

# Burden of Proof Special Exception Application

751 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  
1819 D Street SE  
Washington, DC 20003

**Date:**        September 21, 2021

**Subject:**     **BZA Application, Thomas Picarsic and Katherine Kuzma**  
751 10th Street SE (Square 0950, Lot 0084)

Thomas Picarsic and Katherine Kuzma, owners and occupants of 751 10th Street SE, hereby apply for a special exception pursuant to 11 DCMR Subtitle X, Chapter 9, to build a two-story rear addition and two-story garage to an existing single-family dwelling in the RF-1 zone. The zoning relief requested is as follows:

*Application of Thomas Picarsic and Katherine Kuzma, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §5201 from the lot occupancy requirements of Subtitle E §304.1, and the side yard requirements of Subtitle E §207.4, to construct a two-story rear addition and a two-story garage in the RF-1 at premises 751 10th Street S.E. (Square 0950, Lot 0084).*

## I. Summary:

This special exception qualifies under ZR-16 Subtitle D, Chapter 5201 and Subtitle X, Chapter 9, because the lot occupancy does not exceed 70%, and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

**Subtitle E §304.1:** The proposed addition will expand the first and second floor levels of the existing two-story dwelling. It will increase the lot occupancy from 841.7 SF (42.3%) to 1394.2 SF (69.9%).

**Subtitle E § 207.4:** The proposed addition will eliminate an existing 1.94' wide non-conforming side yard. A new open court will be created that will vary from 1.94' to 6.8' in width.

## II. Qualification of Special Exception

### 5201 Special Exception Review Standards

By satisfying the requirements of E-5201.1, E-5201.2, 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.20615  
EXHIBIT NO.8

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

### **747 10th Street SE**

747 10th SE lies to the north of the proposed addition at 751 10th Street SE. It is a multi-unit apartment building that has three floors plus a cellar. The building is approximately 70' deep from front to back, with an overall height of approximately 35'. There is a solid brick party wall that runs along the property line, and it has two south-facing courts that face the subject property.

The proposed rear wall of the addition at 751 10<sup>th</sup> Street SE will be approximately 15'-2" shy of the rear wall of 747 10<sup>th</sup> Street SE. The two-story rear addition will be 24' tall. The westernmost court of the adjacent building will be fully obstructed by the addition, up to 24'. The well that is closer to the front façade will be partially obstructed, up to 24'.

Because the existing house at 751 10<sup>th</sup> Street sits 1.94' away from the property line, and also due to the fact that there are 6' tall privacy fences along the property line at the courts, the change to the light available will not be undue. Additionally, the proposed addition with side yard relief will have less impact than a potential matter-of-right addition with a potential for three levels.

The proposed two-story garage will cast additional shadows on the rear wall and covered porch of the building, particularly during the winter, spring, and fall early afternoon hours. During the summer there will be very little impact. There are existing trees on both properties that currently cast shadows onto the porch and rear wall of 747 10<sup>th</sup> Street SE.

### **753 10th Street SE**

753 10<sup>th</sup> Street SE lies to the south of the proposed addition at 751 10th Street SE. The proposed rear wall of the addition will align with the rear wall of 753 10<sup>th</sup> at the first floor. On the second floor, the new addition will extend approximately 8' beyond the rear wall of 753 10th. Due to the orientation, there will be no impact to the light available. The existing roof deck at the rear of 753 10<sup>th</sup> Street will now have a solid wall adjacent to it. This will impact the air available somewhat. However, the owners of 753 10<sup>th</sup> Street have submitted a letter of support.

The proposed two-story garage will not cast any shadows onto 753 10<sup>th</sup> Street because it sits to the north.

### **Neighbors to the West**

Neighbors to the west of 751 10<sup>th</sup> Street SE have deep lots and garages. These neighbors are separated from the proposed project by rear yards, privacy fences, trees, and a 30' wide public alley. The proposed addition at 751 10th street SE will extend 2'-6" beyond the existing rear wall and will be approximately 130' from the nearest neighbor to the west (9<sup>th</sup> Street SE).

The proposed garage will abut the rear property line. It will approximately 86' away from the rear walls of the houses to the west.

Due to the large separation, there will be no impact to light or air enjoyed by these neighbors.

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

### **747 10th Street SE**

747 10th SE lies to the north of the proposed addition at 751 10th Street SE. There is a solid brick party wall that runs along the property line, and it has two south-facing courts that face the subject property.

The westernmost court of the adjacent building will be fully obstructed by the addition, up to 24'. The well that is closer to the front façade will be partially obstructed, up to 24'.

Currently the occupants of 751 10<sup>th</sup> have unobstructed views into the windows that line the two open courts of the apartment building. With the proposed addition, the views into those windows will be eliminated. There will be solid walls with no windows along the shared property line.

The proposed two-story garage will have windows facing the east. Due to the location of the garage and the location of the courts, it will allow for no additional views into the court windows. There will be additional view of the rear porch and windows of the building, however the impact will not be undue.

### **753 10th Street SE**

753 10<sup>th</sup> Street SE lies to the south of the proposed addition at 751 10th Street SE. The proposed rear wall of the addition will align with the rear wall of 753 10<sup>th</sup> at the first floor. On the second floor, the new addition will extend approximately 8' beyond the rear wall of 753 10<sup>th</sup>. Due to the orientation, there will be no impact to the privacy enjoyed by 753 10<sup>th</sup>. The existing roof deck at the rear of 753 10<sup>th</sup> Street will now have a solid wall adjacent to it. This will enhance the privacy of the roof deck as it will block views from the apartment building.

The rear wall of the addition will have windows facing the rear yards. These windows will not add additional views of 753 10<sup>th</sup> Street.

The proposed two-story garage will offer additional views of 753 10<sup>th</sup> Street from the second floor. This will impact the privacy available somewhat. However, the owners of 753 10<sup>th</sup> Street have submitted a letter of support.

### **Neighbors to the West**

Neighbors to the west of 751 10<sup>th</sup> Street SE have deep lots and garages. These neighbors are separated from the proposed project by rear yards, privacy fences, trees, and a 30' wide public alley. The proposed addition at 751 10th street SE will extend 2'-6" beyond the existing rear wall and will be approximately 130' from the nearest neighbor to the west (9<sup>th</sup> Street SE). The addition will have new windows facing west, however the two-story garage proposed will block any views towards the west.

The proposed garage will abut the rear property line. It will approximately 86' away from the rear walls of the houses to the west. The garage will have two windows on the second floor facing west. The windows are standard-sized double hung windows, one in each space at the rear. While the new garage windows may offer some views of the houses on 9<sup>th</sup> Street SE, the existing garages behind those houses will greatly mitigate the impact.

(c) *The proposed addition or accessory structure, together with the original building, or the proposed new 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 street and alley frontage;*

The existing square is extremely dense with backyards, privacy fences, trees, garages, and a public alley. The proposed addition will be similar in massing than the adjacent house at 753 10<sup>th</sup> Street SE. The rear addition will be visible from the alley and from the properties to the west. However, it will not be visible from the street. The proposed garage is similar in massing and design as other garages and carriage 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, new building, or accessory structure to adjacent buildings and views from public ways.

Plans, photographs, and elevational drawings have been submitted into the record.

## 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 rear addition and garage will be visible from the alley. However, it will not be visible from the street. Additionally, the proposed addition will be constructed with high quality materials and will be appropriate in scale for the existing houses.

- 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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Jennifer Fowler  
Agent/Architect