

# Burden of Proof Special Exception Application

**511 3<sup>rd</sup> Street NE**

**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:**       **Jennifer Fowler**  
Agent/Applicant  
1453 Pennsylvania Ave SE, 2<sup>nd</sup> Floor  
Washington, DC 20003

**Date:**         September 29<sup>th</sup>, 2025

**Subject:**     **BZA Application, Carney Addition**  
511 3<sup>rd</sup> Street NE (Square 0779, Lot 0095)

Katherine & Timothy Carney, owners and occupants of 511 3<sup>rd</sup> Street NE, hereby apply for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a two-story rear addition at an existing attached flat in the RF-1 zone. The zoning relief requested is as follows:

*Application of Katherine & Timothy Carney, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 210.1 to construct a two-story rear addition to an existing single family row dwelling in the RF-1 Zone at premises 511 3<sup>rd</sup> Street N.E. (Square 0779, Lot 0095).*

## 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 effect 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 849.2 SF (57.3%) to 1,035.4 SF (69.9%).

## 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.*

### **513 3<sup>rd</sup> Street NE**

513 3<sup>rd</sup> Street NE lies to the north of the proposed addition at 511 3<sup>rd</sup> Street NE. The proposed rear addition will extend 6'-6" past the existing rear wall at 513 3<sup>rd</sup> Street NE. Because of the

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depth of the addition, the light and air available to 513 3<sup>rd</sup> Street NE will be impacted somewhat. Since the addition lies to the south of the 513 3<sup>rd</sup> Street, shadows will primarily be cast in the afternoon hours in the winter, spring, and fall. The impact during the summer will be minimal. The addition will also be set back 3'-6" from the shared property line, which will help to minimize the impact.

### **Neighbors to the South**

Neighbors to the south of 511 3<sup>rd</sup> Street NE are separated from the property by a 10' wide public alley, garages, and the neighboring rear yards. Because 306 E Street NE does not have an existing garage at the rear of the property, some shadows may be cast. Because of the alley, garages, and the existing privacy fences along the property lines, the overall impact on the existing houses to the south will not be undue.

### **Neighbors to the East**

Neighbors to the east of 511 3<sup>rd</sup> Street NE are separated from the property by a 15' wide public alley. Additionally, privacy fences and rear yards further separate the proposed addition from the neighbors to the east. The proposed rear addition at 511 3<sup>rd</sup> Street NE will be 24'-10.5" from the rear property line. Due to the separation between the proposed addition and the neighbors to the east, no shadows will be cast.

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

### **513 3<sup>rd</sup> Street NE**

513 3<sup>rd</sup> Street NE lies to the north of the proposed addition at 511 3<sup>rd</sup> Street NE. The north wall of the proposed addition will be set over from the property line by 3'-6". There are proposed fixed casement windows along the side wall, which may allow additional views into the rear yard at 513 3<sup>rd</sup> Street NE. The dogleg separation and existing privacy fence help to mitigate these views. Overall, the privacy of use and enjoyment at 513 3<sup>rd</sup> Street NE will not be unduly compromised by the proposed addition at 511 3<sup>rd</sup> Street NE.

### **Neighbors to the South**

The proposed two story rear addition at 511 3<sup>rd</sup> Street NE is separated from the neighbors to the south by a 10' wide public alley, garages, and the neighboring rear yards. The wall along the property line will be solid, thus preventing any views into the alley or the rear yards to the south. The proposed rear wall will have full view glass sliding doors with transoms, and casement windows. However, the views will be obstructed by the existing privacy fences and alley. Therefore, the proposed two story addition at 511 3<sup>rd</sup> Street NE will not compromise the privacy of the neighbors to the south.

### **Neighbors to the East**

The proposed two story addition is separated from the neighbors to the east by deep rear yards, privacy fences, and a 15' wide public alley. Therefore, the proposed addition at 511 3<sup>rd</sup> Street NE will not unduly impact the privacy of use and enjoyment of the neighbors to the east.

*(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 be partially visible from 3<sup>rd</sup> street NE, but the visibility will be minimal. 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**

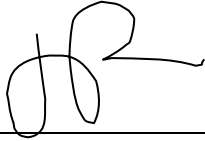
*An application for a special exception shall meet the requirements of Subtitle Y § 300.*

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,

A handwritten signature in black ink, consisting of a stylized 'J' and 'F' followed by a horizontal line.

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Jennifer Fowler  
Agent/Architect