

**RE: BOARD OF ZONING ADJUSTMENT (BZA) CASE #20467
APPLICATION OF GEOFF ANDERSON AND HARRIET TREGONING, 232 10TH ST, SE
to construct a two-story addition with cellar and back deck, to an existing, attached,
two-story principal dwelling unit, in the RF-1 Zone**

The applicants seek two special exceptions under Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201 and Subtitle X § 901.2) and for lot occupancy under Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2). Neighbors are concerned about the request for Special Exceptions to zoning regulations.

The applicants have been renting the house for more than twenty years, have recently bought a million dollar plus house in northwest, and have stated that they do not intend to live in this house for four or more years. The requested special exceptions to enlarge the house is not to make it owner-occupied nor affordable housing. It will be a market rate two-flat rental that impacts the character and quality of this tight knit family neighborhood.

This is a major project that would create a massive non-conforming building in a residential block on Capitol Hill that is mostly made up of single-family two-story historic homes. The proposed project would convert a single-family home into a 2-unit flat occupying 3 levels (2 above ground and one in the cellar level) that most likely will be rental units at market rates. These proposed changes will extend the building 19 feet from the rear wall of 230 10th Street, SE and 10 feet from the rear wall of 234. A landing and steps off the back will extend another 12' 4". Total lot occupancy will be 62.3% assuming permission is granted to tear down an historic garage.

The proposed massive construction in this application would have a substantially adverse effect on the use and enjoyment of not only abutting or adjacent dwelling or property but also numerous residents of the 200 block between 11th and 10th Streets, SE. If Special Exceptions are approved it will set a precedent that will affect many residents beyond the immediate vicinity of 232 10th Street, SE as it will allow other developers to follow suit. I could easily find the enjoyment of my house and yard at 215 10th Street, SE and my property value severely impacted by a similar expansion of my neighbor's house.

Development proposals like this one are inappropriate for our RF-1 neighborhood and should be rejected. The residents of the 200 block do not want our Capitol Hill neighborhood to have pop-backs which are exceptions to the zoning rules for our existing neighborhood. Residents on the 200 block have generally lived within the Zoning and Historic Preservation rules, which are applicable to our neighborhood. No compelling reason exists for why the absentee owners of 232 10th Street, SE, should get Special Exceptions to the zoning regulations.

Adverse Impact on the Unique Character of the Neighborhood

The impact of this development proposal on the character of the neighborhood is a consideration of both the Board of Zoning Adjustment. Basically, this massive addition substantially visually intrudes on the character, scale, and pattern of the back of houses on the eastside of the 200 block of 10th Street, SE and the residences on the westside of the 200 block of 11th Street, SE (See Attachment 1).

- a. **The History of the alley.** The alley is a wonderfully maintained picture of a mid-20th century DC neighborhood. The south end is comprised of 30 homes built in 1923 by Thomas Jameson; the architect was George Santmyers. Both well known in DC housing in the early 20th century. The houses to the north of the alley entrances at 10th and 11th ST are older, variously built in the late 19th and first two decades of the 20th century. Although not as densely populated as Gessford Court to the east or Brown's Court to the west, this alley does have two housing units on the north end that front the alley and have no street access. One is a historic carriage house, the other may have been a carriage house or a workshop or both. The alley residents will soon submit their petition to the City Council for the alley to be named. Also in the works, according to Robert Pohl, author and local historian, is the possibility that the National Park Service might raise the status of the Furies House (219 11th ST) from the National Register of Historic Places to the National Historic Landmark list. The process is just getting underway and there are lots of steps between now and final approval by the Secretary of Interior.
- b. **The unique character of the alley.** The unusual 30' - wide alley between 10th & 11th Streets, SE, and Independence Avenue and C Streets, SE, in the 200 blocks of 10th and 11th Streets, is larger than a typical alley on Capitol Hill (See Attachment 2). This large alley has generated community cohesiveness. It has its own unique social life that binds the 11th Street and 10th Street alley residents.

It is a safe place for children and pets to play, and the residents frequently socialize in the alley space (See Attachment 3). The alley neighbors are so attached to their alley that they successfully lobbied the city to preserve the original river stone that has been incorporated into an entrance to the alley (Attachment 4).

The applicants, who have owned the house since 1990, have not lived in 232 10th Street, SE since at least 2002. They may not be familiar with the unique social character of the alley and the neighborhood, and the impact of their proposed renovation on this character.

