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Statement of Existing / Intended Use

The property located at 1401 Massachusetts Ave SE (Square S-1059, Lot 11) is currently owned by Amanda Thomas and is used as an owner-occupied single-family rowhouse. The intended use shall remain as an owner-occupied single-family rowhouse. The owner is requesting a special exception and associated variances to convert an existing carport into a garage, located at the rear (south property line) of the site and abutting a public alley, and to rebuild and enlarge a deck on the second story of the primary dwelling.

Summary of Relief (Updated)

In order to accommodate the improvements, the Owner / Applicant seeks a special exception as set forth in Section 223 (Zoning Relief for Additions to One-Family Dwellings or Flats (R-1) and for New or Enlarged Accessory Structures). As per Section 223, the Board of Zoning Adjustment is authorized to grant a special exception from Section 2001.3 related to the issue of maximum lot occupancy. The project will also trigger the need for minor variance relief listed below.

- Minimum lot area of 1,502 (1,800 sf required)
- Closed court area of 97 sf (350 sf required)

In addition, the Owner / Applicant seeks a variance from Section 2300.2 (Garage / Alley Setback) for the relief listed below.

- Garage alley setback of 11.8' (12' required)

The original application indicated relief for the rear yard, it has been determined that rear yard relief is not required. Therefore the request has been withdrawn.

Background

The property is located at 1401 Massachusetts Ave SE, Lot 11 of Square S-1059. It is currently zoned R-4, and is within ANC 6B. It is not located in any historic district. The lot is irregularly shaped measuring 12.0' wide at its narrowest point, 80' deep, and is 1,502 square feet. A 10' public alley borders the south edge of the property and Massachusetts Ave SE, borders the north property line. The east lot line borders Lot 803 (1405 Massachusetts Ave SE), which has been improved with an apartment house. The west lot

line borders Lot 9 (1401/1403 Independence Ave SE) and has been improved with a church, which occupies almost the entire site.

The existing lot is irregular shaped with a portion of the lot at the north and east unimproved, which differs from typical rowhouse lots. Based on email correspondence with Matt LeGrant (dated 8 September 2014), the existing structure is deemed to be a rowhouse:

Yes, based on the attached plat I can confirm that the existing building is deemed a row dwelling because, at least at one point, the building spans from one side property line to the other side property line.

A copy of the email has been provided as an exhibit.

Improvements (Updated)

The Applicant seeks to convert an existing carport into a new garage that matches the width but is slightly longer to accommodate a modern car. The dimensions of the proposed carport addition are 12' wide x 5.3' deep, bringing the total area of the accessory structure to 264 sf / 17.5% of the lot area. The height of the proposed addition is approximately 12.5'.

An existing stair from grade to the second floor will be removed, and a new deck measuring 7' x 12.5' will be added at the second floor. The deck will be approximately 9.2' above grade and will serve the second floor only.

Both the garage addition and second floor deck will increase the degree of non-conformity of an existing non-conforming closed court.

Lot Occupancy

The existing structure, including an existing stair occupies 667 sf, or 44% of the lot area. The existing carport occupies 200 sf or 13% of the lot area. An irregularly shaped closed court occupies 183 sf or 12%. In total, the existing lot occupancy is 70%.

As per 403, the maximum lot occupancy of a single-family structure in the R-4 zone is 60%. The Applicant is requesting a special exception to increase the lot occupancy to 70%; therefore a special exception of 10% is requested.

Minimum Lot Area

The area of the lot is 1,470 sf. As per 401.1, a building located on a sub-standard lot may not be enlarged or replaced unless it complies with all other provisions of the Zoning code. As a practical matter, it is not possible to enlarge the lot. As per 401.3, the minimum lot width in the R-4 zone for rowhouse dwellings is 1,800 sf; therefore a variance of 298 sf is requested.

