

# **Burden of Proof Special Exception Application**

**1227 E Street SE**

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

**From: Michael Fowler**  
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**Date:** May 25, 2021

**Subject: BZA Application, McCulloch Residence**  
1227 E Street SE (Square 1019, Lot 0058)

Margaret McCulloch, owner of 1227 E Street SE, hereby applies for a special exception pursuant to Subtitle X, Chapter 9, to build a two-story rear addition. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

*Relief is requested from Subtitle E § 205.4 from the rear yard extension limitations for a row dwelling in the RF-1 zone.*

The existing house has a rear yard extension of 8.9', which will increase to 19.5' with the proposed two-story addition.

## **I. Summary:**

This special exception qualifies under ZR-16 Subtitle E, Chapter 5201 and Subtitle X, Chapter 9, because the proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

## **II. Qualification of Special Exception**

### **5201 Special Exception Relief from Certain Required Development 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;*

### **1229-1231 E Street SE**

1229-1231 E Street SE is a two-unit condominium that lies to the east of the property at 1227 E Street SE. The rear of 1229-1231 E Street SE is three-story and currently extends 6' beyond the rear wall of 1227 E Street SE. The proposed two-story rear addition at 1227 E Street SE will only extend 4.5' past the rear wall of 1229-1231 E Street SE. For these reasons, the light and air available to 1229-1231 E Street SE will not be unduly affected.

### **1225 E Street SE**

1225 E Street SE lies to the west of the property at 1227 E Street SE. The rear of 1227 E Street SE currently extends 8.9' beyond the rear wall of 1225 E Street SE, and the proposed two-story rear addition will increase the extension to 19.5'.

The existing residence at 1227 E Street SE sits approximately 5.4' back from the front property line, and the width of the property varies from only 13.78' to 14.8'. By comparison both adjoining properties to the east and west are built to the front property lines and have widths of 16.9' and 31.2'. The massing of the proposed structure at 1227 is consistent with the neighboring structures, but it sits further back and requires extra length because of the unusually narrow lot width. The narrow width is also exacerbated by an encroachment over the property line by 1225 E Street SE that varies from .46' to 1.36' for a length of 29.95'.

A lightwell is proposed along the shared property line that maintains a part of the existing open court. For these reasons, the light and air available to 1225 E Street SE will not be unduly affected.

### **1220 Pennsylvania Avenue SE**

1220 Pennsylvania Avenue SE is a four-story residential apartment building with penthouse and below grade parking. A private parking lot separates the apartment building from the rear of the property at 1227 E Street SE and provides access. For these reasons, the light and air available to 1220 Pennsylvania Avenue SE will not be unduly affected.

- b. *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.*

### **1229-1231 E Street SE**

The proposed addition at 1227 E Street SE has no windows facing 1229-1231 E Street SE, and there is an existing privacy fence along the property line. Overall, the addition will not unduly compromise the privacy of use and enjoyment of the neighbors at 1229-1231 E Street SE.

### **1225 E Street SE**

The proposed addition at 1227 E Street SE has no windows facing 1225 E Street SE, and a privacy fence is proposed along the property line. Overall, the addition will not unduly compromise the privacy of use and enjoyment of the neighbor at 1225 E Street SE.

### **1220 Pennsylvania Avenue SE**

The proposed addition at 1227 E Street SE is separated from the apartment building by the rear yard and private parking area. Access to the rear of the properties along E Street, including 1227 E Street SE, is provided from Pennsylvania Avenue SE over the private property at 1220 Pennsylvania Avenue SE. Overall, the addition will not unduly compromise the privacy of use and enjoyment of the neighbor at 1220 Pennsylvania Avenue SE.

- c. *The proposed addition or accessory structure, together with the original building, or the new principal 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 or alley frontage;*

The proposed addition will not be visible from a public way. The existing square is extremely dense with a variety of existing structures and additions. The proposed addition is consistent in size and material construction of the existing adjacent structures. Because of the presence of other nearby structures and additions, the proposed two-story rear addition will be in harmony with the intent of the regulations.

- d. *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plan, 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.*

Architectural plans and photographs have been submitted with the application.

## **901 Special Exception Review Standards**

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;*

The new two-story rear addition will be constructed of similar materials to other adjacent and nearby rear additions. Because of the presence of the other nearby additions and porches, the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

- 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 not impact the light and air or privacy of the neighboring properties. The addition will also not adversely affect the use of neighboring properties as residential because the applicant is not proposing a change from the existing use as a single-family dwelling.

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

## **902 Application Requirements**

*An application for a special exception and an area variance 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;
- 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 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,

*Michael Fowler*

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