

**Burden of Proof
Special Exception Application**

237 10TH Street SE

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

From: **Jennifer Fowler**
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Date: March 14, 2017

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

Steven and Hilda Hooten, owners and residents of 237 10th Street SE, hereby apply for a special exception pursuant to Subtitle X, Chapter 9, 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 house 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.

garage will follow the
District of Columbia
CASE NO. 19784
EXHIBIT NO.9

- 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 10th Street SE

235 10th Street SE lies to the north of the proposed garage at 237 10th Street. 235 10th 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 10th Street may have a minimal impact on the light and air available to the rear yard of 235 10th Street, but most of the impact will be limited to the existing parking pad at 235 10th Street. The proposed garage will not impact the existing house at 235 10th Street SE since the garage will be more than 21' back from the rear of the house at 235 10th 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 10th Street SE.

239 10th Street SE

239 10th Street SE lies to the south of the proposed garage at 237 10th 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 the same height as the existing garage structure at 239 10th Street at 11'-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 10th Street because of the existing garage at 239 10th Street. Additionally, the proposed garage will be more than 34' back from the rear of the house at 239 10th Street and will therefore have no impact on the existing house at 239 10th 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 10th Street SE as the deck will be the same depth as the existing rear deck at 239 10th Street.

Neighbors to the West

Neighbors to the west of the proposed garage at 237 10th Street will not be unduly affected by the proposed project. 234 10th and 236 10th 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 10th 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 10th Street SE

The proposed garage at 237 10th 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 10th Street. The enlarged deck may allow some views into the rear yard at 235 10th Street, but those views will be similar to the current conditions. Additionally, the existing rear structure at 235 10th Street extends past the existing house at 237 10th Street, thus providing some privacy for 235 10th Street. The proposed garage at 237 10th Street will be historically compatible with the neighborhood and the existing garages in the alley.

239 10th Street SE

The proposed garage at 237 10th 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 10th Street. The enlarged deck may allow some views into the rear yard at 239 10th Street, but those views will be similar to the current conditions. Additionally, the proposed garage at 237 10th 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 10th Street will be similar in style and scale to the existing garages in the neighborhood.

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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