

Sam Hashem
1661 Hobart Street NW
Washington, DC 20009

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

Date: May 1, 201

Re: BZA Case 19256

Dear Chairperson Heath and Board Members:

My wife, Nancy Rivera and I are co-owner and residents at the house and property at 1661 Hobart Street NW since 1991. Our house is across from and about 8 houses up the street from 1716 Hobart St. NW which has submitted a request for area variance, as posted in the Board of Zoning Adjustment Case #19256 by Kerry Reichs, the "Applicant."

We join with 36 of our neighbors who have asked that the Board of Zoning Adjustment **deny the Request for Area Variance Approval** at 1716 Hobart St NW submitted by Kerry Reichs (the "Applicant") which includes the construction of a new free standing pop-up level atop the existing two-story plus basement house, and new additions which project approximately 32 inches from the current rear wall of the house. The area variance is required for any addition to this property because the existing house, garage and deck together currently occupy 74% of the lot, whereas the maximum allowable lot occupancy in this neighborhood is 60%. The Applicant is seeking variance relief from the requirements regarding non-conforming structures (§2001.3). Section 3103.2 authorizes the Board to grant an area variance where the following three tests are satisfied, also provided that the variance does not harm zoning regulations:

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

The basis for my request to deny is as follows:

With respect to the 1st test the circumstances cited by the Applicant (steep topography, location in a historic district, presence of a large tree, non-conforming structures) utterly fail to support uniqueness of the cited conditions to the property at 1716 Hobart Street NW as they perfectly represent the conditions shared by most of the properties on the south side of Hobart Street and

much of Mt. Pleasant generally. In fact, all of those conditions are pre-existing conditions known to the Applicant and would have been considered in deciding to buy the home at 1716 Hobart Street. It is disappointing, nonetheless, that while the Applicant expresses her admiration of the street and what it offers in charm and community that she seeks such profound structural modifications to her residence which so fundamentally contrast those very traits. One of the main reasons we were attracted to move into this community was the significant period architecture and its evolution in the early 1900's. We were further encouraged by the Mt. Pleasant Historic designation because we believed that would help protect its character from exploitation through redevelopment and aggressive structural modifications as experienced by many surrounding communities.

With respect to the 2nd test, I understand that the Applicant believes her situation pertaining to the number of people who will be living at 1716 as "extraordinary condition" and pose "exceptional practical difficulties." A quick walk up and down our street demonstrates that homeowners have been able to remodel, update or re-configure their homes to suit their needs and accommodate growing family needs without having to change the character of the Street, and specifically with no external pop-up additional levels. We have raised two children in our home and have an elderly parent living with us, all serviced by 2 bathrooms, and there are some families on the Street with up to 5 children in their homes. Furthermore, the argument the Applicant makes for the pop-up level providing more light to the house is contradictory because the only light the pop-up provides is to itself, because it will cover over the existing house. Additional light to the existing home can be achieved by other simple means, such as skylights to the existing upper floor.

Finally, with respect to the 3rd test, I feel that the public interest is impaired by the introduction of a pop-up level atop this property, in at least the following two areas:

1. Should the variance be granted it will set a precedent that will likely be sought by many in the future to replicate on similar houses on Hobart Street. This will have a harmful effect on the historic character of the street, where pop-ups which may or may not be visible by *passersby* on the street will be visible to anyone who goes up a few steps from the sidewalk across the street. The pop-up will be completely visible from the covered porches at the first level of homes across the street, by all residents and their guests. Our porches are spaces where all neighbors spend time with each other and their guests, from where we see only the historic facades of the homes across the street, and from any distance. We hold annual celebrations on our street such as the Hobart Street Porch Fest and Halloween, where we close the street at both ends and residents participate and share each other company and spaces. If the Applicant's waiver is granted, there will be no control on the shape or architectural presentation of this pop-up addition and future copies, and much less of any conformity with existing historic building facades.
2. Safety: The Applicant's proposed construction raises new safety concerns for the adjoining homes to 1716 Hobart Street:

- a. The existing party walls between this house and 1714 and 1718 Hobart Street are *loadbearing* walls. The addition of a new free-standing pop-up level will increase the building load from 1716 on each of these walls, potentially up by 50% in addition to the weight of the new brick sidewalls of the pop-up shown on the current design on the BZA website. The issue here is that the capacity of the existing party walls to support the new loads has not been confirmed. Further, no one knows the nature, condition or capacity of the existing foundation supporting the party walls to support the new pop-up level. Finally, utilization of the party walls for the purposes of the proposed pop-up may preclude the adjacent properties from similar utilization. This could ultimately mean – granting the requested waiver to 1716 Hobart Street may in effect result in de facto denial of the adjacent properties from access to similar utilization or modifications which may require load support capacity by the existing party walls and their foundation.
- b. Snow loads on adjacent roofs will increase. The design roof *drifting snow loads* will increase on the roofs of 1714 and 1718 Hobart Street adjacent the new side walls of the proposed pop-up projection. Per the 2013 DC Building Code, the roof snow load in this area of the adjacent roofs may increase up to 3-times the design roof snow load.
- c. The proposed pop-up above 1716 Hobart Street will have to maintain the same *fire separation* between it and the properties on either side as the fire separation afforded by the existing party walls. The existing party walls are made up of masonry construction, and if the pop-up is designed to meet such requirement it is likely to consist of material that will add significant weight to the existing party walls.

For all these reasons, we urge the Board to deny the requested zoning variance and help us maintain the character of our precious street.

Sincerely,



Sam Hashem