- c. **Scale and Pattern are out of synch with the neighborhood.** The construction of a massive bump-out will negatively impact alley life by breaking up the street scape with an overwhelming structure that dominates its surroundings (Attachment 5).

Due to the unique role this alley plays in the neighborhood, the visual intrusion on this alley should be given equal consideration along with the impacts from the street level. Both areas are public spaces that are used frequently by residents. The massive proposed structure would dramatically stand out from the other 2-story family homes within the 60% lot occupancy (Attachment 6). The impact on these residences will be significant since the proposed 2-story addition will be visible to all the residences on the alley.

DETRIMENTAL IMPACT ON THE NEIGHBORHOOD IF ZONING SPECIAL EXCEPTIONS ARE GRANTED

The RF-1 zoning regulations were passed to preserve the character of neighborhoods. Special Exceptions should be granted only in extraordinary circumstances. The applicants request for special exceptions to lot occupancy and rear addition should not be granted because they are not justified and have an unduly adverse impact on the neighborhood. The massive size of the proposed building would dwarf the surrounding properties, invade neighbors' privacy along most of the alley, and adversely affect the light and air.

Massive Size will dwarf the surrounding properties. The applicants propose a rear extension to 232 10th Street, SE, extending the building 19 feet from the rear wall of 230 10th Street, SE and 10 feet from the rear wall of 234. A landing and steps off the back will extend another 12' 4". Total lot occupancy will be 62.3% assuming the removal of an historic garage.

1. This is more than the permitted 60% lot coverage requirement (DC Zoning Regulations Title II, Subtitle E §205.4 and § 304.1) as well as the 10-foot limit of their abutting neighbors' homes. The proposed structure is non-conforming with the southern half of the 200 10th Street SE block and the other surrounding residences (See Attachment 6). The only exception is the rear extension at 242 10th Street, SE. 242 was renovated in the 1980's, apparently without a permit, and is located at the end of the block where it has minimal impact on sight-lines, air, light, and privacy. Besides, it is not taller than other houses on the southern end of the alley.
2. **Unduly Impacts on Light and Air.** The proposed project will have a negative impact on the air and light not only the homes which abut 232 10th Street, SE, but also many of the other nearby houses, because of its depth and height. Those neighbors will be submitting more detailed comments.

The impact of the proposed addition on the immediate neighbor to the north is significant. If the proposed plan is approved, 230 10th Street, SE will never be able to install solar panels, a green roof, or a pollinator garden due to being in the shadow of the addition. In addition, it will set a precedent for pop-backs in this neighborhood that will result in others be able to claim conforming use; hence, blocking solar power and other green uses of more neighbors' property at a time when the city and Federal governments are promoting sustainable development to combat climate change.

Despite many requests for information on the location of the mechanicals, the applicants have avoided providing them to the neighbors. One of the neighbors who recently installed solar power found that even a small air conditioner on a roof can reduce input. The neighbor has a front corner solar panel that because of shade cast by a smaller-than-most air conditioner, only collects about 65 percent of solar power than the other panels. The proposed plans do not indicate where the mechanicals at 232 10th Street, SE will be located, which could impact the solar panels on 228 10th Street, SE.

3. **Invasion of Neighborhood Privacy.** Because this addition extends between 10 and 19 feet beyond adjacent houses and is close to the middle of the 200 block, it commands a view of the entire block. Most of the residences use their rear outdoor spaces as social spaces and for family activities and will lose the privacy they currently have.

4. **Intrusion of a rental property into a historic single-family owner-occupied neighborhood.** The applicants stated that the property will be a rental property for the foreseeable future. While some residents of the 200 block of 10th ST, SE, rent out portions of their homes, most are owner-occupied. The proposed changes convert a single-family home into a multi-unit rental setting a precedent that will have long-lasting negative impacts in terms of the social nature of the neighborhood, and its character. Neither absentee landlords nor transient renters are likely to landscape or maintain their properties, participate in local governance, or socialize with neighbors. We do not want to see our neighborhood transform into a collection of multi-unit rental properties. There is no shortage of developers who want to purchase single-family homes in our neighborhood and turn them into market-rate rental properties. If this application is approved, other home conversions will surely follow.

