

# Burden of Proof Special Exception Application

**232 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/Applicant  
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**Date:**         July 12, 2021

**Subject:**     **BZA Application, Anderson-Tregoning Addition**  
232 10<sup>th</sup> Street SE (Square 0969, Lot 0083)

Geoff Anderson and Harriet Tregoning, owners of 232 10<sup>th</sup> Street SE, hereby apply for special exceptions, pursuant to Subtitle X, Chapter 9, to build a two-story plus cellar rear addition on their existing two-story plus cellar row house. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

*Relief requested:*

1.           *Subtitle E § 304.1, lot occupancy*
2.           *Subtitle E § 205.4, rear setback*

The existing house has a lot occupancy of 1246.6 SF (68.7%), which will decrease to 1131 (62.3%) with the proposed rear addition and removal of the existing garage. 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 (Subtitle E § 304.1).

The proposed addition will extend 10'-0" past the existing rear wall, which will also be 10'-0" beyond the rear wall of 234 10<sup>th</sup> Street SE and 19'-0" beyond the rear wall of 230 10<sup>th</sup> Street SE. Therefore, the proposed rear addition will extend beyond the 10' maximum allowed by-right (Subtitle E § 205.4).

## **I. Summary:**

This special exception qualifies under ZR-16 Subtitle E, Chapter 5201 and Subtitle X, Chapter 9, because the rear addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

## **II. Qualification of Special Exception**

### **5201 Special Exception Review Standards**

By satisfying the requirements of E-5201.1, E-5201.4 and E-5201.5, 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:

Board of Zoning Adjustment  
District of Columbia  
CASE NO.20467  
EXHIBIT NO.57

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

### **228 10<sup>th</sup> Street SE**

228 10<sup>th</sup> Street SE sits 33'-0" north of 232 10<sup>th</sup> Street, and it is separated from 230 10<sup>th</sup> by an 18' wide row dwelling and a 15' wide public alley.

Sun studies have been submitted that show the existing and proposed shadows cast onto the south-facing alley wall at 228 10<sup>th</sup> SE. The studies indicate that there will be very minimal impact to 228 10<sup>th</sup> Street SE due to the rear addition. 230 10<sup>th</sup> Street SE can enclose their sleeping porch as a matter of right. When potential shadows of 230 10<sup>th</sup> are included, the only impact will be to the very lowest portion of one window, only in the winter mid-morning.

The original proposal included an additional 7' of rear depth, as well as a third-floor addition. The current plans include a smaller rear two story addition with a roof height the same as existing. These changes greatly reduced the impact to the light and air available to 228 10<sup>th</sup> Street.

### **230 10<sup>th</sup> Street SE**

230 10<sup>th</sup> Street SE lies immediately to the north of the proposed rear addition at 232 10<sup>th</sup> Street SE. The rear sleeping porch at 230 10<sup>th</sup> Street SE has not been enclosed. The proposed rear addition will extend 14'-0" (cellar level) and 10'-0" (first and second floors) beyond the existing two-story covered porch. It will extend 23'-0" (cellar level) and 19'-0" (first and second floors) beyond the existing rear wall of conditioned space at 230 10<sup>th</sup> Street SE. The additional depth will increase the shadows cast onto the property at 230 10<sup>th</sup> Street SE, particularly in the morning hours of winter, spring, and fall. In the summer, the impact will be minimal. Sun studies have been submitted that show the existing and proposed shadows.

The original proposal included an additional 7' of rear depth, as well as a third-floor addition. The current plans include a smaller rear two story addition with a roof height the same as existing. These changes greatly mitigated the impact to the light and air available to 230 10<sup>th</sup> Street.

### **234 10<sup>th</sup> Street SE**

234 10<sup>th</sup> Street SE lies immediately to the south of the proposed rear addition at 232 10<sup>th</sup> Street SE. The proposed rear addition will extend 14'-0" (cellar level) and 10'-0" (first and second floors) beyond the existing rear wall at 234 10<sup>th</sup> Street. Given the orientation of the houses, the proposed addition will not cast any shadows on to the property at 234 10<sup>th</sup> Street SE. Sun studies have been submitted that show the existing and proposed shadows.

The original proposal included an additional 7' of rear depth, as well as a third-floor addition. The current plans include a smaller rear two story addition with a roof height the same as existing. These changes greatly mitigated the impact to the air available to 234 10<sup>th</sup> Street.

