

Burden of Proof

Special Exception Application

627 A Street 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**
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Date: September 17, 2024

Subject: **BZA Application, Michels-Gaultieri Residence**
627 A Street NE (Square 0868, Lot 0049)

Dia Michels-Gaultieri, owner of 627 A Street NE, hereby applies for special exceptions pursuant to Subtitle X, Chapter 9, to build expand a one-story garage and build a second-floor addition over the garage. The garage will be converted to a legal dwelling unit and the property will be converted to a multi-family dwelling. The zoning relief requested is as follows:

Application of Kaely Michels-Gaultieri, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §5201 from the lot occupancy requirements of Subtitle E §210.1, the lot occupancy limitations for an accessory structure of Subtitle E §5003.1, the accessory structure use restrictions of Subtitle U § 301.1 (c), and the dwelling unit limitations of Subtitle U §320.2, to expand an existing garage with a two-story addition and add an accessory apartment in the RF-1 zone, at premises 627 A Street NE (Square 0868, Lot 0049).

I. Summary:

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

Subtitle E § 210.1:	Special Exception from the lot occupancy limitations for a row dwelling in the RF-1 zone, pursuant to Subtitle X § 901.2
Subtitle E § 5003.1:	Special Exception from the lot occupancy limitations for an accessory structure, pursuant to Subtitle X § 901.2
Subtitle U § 320.2:	Special Exception under the conversion of an existing residential building requirements of Subtitle U § 320.2, pursuant to Subtitle X § 901.2 (one unit existing; more than two permitted by special exception; three units proposed)
Subtitle U § 301.1 (c):	Special Exception to expand an existing accessory structure and convert it to residential use, pursuant to Subtitle X § 901.2

Board of Zoning Adjustment
District of Columbia
CASE NO.21163
EXHIBIT NO.54

II. Qualification of Special Exceptions

5201 Special Exception Review Standards

By satisfying the requirements of E-5201.2 and E-5201.4 through E-5201.6, the application also meets the general special exception requirements of X-901.2.

5201.4 *An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

(a) The light and air available to neighboring properties shall not be unduly affected;

625 A Street NE

625 A Street NE lies to the west of the property at 627 A Street NE. 625 A Street has an existing one-story garage that is the same depth as the existing garage at 627 A Street. The proposed garage at 627 A Street will extend 13' beyond the existing garage at 625 A Street. It will also be approximately 6' taller than the existing garage at 625 A Street. The west wall of the proposed garage will be a solid brick wall. The proposed garage expansion will have some impact on the light and air available to 625 A Street, but the impact will be limited to the rear yard during the early morning hours in the summer and spring/fall. A sun study has been included in the record that demonstrates the minimal difference in shadows cast when comparing the proposed structure to what may be built as a matter of right.

629 A Street NE

629 A Street NE lies to the east of the property at 627 A Street NE, but it is separated from the property by a 15' wide public alley. The proposed garage expansion will have some impact on the light and air available to 629 A Street, but the impact will be limited to the rear yard during the late afternoon hours in the spring/fall. A sun study has been included in the record that demonstrates the minimal difference in shadows cast when comparing the proposed structure to what may be built as a matter of right.

Neighbors to the South

The neighbors to the south are separate from the proposed garage expansion at 627 A Street NE by a 30' wide public alley. Additionally, many of the neighbors to the south have garages at the rear of their property. Given the width of the public alley, the proposed garage expansion will not impact the light and air available to the neighbors to the south.

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

625 A Street NE

The proposed west façade at 627 A Street NE is a solid brick wall. There will be new windows along the yard façade, which may allow some views into the rear yard at 625 A Street. However, there is approximately 30'-7" of distance between the proposed garage yard façade and the windows at the rear of 625 A Street NE. Additionally, parking will be provided in the rear yard at

627 A Street. Overall, the proposed garage expansion will not unduly compromise the privacy of use and enjoyment of the neighbors at 625 A Street NE.

629 A Street NE

The proposed east façade at 627 A Street NE will have some windows that allow views onto the 15' wide public alley that separates 627 A Street from 629 A Street. There will be new windows along the yard façade, which may allow some views into the rear yard at 629 A Street. However, the separation provided by the public alley will help mitigate the views into 629 A Street. Additionally, parking will be provided in the rear yard at 627 A Street. Overall, the proposed garage expansion will not unduly compromise the privacy of use and enjoyment of the neighbors at 629 A Street NE.

Neighbors to the South

The neighbors to the south are separated from the proposed garage expansion at 627 A Street by the existing 30' wide public alley and large rear yards. Many of the properties also have garages at the rear of their properties. The proposed alley façade will have some windows which will provide some views into the public alley. However, the separation provided by the public alley and the existing rear yards means the proposed garage will not unduly compromise the privacy of use and enjoyment of the neighbors to the south.

- (c) *The proposed addition or accessory structure, together with the original building, or the proposed new building, 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 street and alley frontage;*

The proposed garage will be at the rear of the property and will not be visible from a public street. The existing square is extremely dense. There exist houses of varying widths and depths. Many of the existing houses have large garages at the rear of their properties. The proposed garage will be constructed with high quality materials and will be appropriate in scale for the existing houses on the alley.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways*

Special exception is requested According to Section Subtitle U, Section 320.2:

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 following conditions:

- (a) The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;

There is an existing residential building on the property.

- (b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10;

3 units are proposed, no IZ unit is required.

c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;

The existing lot is 2,930 square feet, thus providing at least 900 sq ft per unit.

901 Special Exception Review Standards

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgement of the Board of Zoning Adjustment, the special exceptions:

- a. *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The expanded garage will be visible from the alley. It will be visible from A Street NE, however the structure will sit approximately 93' beyond the front property line. There will also be a 7' privacy fence along the alley frontage. The proposed addition will be constructed with high quality materials and will be appropriate in scale for the existing alley.

- b. *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

As described more fully above, the addition will minimally impact the light and air or privacy of the neighboring properties.

902 Application Requirements

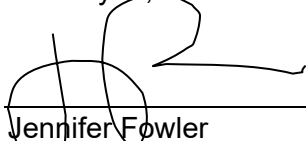
An application for a special exception shall meet the requirements of Subtitle Y § 300.

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

- a) Photos of the existing house and surroundings;
- b) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition 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, we are available at any time to discuss them with you.

Thank you,



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