

# Burden of Proof Special Exception Application

508 7<sup>th</sup> Street SE

**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:**       **Michael Fowler**  
Agent/Architect  
1819 D Street SE  
Washington, DC 20003

**Date:**        October 2, 2017

**Subject:**     **BZA Application, Flowers Addition**  
508 7<sup>th</sup> St SE (Square 903, Lot 29)

Benjamin Flowers, owner and resident of 508 7<sup>th</sup> Street SE, hereby applies for a special exception pursuant to Subtitle X, Chapter 9, to build a two-story addition to the rear of their existing semidetached house. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

*The existing house has both a nonconforming lot occupancy of 754.7 SF (70.7%), a rear yard of 8.6', and a side yard that varies from 1.5' to 7.9' to 4.4'. The proposed lot occupancy will decrease to 747.5 (70.0%), the rear yard will increase to 9.2', and the 4.4' side yard will be extended in the MU-4 zoning district (ZR-16 Subtitle C 202.2).*

*The existing house has a lot occupancy of 754.7 SF (70.7%), which will decrease to 747.5 (70.0%) with the proposed rear addition. The proposed lot occupancy will exceed the maximum allowed by 106.7 SF (10.0%) for a semi-detached single family residence in the MU-4 zoning district (ZR-16 Subtitle G 404.1)*

*The existing house has a rear yard of 8.6', which will increase to 9.2' with the proposed rear addition. The proposed rear yard deviates from the required 15.0' by 5.8' for a semi-detached single family residence in the MU-4 zoning district (ZR-16 Subtitle G 405.2)*

*The existing house has a side yard that varies from 1.5' to 7.9' to 4.4'. The proposed rear addition will extend the 4.4' side yard. The proposed side yard deviates from the required 8' by 3.6' for a semi-detached single family residence in the MU-4 zoning district (ZR-16 Subtitle G 406.2)*

## I. Summary:

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, and will meet such special conditions as may be specified in this title.

The proposed rear addition will extend the existing 4.4' side yard and replace an existing one-story structure of a slightly larger footprint. The rear addition will decrease the lot occupancy from 754.7 SF (70.7%) to 747.5 (70.0%), will increase the rear yard from 8.6' to 9.2', and extend the 4.4' side yard.

## **II. Qualification of Special Exception**

### **Subtitle G Chapter 12 Relief From Development Standard**

By satisfying the requirements of G-1200, the application also meets the special exception review standards of X-901.

G-1200.4 Relief may be granted as a special exception by the Board of Zoning Adjustment to the development standards and regulations of the subtitle where, in the judgement of the Board, the special exception:

- (a) *Will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps;*

The existing square is extremely dense and is made up of mixed uses including retail, business, and residential housing. The proposed two-story rear addition will not extend past the existing one-story structure that is to be removed. The property does not have alley access, and the properties across the adjacent parking lot and alley consist of commercial properties all facing the opposite direction. Additionally, the proposed addition will be constructed with high quality materials and will be appropriate in scale for the existing adjacent houses.

- (b) *Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps;*

#### **506 7<sup>th</sup> Street SE**

The proposed addition at 508 7<sup>th</sup> Street SE will be along the shared property line with 506 7<sup>th</sup> Street SE. The north face-on-line wall of the addition adjacent 506 7<sup>th</sup> Street SE will have no windows, thus prohibiting any views into the house at 506 7<sup>th</sup> Street SE. There will be a new window and door on the rear wall of the addition which may allow some views into the rear yard at 506 7<sup>th</sup> Street SE; however, the existing fence along the shared property line will remain and obstruct some of those views. Additionally, the new window and door are replacing existing windows on the rear of the existing structure.

The proposed two-story addition will replace an existing one-story structure, and will be held short of the existing structure to be demolished by 0.6'. There is a 4.5' side yard on the property of 506 7<sup>th</sup> Street SE separating the residence from the proposed addition. The proposed addition will only extend back an additional 8.5' past the existing two-story structure.

Overall, the proposed addition at 508 7<sup>th</sup> Street SE will not unduly compromise the use of the neighboring property at 506 7<sup>th</sup> Street SE.

#### **510 7<sup>th</sup> Street SE**

The proposed addition at 508 7<sup>th</sup> Street SE will be separated from the shared property line with 510 7<sup>th</sup> Street SE by the 4.4' side yard. There are windows on the proposed addition facing south towards 510 7<sup>th</sup> Street SE, but the existing wall on 510 7<sup>th</sup> Street SE facing north is on the property line and has no windows, prohibiting any views into the house. There will be a new

window and door on the rear wall of the addition which may allow some views into the rear yard at 508 7<sup>th</sup> Street SE; however, the existing fence along the shared property line will remain and obstruct some of those views. Additionally, the new window and door are replacing existing windows on the rear of the existing structure.

The proposed two-story addition will replace an existing one-story structure, and will be held short of the existing structure to be demolished by 0.6'. There is a 4.4' side yard on the property of 508 7<sup>th</sup> Street SE separating the proposed addition from the property of 510 7<sup>th</sup> Street SE. The proposed addition will only extend back an additional 8.5' past the existing two-story structure.

Overall, the proposed addition at 508 7<sup>th</sup> Street SE will not unduly compromise the use of the neighboring property at 510 7<sup>th</sup> Street SE.

### **711 E Street SE**

The apartment building at 711 E Street SE will be separated from the proposed rear addition by the parking lot at 711 E Street SE and a privacy fence. The rear wall of the apartment building will be approximately 20' Northeast from the rear of the proposed addition. The north wall of the proposed addition facing the apartment building is on the property line and has no windows. The window and door at the rear of the addition are replacing existing windows on the rear of the existing structure.

The proposed rear addition at 508 7<sup>th</sup> Street SE will be much smaller in scale as compared to the apartment building. The apartment building will be separated from the proposed rear addition by the rear yard/parking lot at 711 E Street SE. The rear wall addition will be approximately 20' from the apartment building separated by the parking lot and fence.

Overall, the proposed addition at 508 7<sup>th</sup> Street SE will not unduly compromise the use of the neighboring property at 711 E Street SE.

*(c) Is subject in each case to any applicable conditions specified in this chapter.*

### **Subtitle G 1201 Special Exception Criteria Rear Yard Relief**

G-1201.1 The Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, provided;

*(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;*

Not applicable to an addition to a semi-detached single family residence.

*(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;*

Not applicable to an addition to a semi-detached single family residence.

*(c) In buildings that are not parallel to the adjacent building, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;*

Views are considered and discussed as part of the requirements for G-1200.4.

*(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas;*

Not applicable to an addition to a semi-detached single family residence.

*(e) Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application for the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, The District of Columbia Housing Authority and, if a historic district of historic landmark is involved, the Historic Preservation Office.*

## **902 Application Requirements**

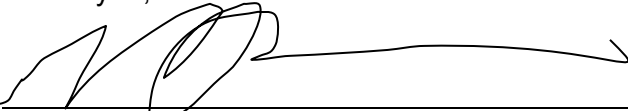
*An application for a special exception shall meet the requirements of Subtitle Y § 300.*

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, appearing to read 'Michael Fowler', with a long horizontal line extending to the right.

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Michael Fowler  
Agent/Architect  
202-546-0896