

# Burden of Proof Special Exception Application

## 639 A 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/Architect  
1819 D Street SE  
Washington, DC 20003

**Date:** May 19, 2022

**Subject:** **BZA Application, Bachay-Haimus Residence**  
639 A Street SE (Square 0870, Lot 0113)

Haider Haimus and Jessica Bachay, owners of 639 A Street SE, hereby apply for special exceptions pursuant to Subtitle X, Chapter 9, to build a two-story garage with an accessory apartment. The second floor of the garage will be converted to a legal dwelling unit. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

*Relief is requested from Subtitle U § 301.1 (e) in order to build an accessory structure for residential use.*

*Relief is also requested from Subtitle E § 5003.1 from the lot occupancy limitations for an accessory structure.*

### I. Summary:

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

### 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;*

#### **637 A Street SE**

637 A Street SE lies to the west of the property at 639 A Street SE. 637 A Street has an existing one-story garage at the rear of their yard. The west wall of the proposed garage at 639 A Street will be a solid wall that extends 4'-6" past the structure at 637 A Street. The west wall will be 20' tall and

Office of Zoning Request will  
File by: Jennifer Fowler  
CASE NO.20802  
EXHIBIT NO.14

extend approximately 10' above the garage at 637 A Street. The proposed garage will have a minor impact on the light and air available to 637 A Street, but the impact will be limited to the rear yard near the existing garage at 637 A Street SE.

### **641 A Street SE**

641 A Street lies to the east of the property at 639 A Street. 641 A Street has an existing one-story garage at the rear of their yard. The east wall of the proposed garage at 639 A Street will be a solid wall that extends 7" past the structure at 641 A Street. Additionally, the proposed garage at 639 A will extend 2'-11" past the existing garage at 641 A on the alley side so that the proposed garage aligns with the garages to the west. The west wall will be 20' tall and extend approximately 10' above the garage at 641 A Street. The proposed garage will have a minor impact on the light and air available to 641 A Street, but the impact will be limited to the rear yard near the existing garage at 641 A Street SE.

### **Neighbors to the South**

There are many garages and row houses in Brown's Court, which lies to the south of 639 A Street. Brown's Court is 30' wide, thus allowing large separation between the proposed garage and the existing structures. Additionally, the proposed garage at 639 A Street will be set back 9" from the alley property line to align with the neighboring garages to the west. The proposed garage will have little to no impact on the light and air available to the neighbors to the south because of the wide alley and proposed setback.

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

### **637 A Street SE**

The wall along the shared property line will not have any windows. There will be new windows along the yard façade, which may allow some views into the rear yard at 637 A Street. The existing landscape along the property line will help mitigate the views from the first floor. Additionally, there is 37'-6" of distance between the proposed garage yard façade and the windows on the second floor of 637 A Street. Overall, the proposed garage will not unduly compromise the privacy of use and enjoyment of the neighbors at 637 A Street SE.

### **641 A Street SE**

The wall along the shared property line will not have any windows. There will be new windows along the new yard facade of the garage, which may allow some views into the rear yard at 641 A Street. A new fence along the property line will help mitigate the views from the first floor. Additionally, there is 50'-3" of distance between the proposed garage yard façade and the windows at the rear of 641 A Street. Overall, the proposed garage will not unduly compromise the privacy of use and enjoyment of the neighbors at 641 A Street SE.

### **Neighbors to the South**

There are many garages and row houses in Brown's Court, which lies to the south of 639 A Street. Brown's Court is 30' wide, thus allowing large separation between the proposed garage and the existing structures. The proposed alley façade will have some windows which will provide some views into Brown's Court. However, the separation provided by the public alley means the proposed garage will not unduly compromise the privacy of use and enjoyment of the neighbors to the south.

*(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 garage will be at the rear of the property and will not be visible from a public street. The existing square is extremely dense. There are many garages and row houses on Brown's Court. There exist houses of varying widths and depths throughout the block. The proposed garage will be constructed with high quality materials and will be appropriate in scale for the existing houses on the alley.

*(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**

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 carriage house 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 carriage house addition will minimally impact the light and air or privacy of the neighboring properties.

### **902 and 1003 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  
202-546-0896