

BEFORE THE BOARD OF ZONING ADJUSTMENT

EDWARD V. HANLON

Appellant

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No.: 18429

Hearing Date: October 30, 2012

**APPELLANT’S SUPPLEMENTAL PREHEARING STATEMENT**

Comes Now the Appellant, Edward V. Hanlon, and files this Prehearing SUPPLEMENTAL Statement in the above captioned matter and states as follows:

**STATEMENT OF CASE**

This is the Appeal of Edward V. Hanlon, pursuant to 11 DCMR § 3100 and 3101, ANC2B from an April 10, 2012, decision by the Department of Consumer and Regulatory Affairs, to issue a building permit (#B1206336) allowing *inter alia* the construction of multi-level roof decks in the DC/R4 District at premises 1530 Swann Street, N.W. (Square 191, Lot 76) (“1530 Swann”). This is also the Appeal of Edward V. Hanlon to the issuance of Building Permit B1209691 issued on or about June 5, 2012, which states in the “Description of Work” that it is a “Revision to existing building permit #B 12067336 – 4/10/12. Relocate rear exterior stair as per plans and plat for the Darren Binder SFD Property.”

**STATEMENT OF FACTS**

1. Appellant Edward V. Hanlon is an adjacent property owner, living at 1523 Swann Street NW, across the Street from 1530 Swann. But for the public street Appellant’s house and 1530 Swann would touch each other adjoining at the front corner of 1530 Swann closest to

16<sup>th</sup> Street. Mr. Hanlon has lived in his house at 1523 Swann since 1995.

2. The 1500 block of Swann Street NW is a tree lined block of two and three story Victorian row houses built in the 1880s. Except for the corner buildings fronting on 16<sup>th</sup> Street, the 1500 block of Swann Street NW is part of the Dupont Circle Overlay District.
3. The property at 1530 Swann is within an R-4 Zone and is part of the Dupont Circle Overlay District.
4. The property at 1530 Swann is nonconforming as to lot size, lot width, and lot occupancy.
5. The R-4 Zone permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats), churches and public schools with a minimum lot width of 18 feet, a minimum lot area of 1,800 square feet and a maximum lot occupancy of 60% for row dwellings.
6. The attached Plat for 1530 Swann which was submitted with the Permit Application shows the lot to be exactly 17 feet wide and 68 feet long. The total lot area is 1156 square feet. *See Exhibit No.1:*
7. The attached Plat for 1530 Swann which was submitted with the Permit Application also shows the building which occupies the lot to be 46.9 feet long and 17 feet wide for a total square footage of 797.3 square feet.
8. The attached picture, Exhibit No. 15, shows the newly constructed areaway in the rear of the house which contains seven (7) stairs leading to a new below grade basement door. The areaway has 36'' wide steps. The minimum tread depth under the applicable Building

Code is 11". The minimum width and length of an exterior landing is 36" in each direction under the applicable Building Code. The dimensions of this areaway cannot be less than 28 square feet under the applicable Building Code. This is consistent with the attached picture of the areaway.

9. The lot occupancy is, therefore, at least  $797.3 + 28.25 = 825.55$  square feet. The lot occupancy rate is at least **71.4 percent**.
10. The lot occupancy rate exceeds the maximum allowed in an R-4 zone (60%) and exceeds the maximum for special exception relief under 11 DCMR Sec. 233 (70%).
11. According to the above referenced Plat submitted with the Permit Application, the rear yard is 21.1 feet long. The Plat does not show the areaway which extends from the house into the rear yard along the side of the lot closest to 1532 Swann, reducing the length of the rear yard significantly under the 20 foot minimum.
12. Prior to the Permit being granted and construction beginning there was a 4 ft 6 inch Open Court shared with 1528 Swann.
13. Pursuant to the Permit this Open Court is being reduced from 4 feet 7 inches to approximately *1 inch*. The Open Court has almost completely been destroyed, being covered over with a new landing and a new set of stairs more than 4 feet wide leading to level 2 and level 3 of this new deck.
14. The building's rear roof line at its highest point in the back is being extended out from the back of the building 9.3 feet into the air according to the Plat submitted with the

Application. This 9.3 foot extension extends out over the previously open deck that pre-existed on top of the second floor roof. It appears weather tight with the deck planks covered over with wood sheeting material. This then functions as a new roof for a second floor addition to the back of the house. Serving as a new roof for a second floor addition helps explain why this extension out from the roof line is built four feet lower than highest part of the deck.

15. An eight foot high “decorative” wall has been constructed along the entire second floor party line with 1532 Swann. This eight foot wall does not appear in the artist rendering of how the finished project would look which was submitted as part of Building Application
16. That part of the eight foot wall which is underneath the roof extension goes from floor to ceiling is double sided with what appears to be a 6 inch inner core and the beams in that wall appear structural and are supporting the 9.3 foot new roof extension above it on that side of the building. *See Exhibit No.:*
17. There is an Open Court on the lot of 1532 Swann which runs along the party line with 1530 Swann as can be seen in several of the pictures. The Applicant, as discussed above is building a solid 8 foot high wall under the 9.3 foot roof extension. Then on top of the roof extension there is the second level deck with *another* 8 foot high “decorative wall”. This second eight foot wall also runs along one side of 1532 Swann’s Open Court. *See Exhibit No.* Thus, 1532 Swann, with two walls and the width of the new deck along its party line, is now effectively facing a *17 foot high wall* along the back part of its open Court. Previously, only a 36 inch high open wood railing ran the entire length of 1532 Swann’s Open Court.

Respectfully submitted,



Edward V. Hanlon  
1523 Swann Street NW  
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**CERTIFICATE OF SERVICE**

I certify that on this date one copy of the foregoing was mailed first class postage pre-paid to:

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Edward V. Hanlon

10/15/12

Date