

Statement in Opposition of BZA case #20467  
Proposed Expansion of 232 10th St SE

July 25, 2021

To the Board of Zoning Adjustment:

We ask that the Board deny the application for special exceptions to the zoning regulations at 232 10th Street SE. Our reasons for the request are as follows:

- 1) The proposed project has negative impacts on the light and sightlines currently enjoyed by our neighbors at 228 10th St SE.
- 2) The property itself is unremarkable as compared to adjacent and nearby dwellings; thus an exception granted here would set a precedent for allowing like-size projects on adjacent properties.
- 3) The applicant's proposed project fails a crucial criterion set forth by the city's regulation: the applicant has failed to prove that the proposed project will have no undue impact and has failed to provide evidence as to the lack of impact. The city's own handbook (<https://handbook.dcoz.dc.gov/zoning-rules/general-procedures/special-exceptions/>) indicates that in the absence of such evidence, the exception cannot be granted.

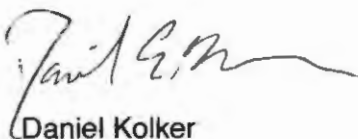
We have owned and lived at 224 10th St SE for over 18 years. Our house is within 50 feet of the proposed project and thus the proposed project will impact us, as well our close friends, John Robert Ball and Tara Billingsley, who live at 228 10th St SE. While the proposed project will not directly impact our own views, it will impact the views of Mr. Ball and Ms. Billingsley. Their house has many windows facing south, towards the proposed extension. The plans filed 7/12/2021 show that the proposed addition will extend ten feet beyond the current rear of the porch at 230 10th St; this is also ten feet beyond the existing addition at 234 10th St. Mr. Ball and Ms. Billingsley have a large number of south facing windows along the alley between 228 and 230 10th St. From the interior of their house, they can view sky and trees. The large two-story addition will diminish their views of both of these. The diminished views of trees and sky will decrease their enjoyment of the property, and may negatively impact the value of their property. While the applicant has submitted sun and shadow studies indicating how the proposed structure will impact the lighting, there has been no showing that the view from inside 228 10th street will not be impacted. Because the applicant has failed to prove that the proposed project will not negatively impact the views currently enjoyed by our neighbors, the BZA must reject the proposed special exceptions.

The property at 232 10th St. SE is part of a row of houses with similar architectural styles. The property itself is quite similar in size and layout to many properties on the southern half of this

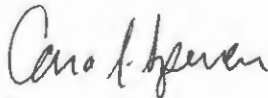
block. It is, in a word, unremarkable. Because the property is unremarkable, if a special exception to the regulations is granted, the BZA would have no reason to deny any future applications for special exceptions. Any other property owner in any of the substantially identical properties would be able to cite an exception granted for 232 10th St as a reason to grant a substantially identical exception for his or her own properties. Thus by granting the exception in this case, the BZA will effectively be permitting changed uses of all like properties on this block. This is not consistent with the zoning plan, as it will change the maximum allowed lot occupancy for all such properties. Because the proposed project is not in harmony with the existing zoning, and because it will serve as a precedent as to the alterations permitted to similar properties, the BZA should reject the proposed project.

Finally, we are concerned that BZA may be persuaded by comments from the applicants that they have scaled back their proposed project multiple times already, and that such willingness to make changes should be looked upon favorably by the BZA. While the revisions did reduce the size of the proposed project from fantastical to merely non-compliant, those revisions should not be seen as acquiesce to neighbors' objections, but should be seen as what they truly are, namely adjustments in response to rejections of proposals by the HPRB. The project must be evaluated on its own merits, not in relation to previous proposals which themselves were rejected by other agencies. Because the present project is not consistent with the spirit of the zoning regulations, and because the applicant has not proved the lack of negative impact of the presently-proposed project, the BZA should reject the application for a special exception.

Sincerely,



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