



July 20, 2021

Board of Zoning Adjustment
441 4th Street, NW
Suite 210 South
Washington, DC 20001

Re: Zoning Self-Certification for 1241 Independence Avenue, SE
BURDEN OF PROOF STATEMENT

To the Board of Zoning Adjustment:

This Special Exception request is for an enlarged accessory structure to an existing principal dwelling unit on a non-alley lot in an RF-1 Zone. The dwelling unit is, and will remain, a single-family row dwelling.

The existing dwelling and accessory garage sit on a substandard lot area of 1700 SF with a lot occupancy of 69.05%. The resulting court, between the two structures is small and shady, prohibiting the Owner from growing the type of vegetation they would like. Concurrently, the existing garage has extensive structural damage to the roof framing that will soon require full replacement of the roof rafters with larger and more closely spaced rafters. The Owner sees an opportunity to increase the vegetated area of the property, and its permeable area, as they make needed repairs to the structure.

In accordance with Subtitle E, Section 5201, as it regards a substandard non-alley lot, we are requesting 2 (two) Special Exceptions required to add raised planting beds on the roof of an existing accessory garage. The plan maximizes the planting bed area with minimal walkways designed to provide access to the plants. It is not intended to be used as a roof deck, and the layout makes that virtually impossible. While this can, and we believe should, be considered a vegetated roof, the setbacks, parapet extensions, and rails are intended to comply with zoning requirements as if it were a roof deck.

1) The first Special Exception is required by **Subtitle E Sections 304 & 5201.2.a** to allow a lot occupancy of up to 70%.

-Section 304 requires a maximum of 60% lot occupancy for a row dwelling in an RF-1 zone. **Section 5201.2.a** allows a lot occupancy of up to 70% with a Special Exception. The current lot occupancy is 69.05%. With the addition of a 15 SF spiral stair access, the proposed lot occupancy is just under 70%. (69.95%)

2) The second Special Exception is required by **Subtitle E Sections 306.1 & 5201.2.b** as it relates to **Section 205** regarding minimum Rear Yard.

-Section 306 requires a minimum rear yard of 20'-0". Because of the location of the existing, one story garage, there is no rear yard. This condition would remain unchanged with this project.

For information purposes, the proposed planting beds are to be set back from the edge of the roof at the alley at a 1:1 ratio in accordance with the regulations for roof-top structures. This also results in a setback greater than 7.5 feet from the centerline of the alley in accordance with recent ZC orders.

Under Section 5201, each special exception must comply with the four criteria as listed below:

a. The light and air available to neighboring properties shall not be unduly affected.

Allowing this project on the roof of the existing garage will not unduly affect the light and air available to neighboring properties.

--The raised planting beds will minimally add to the height of the existing garage and thereby have minimal effect on light and air on neighboring properties.

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

Allowing this project on the roof of the existing garage will not unduly compromise the use and enjoyment of neighboring properties.

--Because the raised planting beds will have little room for gatherings of any kind and will remain dormant in the non-growing seasons, the privacy of use and enjoyment of adjacent properties is not unduly compromised. Privacy of use and enjoyment of properties directly across the alley to the North will not be effected because the proposed project is largely blocked from view by those neighbors' garages and fences.

c. The addition or accessory structure, together with the original 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 frontage.

The street frontage of this property is not affected by the proposed addition, and it will not visually intrude upon the character, scale, and pattern of any nearby structure.

--The existing accessory garage is one of many on both sides of this alley, including an adjacent and slightly taller accessory garage immediately to the East, (#1243) and two more adjacent to that one. The proposal for raised planting beds is in keeping with the nature of accessory structures in this alley and the neighborhood in general. Its character complements and remains subordinate to the principal residence in both use and size. It adds minimally to the height of the parapets and is set back from the alley-facing facade of the existing garage which preserves the scale and pattern of the alley. Therefore this will also not substantially intrude on the pattern of development along the alley.

d. Compliance with a, b, & c, above, the applicant shall use graphical representations such as plans and photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition , new building or accessory structure to adjacent buildings and view from public ways.

Attached with this application are sufficient drawings and photographs.

This request is respectfully submitted so that the Owners of the house can upgrade existing conditions as required for modernizing their home.

Sincerely,

A handwritten signature in black ink on a light gray background. The signature is written in a cursive style and reads "Matthew M. Ossolinski". The first name "Matthew" is written in a fluid, connected script, and the last name "Ossolinski" is written in a similar style, with a large, prominent 'O'.

Matthew M. Ossolinski, AIA
Agent for the Owner