

Burden of Proof Special Exception Application

1142 44th Place SE

To: Board of Zoning Adjustment

Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: Helen Jackson and Zakiya Jackson

Home Owners
1142 44th Place SE
Washington, DC 20019

Date: March 28, 2025

Subject: BZA Application Temporary Case #BZATmp4879 , Jackson Residence
(Square 5361, Lot 0841)

We, the owners of 1142 44th Place SE, hereby apply for special exceptions pursuant to Subtitle X.901.2, D-5004.1 and D5201.1, to build a two story addition to our single family dwelling. The zoning relief requested is as follows:

Application of Helen Jackson and Zakiya Jackson, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D §5201 from the yard requirements of Subtitle D §5004.1 due to two accessory structures in the required rear yard, to expand a single family dwelling with a two story addition at premises 1142 44th Place SE (Square 5361, Lot 0841).

I. Summary:

This special exception qualifies under ZR-16 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.

Subtitle D § 5004.1: Relief is requested from the accessory building rear yard requirement.

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.

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.

Board of Zoning Adjustment
District of Columbia
CASE NO.21306
EXHIBIT NO.12

specifically:

(a) The light and air available to neighboring properties shall not be unduly affected;

1144 44th Place SE

1144 44th Place SE are our neighbors immediately to the south. Our proposed addition is along the same area of their huge tree. Our addition is significantly shorter than the tree and with the way the sun rises, will not unduly affect the air and light available to our neighbors. Additionally, our 2 story addition is shorter than our existing three story home, so will not unduly change or impact our neighbors at 1144 44th Place SE.

Photo of 1144 44th Place SE tree from our backyard:



1140 44th Place SE

1140 44th Place SE are our neighbors immediately to our north. Our proposed addition will have minimal if any impact because this neighbor has a rear yard structure (which is visible on our plat that sits slightly lower than our new addition will. We estimate it sits about 4 ft lower. There will also be about **24.5** feet between our new addition and their existing accessory building.

Photo from our yard facing accessory building of 1140 44th Place SE (past our solar accessory structure):



Neighbors to the East

The neighbors to the East are separated from our proposed addition by a **15** feet wide public alley. Additionally, many of the neighbors to the East have garages or accessory structures at the rear of their property. Given the width of the public alley, the proposed addition will not impact the light and air available to the neighbors to the East.

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

1144 44th Place SE

The existing fence in our rear yard will be unaffected by our addition. The **5.5-6** feet between our home and the fence line will be maintained. The new windows on our addition will be blocked by the tree in the neighbors yard. The proposed addition will not unduly compromise the privacy of use and enjoyment of our neighbors at 1144 44th Place SE.

1140 44th Place SE

Our proposed addition will have minimal if any impact because this neighbor has a rear yard structure that sits about 4 ft lower than our proposed addition. There will also be about **24.5** feet between our new addition and their existing accessory building. The proposed addition will not unduly compromise the privacy of use and enjoyment of our neighbors at 1140 44th Place SE.

Neighbors to the East

The neighbors to the East are separated from our proposed addition by a 15 feet wide public alley. Additionally, many of the neighbors to the East have garages or accessory structures at the rear of their property. Given the width of the public alley, the proposed addition will not unduly compromise the privacy of use and enjoyment of our 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;

The proposed addition is at the rear of the property and will not be visible from a public street. The existing properties of our neighbors include many additions and/or accessory buildings or structures. Our addition will not visually intrude upon the character, scale and pattern of our neighbors houses. The proposed addition will be constructed appropriate in scale for the existing houses on the alley.

(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.

Nonconforming accessory buildings.

The rear yard contains two accessory structures, but only one of them is a building according to the DCMR definition of building.

Building: A structure requiring permanent placement on the ground that has one (1) or more floors and a roof supported by columns or walls. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

The solar trellis has no roof, only solar panels, making it an accessory structure but not a building. Since the solar trellis is not a building, this is another point for relief for **Subtitle D § 5004.1**

Picture of solar trellis:



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 addition will be visible from the alley. It will not be visible from 44th Place SE. The proposed addition will be constructed with quality materials and will be appropriate in scale for the existing alley.

- 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;
- b) Plan and elevation drawings of proposed addition.
- 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,

Helen Jackson
Zakiya Jackson
Owners
202-604-1055