line will be solid with no windows and the existing privacy fence will

remain. The proposed rear wall will have windows and doors, which will allow some limited views into the rear yard at 914 5th Street, but not the main house. Therefore, the proposed addition at 912 5th Street will not compromise the privacy of 914 5th Street.

Neighbors to the East

The proposed addition at 912 5th Street is separated from the neighbors to the east by the existing garage, rear yard, privacy fences, and a 15' wide public alley. Therefore, the proposed addition at 912 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 existing garages, backyards, privacy fences, and a 10-15' wide public alley. The proposed addition will be similar in massing to the other houses on the block. 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, 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.

The penthouse stairs will allow for access to the roof deck for outdoor space for the residents. The proposed penthouse is set back 17'-8" from the front wall of the building. The height has been limited to 8'-6" from the roof so that the height is equal to the setback from the rear wall. The total height will be 43.5', and the building itself will be limited to the 35' building height limitation. Granting the relief will be in harmony with the general purpose and intent of the zoning regulations.

- 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.

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:

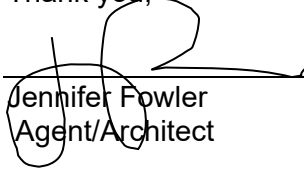
a) Photos of the existing house and surroundings.

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