

# **Burden of Proof**

## **Special Exception Application**

### **333 9<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:** **Jennifer Fowler**  
Agent/Applicant  
1819 D Street SE  
Washington, DC 20003

**Date:** September 24, 2019

**Subject:** **BZA Application, Ballew Addition**  
333 9<sup>th</sup> Street SE (Square 0924, Lot 0038)

Sam & Joelle Ballew, owners and occupants of 333 9<sup>th</sup> Street SE, hereby apply for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a two-story rear addition (a sunroom at the first floor level & enclosed space at the second floor level) at an existing two-story + basement single-family row dwelling. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

*Relief is requested from Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1.*

*Additional relief is requested from the rear yard requirements of Subtitle E § 306.1.*

#### **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 first and second floors. It will increase the lot occupancy from 565.1 SF (56.3 %) to 702.8 SF (70%). The rear setback is 19'-8" which is within 4" of meeting the 20'-0" requirement.

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

##### **5201 Special Exception Review Standards**

By satisfying the requirements of E-5201.3 through E-5201.6, the application also meets the general special exception requirements of X-901.2.

5201.3 An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

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

### **331 9<sup>th</sup> Street SE**

331 9<sup>th</sup> Street SE lies to the north of the proposed addition at 333 9<sup>th</sup> Street SE. The existing rear wall at 331 9<sup>th</sup> Street SE extends 7.0' past the proposed two-story rear addition at 333 9<sup>th</sup> Street SE. Therefore the proposed addition at 333 9<sup>th</sup> Street SE will have no impact the light and air available to 331 9<sup>th</sup> Street SE.

### **335 9<sup>th</sup> Street SE**

335 9<sup>th</sup> Street SE lies to the south of the proposed addition at 333 9<sup>th</sup> Street SE. The proposed two-story rear addition will extend 5.6' past the existing house at 335 9<sup>th</sup> Street SE. Therefore, the proposed addition at 333 9<sup>th</sup> Street SE will somewhat impact the light and air available to 335 9<sup>th</sup> Street SE. Because the proposed addition will not be taller than the existing houses at 331 and 333 9<sup>th</sup> Street and because the existing rear structure at 331 9<sup>th</sup> street extends 7.0' past the proposed rear addition at 333 9<sup>th</sup> Street SE., the overall impact on the existing house at 335 9<sup>th</sup> Street SE will not be undue.

### **Neighbors to the West**

Neighbors to the west of 333 9<sup>th</sup> Street SE, with frontage on 8<sup>th</sup> Street SE, are separated from the property by a 25.0' alley, garages, privacy fences, and rear yards. The proposed two-story rear addition will extend 11'-1" past the existing house at 333 9<sup>th</sup> Street SE. The existing property at 331 9<sup>th</sup> Street SE has a 2-story rear addition that extends 7.0' past the proposed rear addition at 333 9<sup>th</sup> Street. The existing rear facades are not visible from the alley due to the existing garages. Therefore, the proposed addition at 333 9<sup>th</sup> Street SE will have little to no impact on the light and air available to the 8<sup>th</sup> Street SE neighbors to the west.

The property at 824 D Street SE is an L shaped lot that abuts 333 9<sup>th</sup> Street SE and adjoins the alley. It has a primary dwelling that fronts onto D Street SE, as well as a two-story carriage house with living space that abuts the alley. The rear wall of the primary building at 824 D Street SE is approximately 35' from the south property line of 333 9<sup>th</sup> Street SE. Due to the distance, as well as the tree cover, there will not be any impact to the light and air enjoyed by its occupants. The rear yard and carriage house of 824 D Street SE do however sit directly to the west of the proposed addition. The separation distance between the new addition and the carriage house will be approximately 36.5'. Due to the orientation, the rear addition will cast longer shadows into the yard of 824 D Street SE in the early morning hours. However, the proposed addition is no taller than the existing house, which will help to mitigate the impact. Additionally, there is a large tree at the rear of 333 9<sup>th</sup>, as well as trees on adjacent lots, that already keep much of the yard in shade.

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

### **331 9<sup>th</sup> Street SE**

The proposed two-story rear addition at the first and second floor levels of 333 9<sup>th</sup> Street SE will not extend past the rear wall at 331 9<sup>th</sup> Street SE. The new rear wall will have a screened porch at the first-floor level and double hung windows at the second-floor level. Because the existing rear wall at 331 9<sup>th</sup> Street SE extends 7.0' past the proposed rear wall at 333 9<sup>th</sup> Street, the proposed addition at 333 9<sup>th</sup> Street SE will not unduly compromise the privacy of use and enjoyment of 331 9<sup>th</sup> Street SE.

### **335 9<sup>th</sup> Street SE**

The proposed two-story rear addition at the first and second floor levels of 333 9<sup>th</sup> Street SE will extend 5.6' past the existing rear wall at 335 9<sup>th</sup> Street SE. The new rear wall will have a screened porch at the first-floor level and double hung windows at the second-floor level, which will allow some views into the rear yard at 335 9<sup>th</sup> Street SE.

The existing privacy fence will remain along the shared property line to help obstruct some of these views. The proposed addition at 333 9<sup>th</sup> Street SE will have some impact on the privacy of use and enjoyment of the rear yard at 335 9<sup>th</sup> Street, but the impact will be minor.

### **Neighbors to the West**

The proposed two-story rear addition at the first and second floor levels of 333 9<sup>th</sup> Street SE will extend 5.6' past the existing rear wall at 335 9<sup>th</sup> Street SE and will not extend past the existing rear wall at 331 9<sup>th</sup> Street SE. The new rear wall will have a French doors at the first-floor level and double hung windows at the second-floor level. Because of the 25'-0" alley, existing garages, privacy fences, and rear yards of the neighbors to the west, the proposed rear addition at 333 9<sup>th</sup> Street SE will not unduly compromise the privacy of use and enjoyment of the 8<sup>th</sup> Street SE neighbors to the west.

The property at 824 D Street SE is an L shaped lot that abuts 333 9<sup>th</sup> Street SE and adjoins the alley. It has a primary dwelling that fronts onto D Street SE, as well as a two-story carriage house with living space that abuts the alley. The rear wall of the primary building at 824 D Street SE is approximately 35' from the south property line of 333 9<sup>th</sup> Street SE. Due to the distance, as well as the tree cover, there will be minimal impact to the privacy enjoyed by its occupants. The rear yard and carriage house of 824 D Street SE do however sit directly to the west of the proposed addition. The separation distance between the new addition and the carriage house will be approximately 36.5'. Currently the large tree at the rear of 333 9<sup>th</sup>, as well as trees on adjacent lots, allow for privacy. The existing rear of 333 9<sup>th</sup> Street SE has a ground floor patio, a first-floor deck, as well as a second-floor balcony. With the proposed addition the privacy will be increased because the balconies and decks have been eliminated and replaced with more solid wall and no upper level outdoor space.

- (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 back yards, privacy fences, and existing garages. The proposed addition at 333 9<sup>th</sup> Street SE will extend 5.6' past the rear wall at 335 9<sup>th</sup> Street SE and will not extend past the rear wall at 331 9<sup>th</sup> Street SE. Because the adjacent properties have garages, the proposed addition will be minimally visible from any alleys. The addition will not be visible from properties to the west because of existing privacy fences, garages and a 25.0' alley. 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.

### **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,



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Jennifer Fowler  
Agent/Architect  
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