

Christopher Hutson
750 9th Street SE
Washington, DC 20003

November 11, 2014

**RE: 750 9th Street SE
Burden of Proof**

Dear Board of Zoning Adjustment:

We are seeking Special Exceptions for a proposed new two story garage and artist studio structure at 750 9th Street SE. There are two proposed concepts, 1. 'Base Condition' and 2. 'Base Condition with Alternate,' within the drawings for review. We believe the proposed structure is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property.

1. **The Base Condition** is a request to allow a new two story accessory structure to a row dwelling under Section 223, not meeting the lot occupancy requirements under Section 403 and the maximum story and height under Section 2500.

The Base Condition is a two story accessory structure. The access stair and landing to the second floor is exterior to the structure with access from the yard of the existing row house. The existing Lot Coverage is 42%. The proposed Lot Coverage is 69.9% which is a 9.9% variation over the R-4 allowed Lot Coverage of 60%. The proposed Two-Story Accessory Structure is 22' tall which is a variation of an additional One Story/7' over the allowed One-Story/15' height maximum.

2. **The Base Condition with Alternate** is a request to allow a two story garage addition to a row dwelling under Section 223, not meeting the lot occupancy requirements under Section 403 and rear yard under Section 404.

The alternate condition proposes adding a two-story addition to the existing three-story row house connected by a trellis covered walkway. The access stair and landing to the second floor is exterior to the structure with access from the yard of the existing row house. The existing Lot Coverage is 42%. The proposed Lot Coverage is 69.9% which is a 9.9% variation over the R-4 allowed Lot Coverage of 60%. The Rear Yard Setback is proposed to be 0' at the alley lot line which is a 20' variation in the R-4 required 20' Rear Yard Setback.

Light, Privacy, and Air for conditions 1. and 2. have been addressed in the concept design and with discussions with neighbors. *Text in italics* summarize discussions with neighbors.

A. LIGHT

The proposed structure will cast a shadow reducing direct morning light in the rear yard of 748 9th Street SE and very slightly in the corner of 746 9th Street SE, the adjacent properties to the North. The rear yard of the property to the East of the proposed structure, 755 - 757 10th Street SE, will be minimally impacted with the shadow of the accessory structure in the late afternoon

as the sun sets below the tallest roofline in the area, the roofline of the Marine Barracks on the West side of 9th Street SE.

Both Owners of impacted 746 and 748 9th Street SE have submitted a combined letter of support after reviewing plans and meeting.

During a meeting on site with the Owner of 755 10th Street SE, daylight impact was discussed and was acceptable given that the proposed accessory structure is shorter in height than the existing row house at the subject property, 750 9th Street SE.

B. PRIVACY

West facing windows of the proposed second floor face the existing rear windows of adjacent neighbors. Lattice screens for the sides of the second floor access landing are included to mediate neighbors' privacy. East facing windows of the proposed second floor look across the 30-foot wide alley at the parking spaces and rear yard of 755 - 757 10th Street SE. Views from the proposed structure toward the deck of the upstairs unit at 755 10th Street SE are screened through trees. The ground floor unit at 757 10th Street SE is screened with a privacy fence at the Owner's alley parking spaces. The remaining properties in direct view on the alley are screened with existing trees, fences, sheds, and garages.

An adjacent property owner, 752 9th Street SE #101, had a question about privacy views with the proposed second floor during a meeting to review plans on 30 October 2014. The Owner of #101 submitted a letter of support after reviewing plans and the lattice screen.

Owners of 752 9th Street SE #301 have also submitted a letter of support after reviewing plans and meeting on 03 November 2014.

Privacy concerns were not mentioned during other meetings with neighbors.

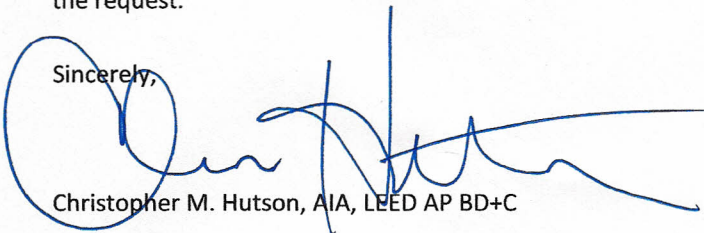
C. AIR

The proposed accessory structure is placed approximately 35 feet away from the existing row house and is intended to allow light access and air to circulate between the structures through the rear yard. The privacy lattice sides on the access landing are intended to screen views toward neighbors while allowing air to circulate through.

Lack of Air was not announced as a point of concern from neighbors during the meetings.

We believe these points combined with the letters of support from four neighbors, the pending support from the ANC, CHRS, and HPRB address the Burden of Proof. We do look forward to hearing your comments and discussing the request.

Sincerely,


Christopher M. Hutson, AIA, LEED AP BD+C