### **Neighbors to the East**

The houses to the east of the proposed project at 232 10<sup>th</sup> Street SE front onto 11<sup>th</sup> Street SE. They are separated from 232 10<sup>th</sup> Street by a 30' wide public alley. They have deep rear yards and several have garages at the rear of the properties. The proposed rear yard at 232 10<sup>th</sup> Street will be 38'-0" deep at the cellar level, and 42' to the rear wall of the upper floors. The separation from the proposed additions at 232 10<sup>th</sup> Street provided by both the large public alley and the existing rear yards means there will be no impact on the light and air available to the neighbors to the east. Additionally, the existing one-story garage will be removed which will add to open feel of the alley. Sun studies have been submitted into the record that show the overall block and the shadows cast during the winter solstice.

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

### **230 10<sup>th</sup> Street SE**

The existing house at 232 10<sup>th</sup> SE has a large rear deck on the first floor that offers unlimited views into the adjoining properties. This deck will be removed, and the proposed addition will have a much smaller landing. This change will enhance the privacy enjoyed by 230 10<sup>th</sup> SE.

The new north wall of the proposed addition will not have any windows, thus prohibiting straight views into the house at 230 10<sup>th</sup> Street.

The rear wall will have new windows and doors, which will allow some views into the rear yard at 230 10<sup>th</sup> Street. However, these views will be concentrated at the rear of the property. The existing privacy fence will remain along the shared property line to help obstruct some of these views.

The original proposal included an additional 7' of rear depth, as well as a third-floor addition with a roof deck facing the rear alley. The current plans include a smaller rear two story addition with a roof height the same as existing, and no roof deck. These changes greatly mitigated the impact to the privacy enjoyed by 230 10<sup>th</sup> Street.

In summary, the proposed addition at 232 10<sup>th</sup> Street will have some impact on the privacy of use and enjoyment of the rear yard at 230 10<sup>th</sup> Street, but the impact will be minor.

### **234 10<sup>th</sup> Street SE**

The existing house at 232 10<sup>th</sup> SE has a large rear deck on the first floor that offers unlimited views into the adjoining properties. This deck will be removed, and the proposed addition will have a much smaller landing. This change will enhance the privacy enjoyed by 234 10<sup>th</sup> SE.

The new south wall will not have any windows, thus prohibiting straight views into the house at 234 10<sup>th</sup> Street.

The rear wall will have new windows and doors, which will allow some views into the rear yard at 234 10<sup>th</sup> Street. However, these views will be concentrated at the rear of the property. The existing privacy fence will remain along the shared property line to help obstruct some of these views.

The original proposal included an additional 7' of rear depth, as well as a third-floor addition with a roof deck facing the rear alley. The current plans include a smaller rear two story addition with a roof height the same as existing, and no roof deck. These changes greatly mitigated the impact to the privacy enjoyed by 240 10<sup>th</sup> Street.

In summary, the proposed addition at 232 10<sup>th</sup> Street will have some impact on the privacy of use and enjoyment of the rear yard at 234 10<sup>th</sup> Street, but the impact will be minor.

### **Neighbors to the East**

The houses to the east of the proposed project front onto 11<sup>th</sup> Street SE. They have deep rear yards and are separated from 232 10<sup>th</sup> Street by the existing 30' wide public alley. The new rear wall will have doors and windows, however any views into the neighboring rear yards will be minimized by the wide alley, rear yard separations and existing fences. The proposed rear yard at 232 10<sup>th</sup> Street will be 38'-0" deep at the cellar level, and 42' to the rear wall of the upper floors. Additionally, the existing alley is very wide between the properties. The proposed additions at 232 10<sup>th</sup> Street will have minimal impact on the privacy of use and enjoyment of the rear yards to the east.

*(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 subject street frontage;*

The proposed addition will be on the rear of the house and will be the same height as the existing roof. The existing square is extremely dense. There exist houses of varying widths and depths and several garages along the public alley. The proposed rear addition will extend beyond the existing neighbors, but it will not be visible from the public street. The proposed addition 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 or accessory structure to adjacent buildings and views from public ways*

## **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 new addition will be constructed of similar materials to other nearby rear additions. Because of the presence of the other nearby additions, the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

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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