



April 26, 2016

Marnique Y. Heath, Chairperson
The District of Columbia
Board of Zoning Adjustment
441 4th Street NW, Suite 200
Washington, DC 20001

Re: Case No. 19256, Variance Application for 1716 Hobart Street, N.W.

Dear Ms. Heath:

Historic Mount Pleasant is a nonprofit organization formed in 1985 to obtain historic designation for our neighborhood, which was achieved the following year. One of our principal functions is to review proposed alterations to existing buildings to ensure that such changes are compatible with the character of the historic district. We ask that you deny the variance requested to enable the construction of a rooftop addition at 1716 Hobart Street, N.W.

While a number of other houses in the Mount Pleasant Historic District have extended attics into useable space without altering the facades, this would be the first case of a freestanding rooftop addition that would be merely set back from the front sufficiently to eliminate visibility from the sidewalk across the street. It would be plainly visible from higher elevations across the street as well as up and down the alley and would, in our opinion, substantially intrude upon the character, scale and pattern of houses along the street. A rooftop addition is sought because there is very little room to expand the footprint. The house and garage currently occupy 74% of the lot, and a variance is required because lot occupancy exceeds the maximum allowable for special exception relief under Section 223.

Under the three-prong variance test, the applicant must first demonstrate that the property is unique because of its size, shape, topography, or other extraordinary or exceptional situation or condition inherent in the property. Applicant offers four factors that together are claimed to establish an exceptional situation: substandard lot size, location within a historic district, extreme slope and presence of large trees. However, these factors are not unique to the property and cannot satisfy the first prong of the variance test, either singly or in combination. The lot in fact is identical in size to other properties in the row, has a regular shape, and has benefited from the steep slope to the rear which enabled construction of the largely below grade garage that contributes to the lot occupancy. The large trees were planted by a prior owner and are not “inherent” to the property. While we do not wish to hasten their demise, they are not germane to this discussion.

Substandard Lot Size: The applicant's home was built in 1927 on a lot measuring 1760 square feet, the exact same size as eight other properties in the row (1702 through 1714 and 1718 Hobart) and nine properties across the street (1703 through 1739 Hobart). Nine houses further down the street (1728 through 1744 Hobart) have lots of only 1700 square feet. The smallest lots along this section of Hobart Street are at 1759 and 1761 – where the street and the alley meet at an acute angle – which measure just 1283 and 1516 square feet, respectively. Thus the applicant's property fits well within the original pattern of development in this part of the neighborhood.

As this snapshot suggests, many homes were built before 1958 on lots smaller than the minimum of 1800 square feet set in the Zoning Regulations and are thus nonconforming. Indeed, a significant number of homes throughout the District of Columbia were built before 1958 and are nonconforming – for failure to meet the minimum lot size or other development standards established at that time. In 1998, recognizing the need to facilitate “reasonable additions” to single family dwellings and flats, the Zoning Commission adopted Section 223, providing for special exception relief subject to additional zoning controls intended to protect neighboring properties and neighborhood character. Those additional controls included the stipulation that the lot occupancy of all new and existing structures on the lot not exceed 70% in the R-4 District. It is that more lenient standard which is exceeded in this case and which requires that a variance be sought.

Historic District Location: With 45 historic districts in the city and thousands of properties protected by the Historic Landmark and Historic District Protection Act of 1978, location in a historic district is far from a unique situation. On May 29, 2001, in Case No. 16706, the BZA considered and rejected a similar claim for uniqueness based on location in the Mount Pleasant Historic District.

Topography: Mount Pleasant – as the name implies – sits on a hill. The steep slope which the applicant offers as an exceptional condition is thus but another common condition of properties on this block and more generally throughout the neighborhood. Many houses have garages significantly below their back yards, with steps up to the property alongside, as in this case. Rather than a detriment, the steep slope offers the opportunity – as many have also done – to utilize the roof of the garage as part of the back yard.

The second prong of the test for an area variance requires a demonstration that, as a result of the unique attributes of the specific property, strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner. Not only are there no unique attributes here, but the owner has failed to show that denial of the variance will result in any practical difficulty in continuing to utilize the property as she has done until now – as a single-family dwelling or flat. She may also continue to use the garage for off-street parking. The interior space could be rearranged in a number of ways to accommodate changes in her lifestyle. The desire to convert the second floor to a home office and create a new master bedroom on the roof is a voluntary choice and does not justify exceptional relief from general zoning regulations.

The third prong asks the BZA to ensure that any relief granted will not cause substantial detriment to the public good or the zone plan. As there is no intention to change the use of the property, that is not an issue. However, the overall density of this part of Mount Pleasant – with

smaller houses on smaller lots with what the zoning map shows to be higher lot occupancies than in other parts of the neighborhood – cautions against rooftop additions that do not tie into facades and that will also sit much closer to neighbors along the alley.

The original proposal entailed pushing back as well as up from the existing structure. At the hearing before the Historic Preservation Review Board (HPRB) last December, Historic Mount Pleasant and neighbors objected to what appeared to be an expansion of the footprint and raised privacy concerns about the proposed decks and windows at the rear. The HPRB expressed concern about the proposed double-edged expansion – this being the first proposed interruption of either the roof line or the rear wall line along this row – and required that the main rear wall plane of the new rear addition not project beyond the rear walls of adjacent dwellings. It specified flag tests and other conditions to reduce visibility of the rooftop addition from the street. There was no suggestion at the time that zoning relief would be required.

Having now had the opportunity to consider the important zoning issues raised by this case, Historic Mount Pleasant urges the BZA to recognize that granting the requested variance would indeed substantially impair the intent of the zone plan. It would set a precedent inviting other similarly situated properties to expand upward if they want additional space and have already expanded beyond the 60% allowed under the 1958 regulations. Granting a variance in this case would undercut the intended limitations imposed by Section 223 that “reasonable additions” may not exceed 70% of lot coverage and should not visibly intrude upon the character, scale and pattern of houses along the street or alley, as we believe the proposed addition in this case does. Given the smaller size and fewer alternatives for ensuring privacy between adjacent houses in this part of the neighborhood, additions of this kind may also be expected to compromise the privacy of use and enjoyment of neighboring properties and affect, in some cases more than others, the light and air available to neighboring properties. A proliferation of freestanding boxes on the rooftops of Mount Pleasant would greatly diminish the historic character of the neighborhood.

The application in this case fails each of the three prongs of the variance test. We call upon the BZA to deny the variance requested.

Sincerely,

Fay Armstrong

Fay Armstrong
President