

Burden of Proof
Special Exception Application

3544 W Pl. NW

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

From: Melissa Brand
Applicant/Agent
3544 W Pl. NW
Washington, DC 20007

Date: September 23, 2024

Subject: BZA Application, Brand Addition
3544 W Pl. NW (Square 1300, Lot 0513)

Melissa Brand, owner and occupant of 3544 W Pl. NW, hereby applies for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a two-story rear addition on an existing single family row dwelling (the “Dwelling”) in the R-3 zone. The zoning relief requested is as follows:

Application of Melissa Brand, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear wall extension limitations set forth in Subtitle D § 306.3, to construct a two-story rear addition to an existing attached single-family dwelling in the R-3 Zone at premises 3544 W Pl. NW (Square 1300, Lot 0513).

1. Summary

This special exception qualifies under Subtitle D, § 5201 and Subtitle X, Chapter 9, because the lot occupancy will not exceed 60% in accordance with § 304.1, the rear yard will be at least 20 feet in accordance with § 306.2, and the addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

The proposed addition will expand the first and second floor levels. It will increase the lot occupancy from 781 SF or 40% to 1,033 SF or 53% and extend the rear wall 14 feet, which will be 9 feet past the rear wall of the adjacent residential dwelling at 3542 W Pl. NW and 14 feet past the rear wall of the adjacent residential dwelling at 3546 W Pl. NW. Applicant’s proposed addition therefore would be within the maximum 10 foot allocation set forth in § 306.3 in relation to 3542 W Pl. NW but would exceed the maximum 10 foot allocation by 4 feet in relation to 3546 W Pl. NW. Applicant seeks only an additional 4 feet over the 10 foot rule set

forth in § 306.3. Other than the requested relief, the proposal meets all development standards for the R-3 zone.

2. The Application Meets the Requirements for Special Exception

i. General Special Exception Requirements of Subtitle X, Chapter 9

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The proposed Addition is still within the lot occupancy (60%) and rear yard (20') requirements of the R3 zone. In addition, by satisfying the requirements of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6, the application also meets the general special exception requirements of X-901.2. Accordingly, the proposed Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

ii. Specific Special Exception Requirements of Subtitle D-5201

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. If the prerequisites are satisfied, the Board ordinarily must grant the application. *See, e.g., Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

Pursuant to 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.

3546 W Pl. NW

3546 W Pl. NW lies to the west of the proposed addition at the Dwelling. The proposed addition will include a two-story rear addition. The proposed rear wall will extend 14 feet past the rear wall of 3546 W Pl. NW.

The Dwelling and 3546 W Pl. NW are oriented north south. The Dwelling and 3546 W Pl. NW are abutted at the rear by an alley, followed by small plots of land used for parking, followed by Holly Rood Cemetery.

Because of the depth of the addition (only 4 feet over the 10-foot limitation set forth in § 306.3), the location to the east, and because there are no residential or commercial buildings behind the Dwelling and 3546 W Pl. NW, the light and air available to 3546 W Pl. will not be impacted.

3542 W Pl. NW

3542 W Pl. NW lies to the east of the proposed addition at the Dwelling. The proposed addition will include a two-story rear addition. The proposed rear wall will extend 9 feet past the rear wall of 3542 W Pl. NW, which is within the allowable amount pursuant to § 306.3.

The Dwelling and 3542 W Pl. NW are abutted at the rear by an alley, followed by small plots of land used for parking, followed by Holly Rood Cemetery.

Because of the depth of the rear wall existing at 3542 W Pl. NW, and because there are no residential or commercial buildings behind the Dwelling and 3542 W Pl. NW, the light and air available to 3546 W Pl. will not be impacted.

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

3546 W Pl. NW

3546 W Pl. NW lies to the west of the proposed addition at the Dwelling. The proposed addition will include a two-story rear addition. The proposed rear wall will extend 14 feet past the rear wall of 3546 W Pl. NW.

The new rear façade will have a single door and window at the first-floor level, two windows at the second-floor level, and a narrow deck and door on the eastern side of the second-floor level. Accordingly, the addition will result in fewer windows than now exist on the rear of the Dwelling and a small deck that will have no view of 3546 W Pl. NW due to the deck's location on the east side of the Dwelling. The new rear wall will therefore have no impact on the amount of privacy enjoyed. The existing privacy fence along the shared property line will help to obstruct views. Therefore, the proposed addition will not unduly compromise the privacy or use and enjoyment of 3546 W Pl. NW.

3542 W Pl. NW

3542 W Pl. NW lies to the east of the proposed addition at the Dwelling. The proposed addition will include a two-story rear addition. The proposed rear wall will extend 9 feet past the rear wall of 3542 W Pl. NW, which is within the allowable amount pursuant to § 306.3.

Because of the depth of the rear wall existing at 3542 W Pl. NW, privacy enjoyed by the occupants will be unchanged.

- (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 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 the existing houses.

The houses along the subject street frontage are all rear abutted by privacy fencing. There are no residential or commercial buildings to the rear of these homes, and the alley incurs minimal foot traffic. Large trees obscure some of the rear views of these homes. At least two of these homes have rear additions.

Accordingly, the addition will 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.

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

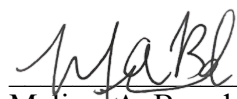
3. Conclusion

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.

The applicant sincerely thanks the Office of Zoning for considering this application for special exception. If you require any further clarification or have any questions regarding the application, we are available at any time to discuss them with you.

Sincerely,



Melissa A. Brand