In conclusion, no compelling reason exists for why the absentee owners of 232 10th Street, SE, should get Special Exceptions to the zoning regulations. Up until now, renovations in the neighborhood have stayed within the bounds of zoning and historic preservation regulations with few minor exceptions.

A final comment. This experience with DC governance has left me disappointed and frustrated. The procedures, or lack of, are not fair. They favor the well-connected. Too much deference is given to the developers. Neighbors' concerns beyond the adjacent neighbors are barely considered, if at all. Neighbors are not given adequate time to respond to changes in plans. No consideration is given to environmental impacts of paving over permeable surfaces or neighbor's future solar rights or green roof conversions. This lack of consideration contradicts DC's efforts to mitigate climate change or clean up the Anacostia or Potomac Rivers.

I have lived at 215 10th Street, SE for more than 40 years. It has been a great neighborhood. I am saddened to see developers erode the cohesiveness of the block and lack of concern about our environmental future.

Daphne Gemmill

**Attachment 1: Impact on alley street scape:
Currently conforming rear of neighboring houses**



Attachment 2: Unique Wide Alley

a. Alley behind 232 10th Street



b. Typical Capitol Hill alley



Attachment 3: The Alley as a social space

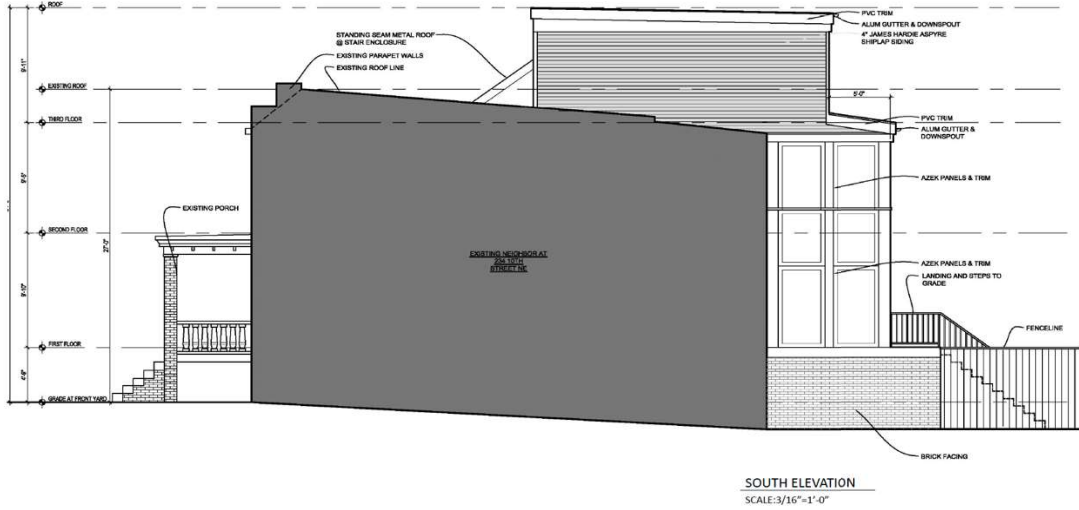


Attachment 4: Alley neighbors save original alley paving stones



Attachment 5: Renovation out of synch with neighborhood

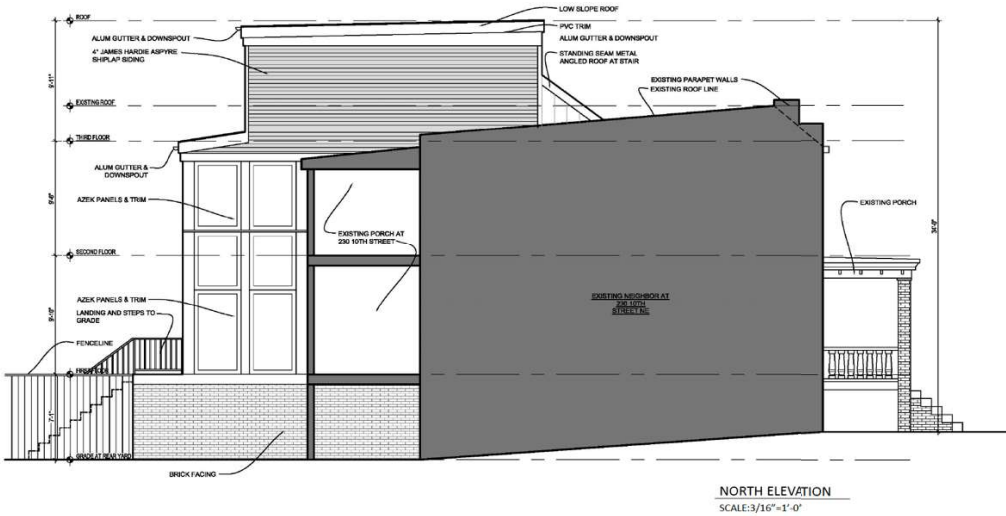
a. View from 234 10th Street, SE looking north