Closed Court (Updated)

The existing dwelling and accessory structure form an irregular closed court 14.6' wide x 14' deep and is 183 sf. As per section 406.1, a closed court for a single-family dwelling is required to be at least "twice the square of the required width of court dimension based on the height of court, but not less than 350 sf". The proposed reconfiguration of accessory garage structure and rear stairs / deck will result in a closed court of 97 sf, therefore a variance of 253 sf is requested.

Garage Alley Setback

The current setback from the face of the existing garage to the face of the existing roll-up gate is 11.8'. As per 2300.2 (b), a garage abutting an alley is required to be setback 12' from the centerline of the alley; therefore a variance of 0.2' is requested.

Conclusion (Updated)

The burden of proof for special exceptions is two-fold, and the Applicant must demonstrate the following:

1. How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map

The R-4 zone permits single-family row dwelling development and accessory garages; therefore the Applicant's request is consistent with Zoning Regulations and surrounding properties.

2. How allowing the use will not adversely affect the use of the neighboring property – ie. traffic, noise, lighting, etc.

The existing use of property as a single-family semi-detached dwelling with one parking space will remain unchanged. No additional traffic or noise will be generated as a result of granting this special exception. The design and massing of the garage has been carefully considered to minimize the impact of natural light onto the adjacent properties.

Additionally, special exceptions granted under section 223 are required to meet the following criteria:

1. Not unduly affect light and air available to neighboring properties

Response: The private garage on the Applicant's property is substantially similar to the existing carport condition, and the proposed garage will have minimal impact on light and air for the adjacent properties. Properties on either side of the subject property will not unduly affect light and air.

2. Not compromise the privacy of use and enjoyment of neighboring properties

Response: Adjacent properties will enjoy the same degree of use and privacy as they currently have now. The Applicant has met with the neighbors and has obtained letters of support for the Project.

3. Not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage

Response: The proposed garage is located on a public alley; therefore there will be no impact on the subject street frontage.

In order for a variance to be granted, the following elements of the variance test must be satisfied:

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

Response: The Property does exhibit an exceptional condition for the alley setback relief requested to accommodate the proposed structure. The Property is located along a 10' wide public alley. The north side of the alley is characterized by fences and buildings consistently set back about 6.8' from the alley edge. The application proposes to maintain the existing condition which effectively widens the alley and improves alley circulation. The setback would also coincide with the existing rollup door on the Property.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

Response: The exceptional condition imposes a practical difficulty. Given the configuration of the existing buildings and fences along the alley, a 12' setback for the building would create inefficient alley space that would be out of character with neighboring properties. In addition, the degree of relief being sought is minimal. Locating the garage an additional 0.2' back would prove unnecessarily burdensome to the project and could result in safety and sightline issues as well as further intrude upon required rear yard space.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Response: Granting a variance would not cause substantial detriment to the public good. There is not any neighbor opposition to the proposal, and the accessory building's 11.8' setback from the alley centerline would be consistent with other nearby accessory buildings and fencing. Further, relief could be granted without substantial detriment to the Zoning Regulations and Map, as the proposed location should not hinder any alley movement.

Community Outreach, ANC Response and Posting (Updated)

The applicant has solicited letters of support from adjacent neighbors and will contact ANC 6B once an application date and number have been assigned. Included with the application are letters from the following properties:

- 1401 Independence Ave SE (Thankful Baptist Church) / neighbor to the west
- 1405 Massachusetts Ave SE (Michael Anderson) / neighbor to the east
- 1405 Massachusetts Ave SE (Sharon Dibbern) / neighbor to the east
- 1411 Massachusetts Ave SE (Kimberly Beck) / neighbor to the east

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- 220 14th St SE (Mervin Shelllo) / neighbor to the southwest

In addition, the Applicant has presented the project at the 2 December meeting of ANC 6b Planning and Zoning Committee Meeting, where it was approved unanimously. The project was placed on the consent agenda for the 9 December full ANC6B meeting, where it was also approved.

Also, a sign provided by the Office of Zoning was posted at the property on Tuesday, 16 December. Form 145 / Affidavit of Posting was filed on Monday, 22 December 2014.