

1712 Hobart St., N.W.
Washington, D.C. 20009
April 26, 2016

Marnique Y. Heath, Chairperson
441 4th Street NW, Suite 200 S
Washington D.C. 20001

RE: BZA Case 19256

I write on behalf of my wife, Stacy Brustin, and I, who own and have resided in the property located at 1712 Hobart St., N.W. since May, 1992. That property is located in the Mount Pleasant Historic District in Northwest Washington. We join with several of our neighbors who have asked that the Board of Zoning Adjustment (the “BZA”) deny the Request for Area Variance Approval at 1716 Hobart St N.W. submitted by Kerry Reichs (the “Applicant”).

The Applicant and her neighbors agree that a variance is required for any addition to this property because the house, garage and deck together currently occupy 74% of the lot, while the maximum allowable lot occupancy in this neighborhood is 60%. We also agree that the BZA must apply the test set forth in Section 3103.2, which authorizes the Board to grant an area variance only when each of the following three conditions are satisfied:

- (i) The property is affected by exceptional circumstances, and;
- (ii) These would result in practical difficulties if the zoning regulations were applied strictly, and;
- (iii) If the requested variance would not harm the public good.

And, we agree that the Applicant bears the burden of proof to demonstrate that each of these prongs of the test are satisfied. The Applicant’s effort to discharge that burden to allow a rear addition and a vertical “pop-up” is profoundly unpersuasive.

Shortly after the 1991 Mount Pleasant riot, prior to having children and well before the development of neighboring Columbia Heights, we decided to purchase a house in Mount Pleasant and on Hobart Street in particular for two reasons. First, architecturally and structurally, the housing landscape of our neighborhood is exceptional because of its remarkable and charming uniformity. The very essence of our 1920s row houses is that none of them are exceptional; they are virtually identical. That identity and our close quarters are inherent in our sense of community and how we live our lives. Robert Frost’s adage that “Good fences make good neighbors” has no place on Hobart Street or in Mt. Pleasant. Second, we were drawn to Mt. Pleasant’s economic, cultural and linguistic diversity. Even today, that diversity defines our neighborhood and enriches the lives of those who live in it. Despite some gentrification, that diversity remains deeply knitted in the tapestry of Mt. Pleasant.

The Applicant’s request to bust through, both horizontally and vertically, the modest footprints that define our block and our neighborhood threaten the ideals of many long-time residents, but a fair application of those principles to the Applicant’s request require its denial.

First, the very essence of our mid-portion of Hobart Street, and wide swaths of Mt. Pleasant in general, is its uniformity. That is the bedrock of its historic designation, its charm and appeal and, no doubt, why the Applicant chose to buy a house where she did. That historic uniformity and architectural continuity makes impossible the Applicant's argument that her house, and by inference no others in the area, is affected by "exceptional circumstances." To accept that argument would effectively require the BZA to approve similar expansion plans on our block, throughout Mt. Pleasant and beyond.

Second, while many BZA variance approvals may have little precedential effect because, by definition, the request is premised on demonstrated "exceptional circumstance," the opposite is true here. If this request is granted, others will invariably wish to follow suit and the BZA will, frankly, have a very difficult time distinguishing this initial approval from the plans of those who will seek to follow. The result will be a very unfortunate one. Mt. Pleasant has long been gentrifying; our block is less ethnically and economically diverse than it was when we moved here. Larger houses are more expensive. More expensive houses, and the increased property taxes that follow, drive long-time residents away. Gentrification accelerates. That is surely not in the public interest.

Finally, all that really remains of the Applicant's argument is that she needs more room for her family (parent, two children and au-pair). That is a laudable desire, but that "practical difficulty" argument frankly confuses wants with needs. My wife and I raised two children in our house and since 1927, when these houses were built, dozens of families with children, sometimes many children, have lived in close but comfortable quarters on Hobart Street. Some of have stayed. Some have left in search of a yard, better schools or more room. Such is the history of our block. But never before on our block has an owner sought to rely on common, typical and familiar personal circumstance to justify a variance to permit the substantial expansion of a property. I completely understand the Applicant's desire to remain on this wonderful block. Fortunately, there are numerous larger houses to the east, on the 1600 block of Hobart, that frequently go on the market from which she could choose. No such alternatives are available to those who, sooner or later, are priced out of this block with multiplying pop-ups.

By focusing on these particular public interest factors, we do not intend to downplay the adverse effects these additions will cause our neighbors. The rear addition impacts their light, air and, depending on how the unclear filed plans are interpreted, may threaten their privacy interests. The pop-up will be visible to neighbors across the street from various vantage points and to those behind the property. And, just as neighbors lean on and are braced by each other, so do our houses. A substantial addition presents the prospect of unknown dangers and damage to the adjoining properties. For these reasons, for decades, when property owners on our block have sought more light, space and modern touches, creative design and interior construction have served us well within the existing footprints.

This novel and potentially precedent-setting request, in addition, requires the BZA to ask and answer difficult questions about the expansion of traditional rowhouses that pervade the District. What extraordinary circumstances justify these kinds of additions? When does the public interest require such a departure from the historic norm that served families well for generations? Is there something unique or particular about today's families that support an altered skyline, denser building, and reduced privacy? These are important questions to ask, but fortunately, need not be answered in this particular case because the Applicant's statement in support of the application falls so far short of what is required to grant the extraordinary relief she requests.

Thank you for the opportunity to present our views.

Sincerely,

A handwritten signature in black ink, consisting of stylized, overlapping loops and a final horizontal stroke.

Jeffrey S. Gutman