

Burden of Proof

Special Exception Application

406 7th 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
1453 Pennsylvania Avenue SE
2nd Floor
Washington, DC 20003

Date: March 24, 2025

Subject: **BZA Application, Eyring Addition**
406 7th Street NE (Square 0862, Lot 0033)

James and Alison Eyring, owners and occupants of 406 7th Street NE, hereby apply for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to enlarge and enclose an existing rear porch on the rear of an existing single family row dwelling in the RF-1 zone. The zoning relief requested is as follows:

Application of James and Alison Eyring, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 207.1 and the lot occupancy requirements of Subtitle E § 210.1, to enlarge and enclose the existing rear porch of an existing semi-detached principal dwelling unit in the RF-1 Zone at premises 406 7th Street NE (Square 0862, Lot 0033).

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.

The proposed addition will expand the cellar, first, and second floors at the rear. It will increase the lot occupancy from 736.7 SF (58.9%) to 763.4 SF (61.1%).

The proposed addition will extend 6'-7" beyond the existing first floor rear wall, within the footprint of the existing covered porch. The proposed addition will extend to the property line on the south side. The addition will be 6'-7" past the existing first floor rear wall of the neighbor to the south and align with the neighbor's existing rear porch.

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:

Office of Zoning Adjustment
District of Columbia
CASE NO.21311
EXHIBIT NO.11

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

404 7th Street NE

404 7th Street NE lies south of the proposed addition at 406 7th Street. The proposed addition will enclose the existing rear porch and will extend the footprint to the south property line. Because the proposed addition will extend to the property line, the light and air available to 404 7th Street will be impacted somewhat. However, the impact will be limited to the neighboring screened porch and rear yard at 404 7th Street, and will have a minimal impact on the existing house at 404 7th Street.

Neighbors to the North

Neighbors to the north of 406 7th Street NE are separated from the property by a 25' wide public street, wide sidewalks and side yards. The proposed rear addition at 406 7th Street will be 11'-9" from the side property line. Due to the separation between the proposed addition and the neighbors to the north, no shadows will be cast.

Neighbors to the West

Neighbors to the west of 406 7th Street NE are separated from the property by a 10' wide public alley. Additionally, privacy fences and rear yards further separate the proposed addition from the neighbors to the west. The proposed rear addition at 406 7th Street will be 9'-7.5" from the rear property line and will not extend beyond the rear wall of the existing covered porch. Due to the separation between the proposed addition and the neighbors to the west, no shadows will be cast.

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

404 7th Street NE

404 7th Street NE lies to the south of the proposed addition at 406 7th Street NE. The wall along the shared property line will be solid with no windows, thus prohibiting views into the existing porch at 404 7th Street. The proposed rear wall will have windows and doors, which will allow some views into the rear yard at 404 7th Street. However, the views will be limited to the rear yard and the existing privacy fence also obstructs views. Overall, enclosed space will provide more privacy for the property at 404 7th Street NE than the existing covered porch provided. Therefore, the proposed addition at 406 7th Street NE will not compromise the privacy of 404 7th Street NE.

Neighbors to the North

The proposed rear addition is separated from the neighbors to the north by a 25' public street, large sidewalks and side yards. Additionally, the proposed addition is set over from the side of the existing house at 406 7th Street. Therefore, the proposed additions at 406 7th Street NE will not unduly impact the privacy of use and enjoyment of the neighbors to the north.

Neighbors to the West

The proposed rear addition is separated from the neighbors to the west by rear yards, privacy fences, and a 10' wide public alley. Therefore, the proposed additions at 406 7th Street NE will not unduly impact the privacy of use and enjoyment of the neighbors to the west.

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 backyards, privacy fences, and a 10' wide public alley. The proposed addition will be similar in massing to the other houses on the block. The rear addition will not be visible from 7th Street NE and will be set back from the side of the existing house that faces Lexington Place. 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.

- 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.

- 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:

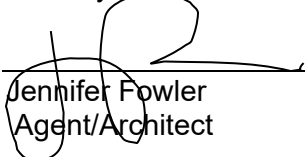
- a) Photos of the existing house and surroundings.

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