

## Updated Statement of Justification

Subtitle U § 320.2 allows, as a special exception, the conversion of a structure to an apartment building, subject to the following criteria.

320.2. Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, [subject to the requirements of 320.2 being met].

### Requirements of U § 320.2

- (a) The height of the Addition is 34 ft. 6 in (i.e., less than 35 feet).
- (b) Project is limited to 3 units, and therefore IZ does not apply.
- (c) There is an existing residential building on the Property.
- (d) Property has a 2,795 sq. ft. lot, and therefore meets the minimum of 900 sq. ft. per unit.
- (e) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property: Applicant is requesting waiver of this provision.
- (f) The Addition shall not block a chimney or vent.
- (g) There are no solar panels on any adjacent property, and the Addition shall not interfere with any solar panels.
- (h) Original roof top architectural elements will not be altered.
- (i) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular;
  1. The light and air available to neighboring properties shall not be unduly affected;
    - The Addition extends past the adjacent properties 30 feet on the basement floor, 25 feet on the 1st and 2nd floors, and 20 feet on the 3rd floor. This leaves a rear yard of 62 feet in length.
    - This Addition is a 38% reduction from the addition proposed by the Applicant in the plans submitted to the BZA before the January 17, 2018 hearing. (Specifically, the Addition is a reduction of 25% on the basement floor, a 38% reduction on each of the 1st and 2nd floors, and a 50% reduction on the 3rd floor).
    - The reduction in the Addition is a product of further discussions with the Office of Planning and the Applicant's continued effort to incorporate comments from the community, while at the same time allowing for rental units that can accommodate families.

- The reduction in the Addition minimizes the impact on the light and air of neighboring properties, and as detailed below, it conforms to the size and character of the other additions near the subject property.
- The portion of the Addition that extends the farthest is the basement floor, and this floor has the least impact on the light and air of adjacent properties. As shown in images #1 and #5 below, many neighbors have 6-foot high privacy fences, including the Applicant's neighbors to the west (1131 and 1133 Morse). As shown on page A0020A of the plans, the basement portion of the Addition is mostly not visible from the west because of these fences.
- Because the Addition is stepped (i.e., the Addition decreases in size as it gets higher), it creates a design feature and minimizes the impact on light and air.
- The eastern wall of the Addition is set back 4 feet from the property to the east (1137 Morse), in order to further minimize the impact on light and air.
- As shown in images #2 and #3 below, properties to the east of the Applicant's property have additions that extend between approximately 8 to 25 feet beyond the existing subject Property. As shown in images #1 and #2 below, properties to the west of the subject Property have additions that extend over 50 feet beyond the existing subject Property. The Applicant's Addition is substantially smaller than a number of these additions on both sides and has less impact on light and air.
- As shown in the shadow study, there is relatively little additional shadow created from the Addition. Furthermore, as shown in the shadow study under the "by right" option (page A0023 of the plans), the "by right" option would have some impact on the solar panels two houses to the west at 1131 Morse during December sunrises, while the proposed Addition has no impact on the solar panels in any scenario. Finally, as shown on pages A0023 through A0028 of the plans and the images below, substantial portions of the neighboring properties are paved, so any additional shadow caused by the Addition on neighbors' gardens or outdoor space is limited.
- Applicant is also using materials recommended to Applicant by the D.C. Historic Preservation Office. For example, Applicant plans on using taupe (or another neutral color) concrete fiber panelling as well as appropriate window styles and materials (such as double hung windows in the front and casement windows elsewhere). Applicant is also open to creating a green wall, mural wall or a projector ready wall on the west side of the Addition to further minimize any impact.

2. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

- The Addition has no windows on the west side.
- The east side of the Addition is set back 4 feet from the neighbor's property to the east (1137 Morse). The Applicant intends to apply a film to the windows on the east side of the Addition to minimize the impact on neighbors' privacy while allowing some light through the windows. Furthermore, the Applicant has support letters from both of the immediate neighbors on the east side (1137 and 1139 Morse), which were submitted to the record as Exhibits 38 and 40 respectively.

3. The conversion and any associated additions, 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 or alley;

- The Addition is not visible from the street, as shown in the plans on pages A0021 and A0022.
- The Addition matches the character and pattern of the properties in the alley and is substantially smaller in scale and less visible than a number of properties visible from the alley.
- As shown in images #1 through #3, the properties on the north side of the alley (the same side as the subject Property) have additions ranging in size from 8 to 54 feet long. The Addition is smaller than a number of these additions and conforms to the character, scale and pattern of these houses on the north side of the alley.
- Most of the properties on the south side of the alley (the opposite side of the alley from the subject Property) are in a MU-4 zone. As shown in images #5 through #9 below, the properties visible on the south side of the alley are generally not uniform and include the following: a large church, several large condominium buildings, and several parking and vacant lots.

**Images:**

**Image #1** – View from rear wall of subject Property looking west.



**Image #2** – View from rear parking pad of 1133 Morse St (Applicant's western neighbor) looking northeast.



Image #3 – Wide view photo from backyard of subject Property looking north towards subject Property.



Image #4 – View from rear of subject Property looking east.



Image #5 – View from roof of subject Property looking southwest towards alley.



Image #6 – View from roof of subject Property looking south towards alley.



Image #7 – View of south side of Applicant’s alley, looking east.



Image #8 – View of south side of Applicant’s alley, looking west.



Image #9 – Aerial view of subject Property and alley.

