

# Burden of Proof

## Special Exception Application

**1229 F 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: Timothy and Erin Barley**  
Owner/Applicants  
1229 F Street NE  
Washington, DC 20002

**Date:** July 17, 2014

**Subject : BZA Application for 1229 F Street NE**  
(Square 1007, Lot 805)

Timothy and Erin Barley, owners of 1229 F Street NE, are seeking zoning relief to construct a new two story carriage house addition with a garage and a second floor accessory apartment at the rear of the property, connected to the main house with a covered walkway.

### **Relief Requested:**

- Special Exception from the rear yard requirements under Section 404.1, pursuant to DCMR 11, Section 223 to construct a two story addition at the rear of the property.

*The proposed two story carriage house is considered an addition because it will be connected to the main house with a covered walkway.*

*The proposed addition raises the lot occupancy from 1606.25 SF (44.86%) to 2148.2 SF (60.0%), which is the matter of right lot occupancy for a row dwelling in the R-4 Zoning District (11 DCMR 403.2) and 15.14% over the existing lot occupancy. The proposed addition reduces the rear yard from 99.9' to 0.0', which is 20.0' less than the required rear yard in the R-4 Zoning District (11 DCMR 404.1).*

### **I. Summary**

- A. The special exception qualifies under 11 DCMR Section 223 because the proposed lot occupancy does not exceed 70% (11 DCMR 223.3) and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2 and 11 DCMR 2500.9).
- B. The proposed addition will improve both the aesthetics and the functionality of space and of the alley.
- C. The proposed addition with garage will be similar in style to the existing garages on the alley and in the vicinity.

## II. Basis for Granting of Special Exception

Section 223 provides relief based on satisfying specific criteria under which additions to single-family dwellings may be permitted with a residential district. Those criteria are addressed separately below:

*223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the applicable area requirements of §§ 401, 403, 404, 405, 406 and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

The two story addition, with a garage and accessory apartment above, is to be an addition to a permitted single-family residence that is currently in conformance with Section 403.2 (lot occupancy). The proposed addition will be on the rear (southern) portion of the lot, abutting a 30'-0" wide alley. The addition will be connected to the main house with a covered walkway at grade. The existing house has a lot occupancy of 44.86% which will be increased to 60.0% with the proposed addition. This is the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district, 15.4% over the current footprint of the residence, but it is below the 70% allowed by Section 223.3 as a special exception.

*223.2 The addition shall not have a substantially adverse affect 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;***

### Impact on 1227 F Street NE

The project will have minimal impact on light and air availability of the neighboring property directly to the west (1227 F Street NE), because:

- a) The applicants are also the owners of 1227 F Street NE, and there are currently plans in permitting to expand the existing garage at 1227 to a depth of 35'-0". As a result, both structures will be the same depth.
- b) The proposed addition sits to the east of 1227 F Street NE. As such, the shadows of the proposed addition will fall only on the rear portion of the rear yard of 1227 F Street NE, only in the morning.
- c) As the proposed addition is approximately 70.0 feet from the rear of 1227 F Street NE, it will not impact air or light availability enjoyed by occupants of 1227 F Street NE.
- d) The proposed covered walkway connecting the main house to the addition will be located along the center of the property at the upper yard level. At the lower yard, the trellis will run along the west property line. The walkway will be designed with open sides so that light and air can permeate.
- e) The proposed footprint is matter of right, however the relief requested will allow for an increase in height from 15' to 22'.

### Impact on 1231 F Street NE

The project will have minimal impact on light and air availability of the neighboring property directly to the east (1231 F Street NE), because:

- a) The proposed addition sits to the west of 1231 F Street NE, and the north wall of the addition sits 10'-2" beyond the rear property line of 1231 F Street NE. Because of its position, the shadows of the proposed garage will fall only on the alley behind 1231 F Street NE, only in the morning.
- b) The proposed addition has a cutout on the east side, proposed in an effort to save the existing tree. The cutout is 7' deep and further mitigates the impact on 1231 F Street NE.
- c) As the proposed addition is approximately 77.0 feet from the rear of 1231 F Street NE, it will not impact air or light availability enjoyed by occupants of 1231 F Street NE. Additionally, 1231 F Street NE has an existing garage at the rear of the property.
- d) The proposed covered walkway connecting the main house to the addition will be located along the center of the property at the upper yard level. At the lower yard, the trellis will run along the west property line, which places it 17' away from the property line shared with 1231 F Street NE.
- e) The proposed footprint is matter of right, however the relief requested will allow for an increase in height from 15' to 22'.

