

**Burden of Proof  
Special Exception Application**

**237 10<sup>TH</sup> Street SE**

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

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

**Date:** June 24, 2018

**Subject: BZA Application, Hooten Garage**  
237 10<sup>th</sup> St SE (Square 944, Lot 66)

Steven and Hilda Hooten, owners and residents of 237 10<sup>th</sup> Street SE, hereby apply for a special exception from the lot occupancy requirements of Subtitle E § 304.1, pursuant to Subtitle E § 5201, to build a garage at the rear of their property and expand an existing deck. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

*The existing property has a lot occupancy of 694.91 SF (43.7%), which will increase to 1108 (69.9%) with the proposed garage and enlarged deck. The proposed lot occupancy will be below the 70% maximum allowed by a special exception for a row house in the RF-1 zoning district (ZR-16 304.1).*

**I. Summary:**

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the lot occupancy does not exceed 70%, and the garage will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

**II. Qualification of Special Exception**

**901 Special Exception Review Standards**

*The Board of Zoning Adjustment will evaluate and either approve or deny a special exception application according to the standards of this section.*

*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 judgment 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 existing square is extremely dense with many garages along the back alley. The proposed garage will be in scale with the existing garages in the alley. The proposed garage will follow the required setback from the alley centerline. Additionally, the proposed garage will be constructed with high quality materials similar to those on the existing garages.

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

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

**235 10<sup>th</sup> Street SE**

235 10<sup>th</sup> Street SE lies to the north of the proposed garage at 237 10<sup>th</sup> Street. 235 10<sup>th</sup> Street SE does not have a garage structure at the rear of the property and instead has a designated parking pad with a rear fence. The proposed garage at 237 10<sup>th</sup> Street may have a minimal impact on the light and air available to the rear yard of 235 10<sup>th</sup> Street, but most of the impact will be limited to the existing parking pad at 235 10<sup>th</sup> Street. The proposed garage will not impact the existing house at 235 10<sup>th</sup> Street SE since the garage will be more than 21' back from the rear of the house at 235 10<sup>th</sup> Street. The existing rear deck will be enlarged by 2'-10". This minor increase in depth will not affect the light and air available to 235 10<sup>th</sup> Street SE.

**239 10<sup>th</sup> Street SE**

239 10<sup>th</sup> Street SE lies to the south of the proposed garage at 237 10<sup>th</sup> Street. The proposed garage will be similar in footprint to the existing neighboring garage, however it will follow the required 12'-0" setback from the centerline of the alley. It will be approximately two feet taller than the existing garage structure at 239 10<sup>th</sup> Street at 13'-0" tall, which is below the 20' height at the yard that is allowed by the zoning code. The proposed garage will have no impact on the light and air available to the rear yard at 239 10<sup>th</sup> Street because of the existing garage at 239 10<sup>th</sup> Street. Additionally, the proposed garage will be more than 34' back from the rear of the house at 239 10<sup>th</sup> Street and will therefore have no impact on the existing house at 239 10<sup>th</sup> Street SE. The existing rear deck will be enlarged by 2'-10". This minor increase in depth will not affect the light and air available to 239 10<sup>th</sup> Street SE as the deck will be the same depth as the existing rear deck at 239 10<sup>th</sup> Street.

**Neighbors to the West**

Neighbors to the west of the proposed garage at 237 10<sup>th</sup> Street will not be unduly affected by the proposed project. 234 10<sup>th</sup> and 236 10<sup>th</sup> Street are directly to the west and are separated from the proposed garage by a 20'-0" wide alley and existing garages on the rear of the western properties. Given the distance between the neighbors to the west and the proposed garage at 237 10<sup>th</sup> Street, the neighbors will not be substantially impacted by the light and air available to their properties.

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

**235 10<sup>th</sup> Street SE**

The proposed garage at 237 10<sup>th</sup> Street SE will not unduly compromise the privacy or enjoyment of neighbors to the north. The existing privacy fence will remain along the shared property line, thus prohibiting views between the two yards. The proposed garage will not have any windows along the northern wall, thus prohibiting any views into the rear yard at 235 10<sup>th</sup> Street. The enlarged deck may allow some views into the rear yard at 235 10<sup>th</sup> Street, but those views will be similar to the current conditions. Additionally, the existing rear structure at 235 10<sup>th</sup> Street extends past the existing house at 237 10<sup>th</sup> Street, thus providing some privacy for 235 10<sup>th</sup> Street. The proposed garage at 237 10<sup>th</sup> Street will be historically compatible with the neighborhood and the existing garages in the alley.

