

Burden of Proof

Special Exception Application

1232 Maryland Avenue 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
1819 D Street SE
Washington, DC 20003

Date: November 14, 2024

Subject: BZA Application, █ Addition
1232 Maryland Avenue NE (Square 1005, Lot 0064)

K █ & █ owners and occupants of 1232 Maryland Avenue NE, hereby apply for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a two-story + cellar rear addition at an existing attached flat in the RF-1 zone. The zoning relief requested is as follows:

Application of K █ & █ 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 addition requirements of Subtitle E § 207.5, to construct a two-story + cellar rear addition to an existing single family row dwelling in the RF-1 Zone at premises 1232 Maryland Avenue N.E. (Square 1005, Lot 0064).

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.

Subtitle E §210.1: The proposed addition will expand the cellar, first & second floors at the rear. It will increase the lot occupancy from 1071.3 SF (51.9%) to 1439.9 SF (69.8%).

Subtitle E §207.5: The proposed addition will extend 18'-0" beyond the existing rear wall. The addition will extend 8'-7" past the rear wall of 1230 Maryland Avenue NE and 21'-3/8" past the rear wall of 1234 Maryland Avenue NE. Therefore, the proposed rear addition will extend past the 10' maximum allowed by-right relative to 1234 Maryland Avenue NE.

II. Qualification of Special Exception

5201 Special Exception Review 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.*

1234 Maryland Avenue NE

1234 Maryland Avenue lies to the northeast of the proposed addition at 1232 Maryland Avenue NE. The proposed rear addition will extend 21'- 3/8" past the existing rear wall at 1234 Maryland Avenue NE. Because of the depth of the addition, the light and air available to 1234 Maryland Ave NE will be impacted somewhat. Since the addition lies to the south of the 1234 Maryland, shadows will primarily be cast in the afternoon hours in the winter, spring, and fall. The impact during the summer will be minimal. The second-floor addition will be set back 4'-8" from the shared property line in order to follow the line of the existing dogleg, which will help to minimize the impact.

1230 Maryland Avenue NE

1230 Maryland Avenue NE lies to the southwest of the proposed addition at 1232 Maryland Avenue NE. The proposed rear addition will extend 8'-7" past the existing rear wall at 1230 Maryland Avenue NE.

Because of the depth of the addition, the light and air available to 1230 Maryland Avenue NE will be impacted somewhat. However, the impact will be minimal since the proposed addition is on the north side of the property.

Neighbors to the North

Neighbors to the North of 1232 Maryland Avenue are separated from the property by an existing one-story garage at the rear of the property, a 20' alley, garages, privacy fences, and rear yards. The proposed rear addition will extend 18'-0" beyond the existing rear wall of 1232 Maryland Avenue NE. Because the rear addition is no taller than the existing house, and the wide alley, garages, and deep rear yards, the overall impact on the light or air available to the neighbors to the north will not be undue.

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

1234 Maryland Avenue NE

1234 Maryland Avenue NE lies to the northeast of the proposed addition at 1232 Maryland Avenue NE. The new cellar & first floor walls along the property line will not have any windows, thus prohibiting the views into the rear yard at 1234 Maryland Avenue NE. The second-floor side wall will be set over from the property line by 4'-8." There is a proposed fixed high window along the side wall, however, due to the height, it will not allow any additional views into the rear yard at 1234 Maryland Avenue NE. The dogleg separation and existing privacy fence will also help to mitigate these views. Overall, the privacy of use and enjoyment at 1234 Maryland Avenue NE will not be unduly compromised due to the proposed dogleg at 1232 Maryland Avenue NE.

1230 Maryland Avenue NE

1230 Maryland Avenue NE lies to the southwest of the proposed addition at 1232 Maryland Avenue NE. The wall along the shared property line will be solid with no windows, thus prohibiting views into the rear yard at 1230 Maryland. The existing privacy fence will also obstruct views. Therefore, the proposed addition at 1232 Maryland Avenue NE will not compromise the privacy of 1230 Maryland Avenue NE.

Neighbors to the North

The proposed two-story+ cellar rear addition at 1232 Maryland Avenue NE is separated from the neighbors to the north by an existing one-story garage at the rear of 1232 Maryland Ave, a 20'-0" alley, garages, privacy fences, and deep rear yards across the alley. Because of this,

the proposed addition at 1232 Maryland Avenue NE will not unduly impact the privacy of use and enjoyment of the neighbors to the North.

(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 existing square is extremely dense with backyards, garages, privacy fences, & a public alley. The proposed addition will be similar in massing to other houses on the block. The rear addition will not be visible from Maryland Avenue NE. Additionally, the proposed rear addition will be constructed with high quality materials and will be appropriate in scale for the existing houses.

(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.

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 proposed additions will be constructed of similar materials to other adjacent and nearby rear additions. Because of the presence of the other nearby additions and garage structures, 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 shall meet the requirements of Subtitle Y § 300.

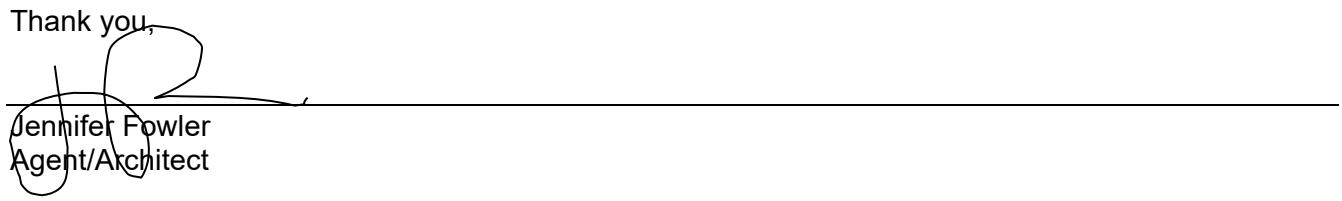
Along with this application, we have included the following items:

- 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,


Jennifer Fowler
Agent/Architect