

Burden of Proof Special Exception Application

232 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**
Agent/Applicant
1819 D Street SE
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Date: February 23, 2021

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

Geoff Anderson and Harriet Tregoning, owners of 232 10th Street SE, hereby apply for special exceptions, pursuant to Subtitle X, Chapter 9, to build a three-story plus cellar rear addition and rooftop addition with roof deck 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 increase to 1269.5 (69.9%) 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 17'-0" past the existing rear wall, which will also be between 17'-0" and 26'-0" past the existing abutting neighboring structures. 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:

State of Zoning Adjustment
Submitted to
CASE NO.20467
EXHIBIT NO.20

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

230 10th Street SE

230 10th Street SE lies to the north of the proposed rear addition at 232 10th Street SE. The proposed three-story plus cellar rear addition will extend 17'-0" past the existing house two-story covered porch at 230 10th Street and 26'-0" past the existing rear wall at 230 10th Street. Additionally, the proposed rooftop addition at 232 10th Street SE will be taller than the existing house at 230 10th Street. Therefore, the proposed additions at 232 10th Street will impact the light and air available to 230 10th Street somewhat.

234 10th Street SE

234 10th Street SE lies to the south of the proposed rear addition at 232 10th Street SE. The proposed three-story plus cellar rear addition will extend 17'-0" past the existing rear wall at 234 10th Street. Additionally, the proposed rooftop addition at 232 10th Street SE will be taller than the existing house at 234 10th Street. Therefore, the proposed additions at 232 10th Street will impact the light and air available to 234 10th Street somewhat. The impact will be minimized since the proposed addition lies to the north of 234 10th Street SE.

Neighbors to the East

The houses to the east of the proposed project at 232 10th Street SE front onto 11th Street SE. They are separated from 232 10th 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 10th Street will be 35'-0" deep. The separation from the proposed additions at 232 10th Street provided by both the large public alley and the existing rear yards greatly reduces the impact on the light and air available to the neighbors to the east, so the overall impact will be very minor.

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

230 10th Street SE

The proposed rear addition at 232 10th Street SE will extend the existing house by 17'-0", which is 26'-0" past the existing rear wall at 230 10th Street and 17'-0" past the existing two-story covered porch. The new north wall will not have any windows, thus prohibiting straight views into the house at 230 10th Street.

The rear wall will have new windows and doors, which will allow some views into the rear yard at 230 10th 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 proposed additions at 232 10th Street will have some impact on the privacy of use and enjoyment of the rear yard at 230 10th Street, but the impact will be minor.

234 10th Street SE

The proposed rear addition at 232 10th Street SE will extend the existing house by 17'-0" and extend 17'-0" past the existing rear wall at 234 10th Street. The new south wall will not have any windows, thus prohibiting straight views into the house at 234 10th Street. The rear wall will have new windows and doors, which will allow some views into the rear yard at 234 10th 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 proposed additions at 232 10th Street will have some impact on the privacy of use and enjoyment of the rear yard at 234 10th Street, but the impact will be minor.

Neighbors to the East

The houses to the east of the proposed project front onto 11th Street SE. They have deep rear yards and are separated from 232 10th 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 10th Street will be 35'-0" feet deep. Additionally, the existing alley is very wide between the properties. The proposed additions at 232 10th 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 additions will be on the rear of the house and above the existing house. 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. Additionally, the proposed rooftop addition will be set back from the front of the house and will not be visible from the public street. The proposed additions 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. The proposed third floor will be set back substantially from the front façade so as to not be visible.

- 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,

A handwritten signature in black ink, appearing to read 'Jennifer Fowler', written over a horizontal line.

Jennifer Fowler
Agent/Architect
202-546-0896