## **239 10<sup>th</sup> Street SE**

The proposed garage at 237 10<sup>th</sup> Street SE will not unduly compromise the privacy or enjoyment of neighbors to the south. The existing fence will remain along the shared property line, thus prohibiting views between the two yards. The proposed garage will not have any windows along the southern wall, thus prohibiting any views into the rear yard at 239 10<sup>th</sup> Street. The enlarged deck may allow some views into the rear yard at 239 10<sup>th</sup> Street, but those views will be similar to the current conditions. Additionally, the proposed garage at 237 10<sup>th</sup> Street will be historically compatible with the neighborhood and the existing garages in the alley.

### **Neighbors to the West**

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors to the west. The neighbors to the west are separated from the proposed garage by a 20' wide public alley, existing garages, and existing rear yards. The proposed garage at 237 10<sup>th</sup> Street will be similar in style and scale to the existing garages in the neighborhood.

## **5201 Special Exception Review Standards**

### **5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE**

*5201.1 The Board of Zoning Adjustment may approve as a special exception in the RF zones, relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.*

**(a) Lot occupancy;**

*(b) Yards;*

*(c) Courts;*

*(d) Minimum lot dimensions;*

*(e) Pervious surface; and*

*(f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

*5201.2 Special exception relief under this section is applicable only to the following:*

*(a) An addition to a residential building;*

***(b) A new or enlarged accessory structure that is accessory to such a building; or***

*(c) A reduction in the minimum setback requirements of an alley lot.*

*5201.3 An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular: Subtitle E-32*

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

The proposed garage at 237 10<sup>th</sup> Street may have a minimal impact on the light and air available to the rear yard of 235 10<sup>th</sup> Street, but most of the impact will be limited to the existing parking pad at 235 10<sup>th</sup> Street. The proposed garage will not impact the existing house at 235 10<sup>th</sup> Street SE since the garage will be more than 21' back from the rear of the house at 235 10<sup>th</sup> Street. The existing rear deck will be enlarged by 2'-10". This minor increase in depth will not affect the light and air available to 235 10<sup>th</sup> Street SE or 239 10<sup>th</sup> Street SE.

The proposed garage will be similar in footprint to the existing neighboring garage at 239 10<sup>th</sup> Street SE, however it will follow the required 12'-0" setback from the centerline of the alley. It will be slightly taller as the existing garage structure at 239 10<sup>th</sup> Street is 11'-0" tall. The proposed garage

will have minimal impact on the light and air available to the rear yard at 239 10<sup>th</sup> Street because of the existing garage at 239 10<sup>th</sup> Street.

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

The proposed garage at 237 10<sup>th</sup> Street SE will not unduly compromise the privacy or enjoyment of the adjacent neighbors. The existing privacy fence will remain along the shared property lines, thus prohibiting views between the two yards. The proposed garage will not have any windows along the northern or southern walls, thus prohibiting any views into the adjacent rear yards. The enlarged deck may allow some views into the rear yard at 235 10<sup>th</sup> Street, but those views will be similar to the current conditions. Additionally, the existing rear structure at 235 10<sup>th</sup> Street extends past the existing house at 237 10<sup>th</sup> Street, thus providing some privacy for 235 10<sup>th</sup> Street.

*(b) 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 subject street frontage;*

The proposed garage at 237 10<sup>th</sup> Street will be historically compatible with the neighborhood and the existing garages in the alley. The façade will be brick with brick arch details, similar to existing original carriage houses found along the alley. The height and massing of the garage will be similar to many of the existing garages on the alley. The proposed garage will not be visible from the street.

*(c) 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 or accessory structure to adjacent buildings and views from public ways; and*

The applicant has met this condition with a plat, plans, elevations, sections and photographs.

*(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The proposed addition would result in a lot occupancy of less than 70% and can be permitted by special exception.

*5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties. 5201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

*5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The property would continue to be used as a single-family structure, as permitted in the RF-1 zone.

## **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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Jennifer Fowler  
Agent/Architect  
202-546-0896