232 10TH Street SE – EXTERIOR ELEVATIONS

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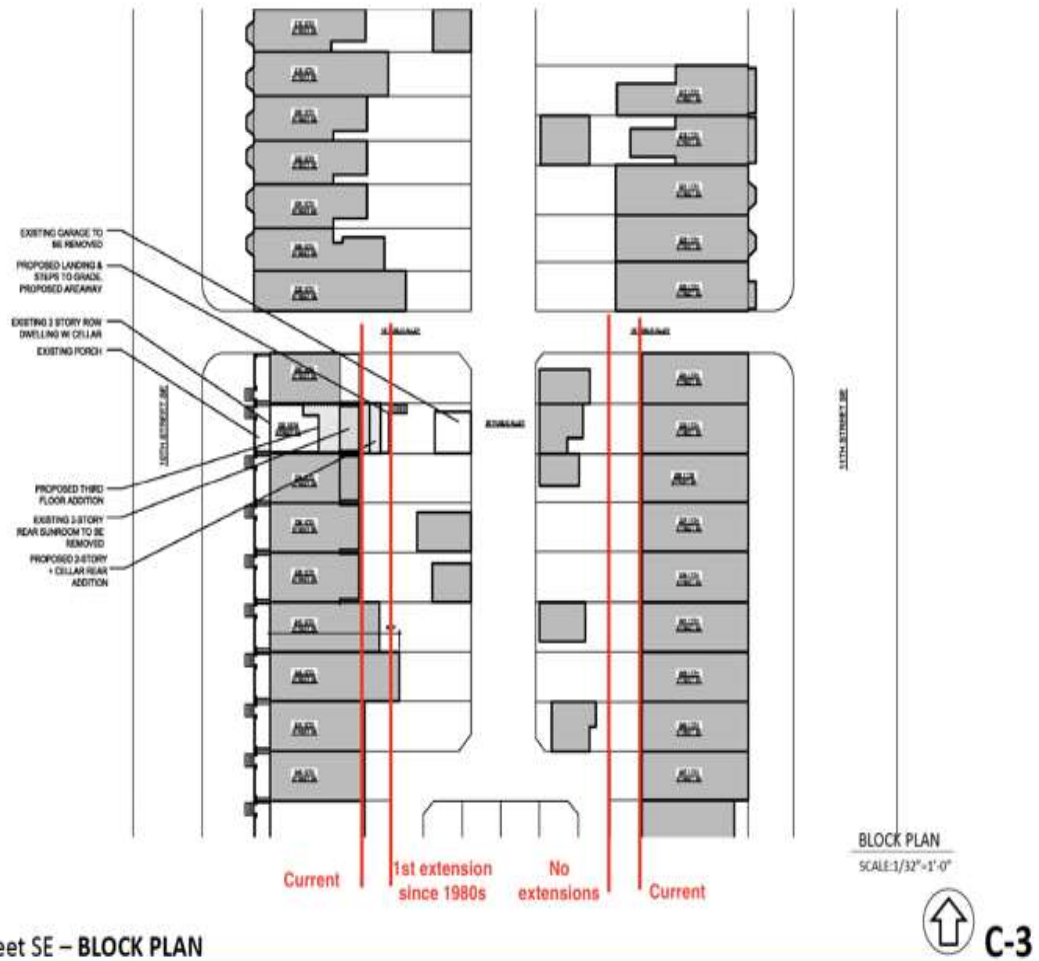
b. View from 230 10th Street, SE looking South



232 10TH Street SE – EXTERIOR ELEVATIONS

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Attachment 6: Non-conforming extension*



232 10TH Street SE – BLOCK PLAN

- #240 stayed within their allowed 10 feet.
- #242 appears to have been built without the required permits and did not build above the neighbors' roof line