

Burden of Proof

Special Exception Application

408 Constitution 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
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Date: May 24, 2026

Subject: **BZA Application, or Mark Sherman and Edith Shine**
408 Constitution Avenue NE (Square 814, Lot 0015)

Mark Sherman and Edith Shine, owners and occupants of 408 Constitution Avenue NE, hereby apply for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a one-story rear screened-in porch addition in the RF-1 zone. The zoning relief requested is as follows:

Application of Mark Sherman and Edith Shine, 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 one-story rear porch addition to first level of an existing single-family row dwelling on the RF-1/CAP Zone at premises 408 Constitution Avenue NE (Square 0814, Lot 0015)

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 porch addition will increase the lot occupancy from 1011 SF (64.4%) to 1,041 SF (66.2%).

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.

406 Constitution Ave NE

406 Constitution Avenue lies to the west of the proposed addition at 408 Constitution Avenue. The proposed one-story rear addition will extend past the existing rear wall at 406 Constitution by 18.6'. Because of this, the light and air available to 406 Constitution will be impacted

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somewhat. As it is only a one-story addition, the impact will be minor. Since the addition lies to the east of 406 Constitution, shadows will primarily be cast in the afternoon hours. The addition is on the north side of the house, so the shadows will only impact the rear yard.

410 Constitution Ave NE

410 Constitution Avenue lies to the east of the proposed addition at 408 Constitution Avenue. The proposed one-story rear addition will be the same depth as the existing open porch at 410 Constitution. Because of this, the light and air available to 410 Constitution will be impacted somewhat. As it is only a one-story addition, the impact will be minor, and will not impact the second level of the porch at 410 Constitution Ave. Because the addition lies to the west of 410 Constitution, shadows will primarily be cast in the morning hours. The addition is on the north side of the house, so the shadows will only impact the rear yard.

Neighbors to the North

Neighbors to the north of 408 Constitution Avenue are separated from the property by the elementary school green space. The houses that front C Street NE are over 120' away from the proposed addition. Because the addition is limited to one story, and because of the existing school property, there will be no impact to the light and air enjoyed by the properties to the north.

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

406 Constitution Ave NE

The proposed porch will extend 18.5' beyond the rear wall at 406 Constitution Ave. Currently the property has an open deck which offers unlimited views into the neighboring house. As the porch is a similar size to the deck, it will not decrease the privacy enjoyed by that neighbor.

410 Constitution Ave NE

The proposed porch will match the depth of the existing two-story porch at 410 Constitution Ave. Currently the property has an open deck which offers unlimited views into the neighboring house. The new screened-in porch will have a 3' tall solid wall at the base, and screens to the ceiling. The proposed addition will not decrease the privacy enjoyed by that neighbor.

Neighbors to the North

Neighbors to the north of 408 Constitution Avenue are separated from the property by the elementary school green space. The houses that front C Street NE are over 120' away from the proposed addition. Because the addition is limited to one story, and because of the existing school property, there will be no impact to the privacy enjoyed by the properties 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 proposed addition is at the rear of the property, and the property has no alley behind it. The open school grounds to the north offer views of 408 Constitution Ave from 4th Street NE, however the addition is set back very far from the 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 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 of similar massing, 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

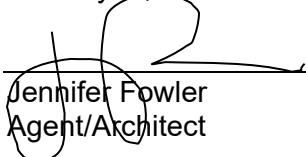
An application for a special exception shall meet the requirements of Subtitle Y § 300.

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