

Burden of Proof

Special Exception Application

1254 Florida Avenue NE

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

From: **Jennifer Fowler**
Agent/Architect
1819 D Street SE
Washington, DC 20003

Date: March 9, 2015

Subject : **BZA Application, Reipa Addition**
1254 Florida Avenue NE (Square 4069, Lot 0015)

Rokas Reipa, owner of 1254 Florida Avenue NE, hereby applies for zoning relief to renovate and expand his existing garage and connect it to the main house with a covered walkway. The covered walkway connection will allow 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 40% allowed by-right for a semi-detached row dwelling. The proposed construction increases the lot occupancy from 1279.3 SF (38%) to 1504.4 SF (44.7%), which is 4.7% over the allowed lot occupancy for a semi-detached row house in the R-4 zoning district (11 DCMR 403.2), and 6.7% above the existing lot occupancy. The existing dwelling is also non-conforming for side yard setback (11 DCMR 405.9). The setback varies from 1'-6" to 8.89' and will remain unchanged.

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 2'-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 proposed addition 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).
- B.** The proposed covered walkway connection will allow the garage to be expanded and converted into a part of the main house and to be designated a legal dwelling unit. This conversion reduces the existing rear yard setback to 2'-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 proposed addition and covered walkway will be on the rear (Northeast) end of the existing property. The existing garage abuts a 20' wide public alley. The existing house has a lot occupancy of 38% which will be increased to 44.7% with the proposed covered walkway. The footprint of the rear structure will not change. This is a 4.7% increase over the matter-of-right lot occupancy for a semi-detached row dwelling allowed in the R-4 district, 6.7% 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 74'-11" to 2'-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.

1252 Florida Avenue NE

1252 Florida Avenue NE lies to the northwest of 1254 Florida Avenue NE. The existing two story portion of the house at 1252 Florida Avenue NE is approximately 20'-2" deeper than the house at 1254 Florida Avenue. Additionally 1252 Florida Avenue NE has a one story rear structure that extends another 14'-4", for a total depth of 34'-6". The proposed covered walkway at 1254 Florida Avenue NE will run along the property line shared with 1252 Florida Avenue NE to connect the existing garage to the main house. The proposed covered walkway will be approximately the height of the existing one story structure at 1252 Florida Avenue NE and the shared fence along the property line. Additionally, the roof of the carriage house will be raised 14'-0" from the yard to the peak of the gable. Due to the pitch of the gabled roof, the wall along the shared property line will be 7'-2" lower than the peak. Therefore, the covered walkway and carriage house at 1254 Florida Avenue will not substantially impact the light and air available to the house at 1252 Florida Avenue NE.

1256 Florida Avenue NE

1256 Florida Avenue NE lies to the southeast of 1254 Florida Avenue NE. The existing house at 1256 Florida Avenue is similar in size to 1254 Florida Avenue. The proposed covered walkway will run along the opposite property line, abutting 1252 Florida Avenue. It will be minimally taller than the existing fence along the property line. Additionally, the roof of the carriage house will be raised 14'-0" from the yard to the peak of the gable. Due to the pitch of the gabled roof, the wall along the shared property line will be 7'-2" lower than the peak. Therefore, the covered walkway and the existing carriage house at 1254 Florida Avenue will not substantially impact the light and air available to the house at 1256 Florida Avenue.

Neighbors to the Northeast

Neighbors to the Northeast of the proposed project will be minimally affected. These neighbors are separated from the property at 1254 Florida Avenue NE by a 20' wide public alley. Given the size of the rear yards and the existing garages, the proposed covered walkway and addition at 1254 Florida Avenue will not impact the light and air available to the neighbors to the northeast. There will be

some impact on the privacy enjoyed by the neighbors on Morse Street caused by the new alley-facing windows; however the impact will be minimal.

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

1252 Florida Avenue NE

The proposed covered walkway and carriage house at 1254 Florida Avenue will not unduly compromise the privacy or enjoyment of the neighbors at 1252 Florida Avenue. The existing fence will remain along the shared property line, thus prohibiting views between the two yards. The proposed covered walkway will also help to separate the two rear yards, and there will not be any views from the covered walkway into the rear yard at 1252 Florida Avenue. On the first floor of the carriage house the window and door will remain unchanged. There will be new windows and an entry door on the yard side of the second floor of the carriage house, as well as new windows on the third floor. The windows may allow some obstructed views into the adjacent properties; however the impact is not extreme.

1256 Florida Avenue NE

The proposed covered walkway and carriage house at 1254 Florida Avenue will not unduly compromise the privacy or enjoyment of the neighbors at 1256 Florida Avenue. The existing fence will remain along the shared property line, thus prohibiting views between the two yards. There will not be any views from the covered walkway into the rear yard at 1256 Florida Avenue. On the first floor of the carriage house the window and door will remain unchanged. There will be new windows and an entry door on the yard side of the second floor of the carriage house, as well as new windows on the third floor. The windows may allow some obstructed views into the adjacent properties; however the impact is not extreme. The rear wall of 1256 Florida is approximately 52' away from the existing yard façade of the garage.

Neighbors to the Northeast

The proposed covered walkway and renovated carriage house will not unduly compromise the privacy or enjoyment of neighbors to the northeast. The proposed carriage house is separated from the neighbors to the east by a 20' 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 northeast given the alley and rear yard separations.

(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

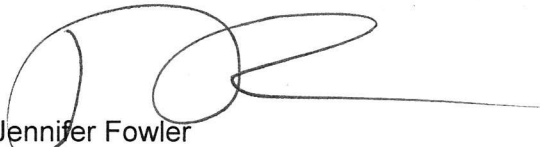
The existing square is extremely dense and has several garages at the rear of the properties, including a large two story carriage house to the west. Additionally there is a large, three story apartment building across the alley. The carriage house renovation will be compatible with the neighborhood and will be similar in style and scale to nearby garages. 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 expanded 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