### Impact on Neighbors Directly South

Directly south of the proposed addition, across a 30' wide public alley are a row of garages that sit on alley lots. Beyond that there is another alley and then the rear yards of the houses on E Street NE. As a result of the distance, the existing garages, and the wide alley, the proposed addition will not impact the air or light available to the properties on 1200 block of E Street NE.

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

The proposed project will not significantly alter the privacy and enjoyment of neighbors to the south, east or west.

### Impact on 1227 F Street NE

The project will have minimal impact on privacy enjoyed by the neighboring property directly to the west (1227 F Street NE), because:

- a) The proposed addition is approximately 70.0 feet from the rear of 1227 F Street NE. Both 1227 and 1229 enjoy very deep back yards which mitigate the loss of privacy.
- b) The proposed covered porch on the first floor is only 6" above grade and will not offer any views of the rear of 1229 F Street NE due to the high privacy fences.
- c) The garage at 1231 already has second story windows facing the rear of both 1229 and 1227 F Street.

### Impact on 1231 F Street NE

The project will have minimal impact on privacy enjoyed by the neighboring property directly to the west (1231 F Street NE), because:

- a) The proposed addition is approximately 77.0 feet from the rear of 1231 F Street NE. Both 1229 and 1231 enjoy very deep back yards which mitigate the loss of privacy.
- b) The proposed covered porch on the first floor is only 6" above grade and will not offer any views of the rear of 1231 F Street NE due to the high privacy fences.
- c) The garage at 1231 already has second story windows facing the rear of both 1229 and 1227 F Street.
- d) Because of its position, the proposed addition sits adjacent to the alley behind 1231 F Street NE. Thus windows facing the east will not offer views into any adjacent houses.

### Neighbors to the South

The project will not impact the privacy of the properties to the South because:

Directly south of the proposed addition, across a 30' wide public alley are a row of garages that sit on alley lots. Beyond that there is another alley and then the rear yards of the houses on E Street NE. As a result of the distance, the existing garages, and the wide alley, the proposed addition will not impact the privacy or use and enjoyment available to the properties on 1200 block of E Street NE.

### Conclusion

In conclusion, the proposed addition will not impact on the privacy and enjoyment of neighbors' property.

***(c) the replacement, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and***

The addition will be built in the same style as other garages in the alley and in the neighborhood, and to a similar scale as many of the original carriages houses found on Capitol Hill. It will be made of brick that matches as closely as possible with the color and style of the existing structures in the alley, and will be built with detailing similar to original garages/lofts in the area, including arched brick detailing above the windows, two-over-two double hung wood windows and wide brick arch above the garage door. The addition will not be visible from the front of the house.

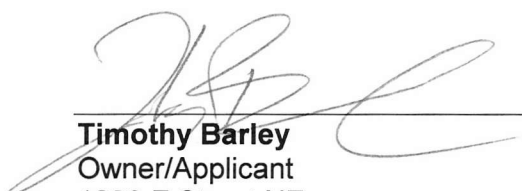
The existing alley between E Street NE, F Street NE, 12<sup>th</sup> Street NE, and 13<sup>th</sup> Street NE has approximately 30 garages, and several of them are larger than a typical garage. The alley also has several alley lots in the center and it is 30' wide. The proposed addition is in keeping with the existing structures on the alley.

Along with this application, we have included the following items:

- a) Photos of the existing house and surroundings;
- b) Signatures of support from neighbors for a rear addition;
- c) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
- d) Official Plat from the DC Office of the Surveyor.

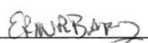
If you require any further clarification or have any questions regarding the application, we are available at any time to discuss them with you.

Thank you,



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**Timothy Barley**  
Owner/Applicant  
1229 F Street NE  
Washington, DC 20002



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**Erin Barley**  
Owner/Applicant  
1229 F Street NE  
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