

Burden of Proof Special Exception Application

721 11th Street NE

To: **The Office of Zoning**
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: **Jeffrey Frank and Carolina Lopez**
Owner/Applicant
721 11th Street NE
Washington, DC 20002

Date: November 24, 2014

Subject : **BZA Application, Lopez-Frank Garage**
721 11th Street NE (Square 982, Lot 39)

Jeffrey Frank and Carolina Lopez, owners of 721 11th Street NE, hereby apply for zoning relief to renovate and expand their existing carriage house and connect it to the main house via a covered walkway. The covered walkway connection allows the carriage house to be converted from an accessory structure to an addition to the main house in order to convert it into a legal dwelling unit. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

The existing house is currently non-conforming for lot occupancy as it is over the 60% allowed by-right. The proposed construction increases the lot occupancy from 1219.5 SF (65.5%) to 1308.8 SF (70%), which is 10% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 4.5% above the existing lot occupancy.

The proposed covered walkway converts the carriage house from an accessory structure to an addition to the main house. Therefore, the proposed rear setback will no longer meet the required 20'-0" minimum and will instead be 0'-0" (11 DCMR 404.1).

I. Summary:

- A.** This special exception qualifies under 11 DCMR Section 223 because the lot occupancy does not exceed 70% (11 DCMR 223.3), and the existing carriage house and covered walkway will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2). The existing carriage house will be slightly reduced in size to account for the required lot coverage needed to provide the covered walkway.
- B.** The existing two-story carriage house is in very bad condition and must be renovated. The proposed covered walkway connection will allow the carriage house to be converted into a part of the main house and be designated a legal dwelling unit. This conversion reduces the existing rear yard setback to 0'-0".

II. Bases for Grant 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 existing carriage house and proposed covered walkway are on the rear (east) of the existing house. The existing house has a lot occupancy of 65.5% which will be increased to 70% with the proposed covered walkway. This is a 10% increase over the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district, 4.5% over the current footprint of the residence. Additionally, the proposed covered walkway will connect the existing carriage house to the main house. The walkway connection to the existing carriage house will reduce the existing rear yard setback from 72'-4" to 0'-0"

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.

723 11th Street NE

723 11th Street NE lies to the north of at 721 11th Street. The existing house at 723 11th Street is similar in size to 721 11th Street. The proposed covered walkway at 721 11th Street will run along the southern property line to connect the existing carriage house at the rear of the property. Therefore, the existing house at 723 11th Street will be separated from the proposed covered walkway by the existing yard at 721 11th Street. The proposed covered walkway will be minimally taller than the existing fence along the property line. Additionally, the roof of the carriage house will be raised 4'-0" along the alley side and 5'-5" along the yard side. However, the raise in height is minimal and will not have a substantial impact on the rear yard at 723 11th Street. Therefore, the covered walkway and the existing carriage house at 721 11th Street will not substantially impact the light and air available to the house at 723 11th Street NE.

719 11th Street NE

719 11th Street NE lies to the south of at 721 11th Street. The existing house at 719 11th Street is similar in size to 721 11th Street. The proposed covered walkway at 721 11th Street will run along the shared property line to connect the existing carriage house at the rear of the property. The proposed covered walkway will be minimally taller than the existing fence along the property line. Additionally, the roof of the carriage house will be raised 4'-0" along the alley side and 5'-5" along the yard side. However, the raise in height is minimal and will not have a substantial impact on the rear yard at 719 11th Street. Therefore, the covered walkway and the existing carriage house at 721 11th Street will not substantially impact the light and air available to the house at 719 11th Street NE.

Neighbors to the East

Neighbors to the east of the proposed covered walkway at 721 11th Street will not be affected by the proposed work at 721 11th Street NE. These neighbors are separated from the property at 721 11th Street by a 10' wide public alley. Additionally, the existing two-story carriage house at 721 11th Street prohibits any view of the proposed covered walkway. The roof of the existing carriage house is to be raised, thus prohibiting any views into the existing yard at 721 11th Street. Neighbors to the east are also separated from the proposed covered walkway at 721 11th Street by existing garages. Given the size of the rear yards and the existing garages, the proposed covered walkway and raised carriage house roof at 721 11th Street NE will not impact the light and air available to the neighbors to the east.

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

723 11th Street NE

The proposed covered walkway at 721 11th Street NE will not unduly compromise the privacy or enjoyment of neighbors to the north. The existing fence will remain along the shared property line, thus prohibiting views between the two yards. The proposed covered walkway will be separated from the rear yard at 723 11th Street by the existing rear yard at 721 11th Street, thus prohibiting any views from the covered walkway into the rear yard at 723 11th Street. The existing carriage house will not have any windows along the northern wall, thus prohibiting any views into the rear yard at 723 11th Street. There will be new windows on the yard side of the second floor of the carriage house, which may allow some obstructed views into the rear yard at 723 11th Street. While the existing carriage house will be converted to a legal rental unit, the dwelling will be separated from the existing houses at 721 11th Street and 723 11th Street by a 44'-8" long yard, thus prohibiting any views into the existing house at 723 11th Street. Additionally, the renovated carriage house at 721 11th Street SE will be historically compatible with the neighborhood and will repair the currently dilapidated structure.

719 11th Street NE

The proposed covered walkway at 721 11th Street NE will not unduly compromise the privacy or enjoyment of neighbors to the south. The existing fence will remain along the shared property line, thus prohibiting views between the two yards. The existing carriage house will not have any windows along the southern wall, thus prohibiting any views into the rear yard at 719 11th Street. There will be new windows on the yard side of the second floor of the carriage house, which may allow some obstructed views into the rear yard at 719 11th Street. While the existing carriage house will be converted to a legal rental unit, the dwelling will be separated from the existing houses at 721 11th Street and 719 11th Street by a 44'-8" long yard, thus prohibiting any views into the existing house at 719 11th Street. Additionally, the renovated carriage house at 721 11th Street SE will be historically compatible with the neighborhood and will repair the currently dilapidated structure.

Neighbors to the East

The proposed covered walkway and renovated carriage house will not unduly compromise the privacy or enjoyment of neighbors to the east. The proposed covered walkway is separated from the neighbors to the east by a 10' wide public alley and existing garages. While the existing carriage house will be converted to a legal rental unit, the use of it as such will not

affect the neighbors to the east given the alley and rear yard separations. The proposed carriage house renovation at 721 11th Street NE will be similar in style and scale to the historic carriage houses in the neighborhood.

- (c) ***The addition, 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***

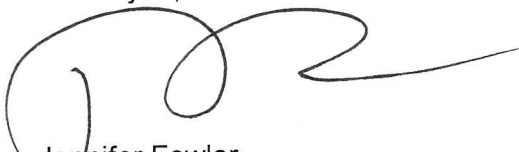
The existing square is extremely dense and has many garages at the rear of the properties, which prohibit any view of the proposed covered walkway at 721 11th Street NE. The carriage house renovation will be historically compatible with the neighborhood and will be similar in style and scale to historic carriage houses. Additionally, the covered walkway will not be visible from the front of the house.

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

- a) Photos of the existing house and surroundings;
- b) Plan and elevation drawings of the proposed covered walkway and renovated carriage house, including a site plan showing the relationship of the covered walkway 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, I am available at any time to discuss them with you.

Thank you,



Jennifer Fowler
Agent/Architect