

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
MR. SCOTT GIERING**

**744 Hobart Pl, NW
ANC 1B**

**STATEMENT OF THE APPLICANT
AMENDMENT**

NATURE OF THE RELIEF SOUGHT

This supplemental statement is submitted by Mr. Scott Giering, (the “Applicant”), the owner of 744 Hobart Pl, NW, (the “Property”), (Square 2888, Lot 117). The Office of Planning has suggest applying for relief from Section E-205.4, Rear Yard Setback extending more than 10 feet beyond the farthest rear wall of any adjoining residential building, for the second floor of the proposed addition. The applicant has been informed by OP that the Zoning Administrator interprets Section E-205.4 on a floor by floor basis. There is NO CHANGE to the proposed addition, simply an abundance of caution in obtaining the Special Exemptions needed for obtaining a building permit.

Applicant seeks one additional Special Exemption relief to allow an addition in an RF-1 District. The Proposal includes a 2 story rear addition to an existing single family townhouse structure that does not comply with 11 DCMR:

4. Rear Yard (Subtitle E-§205.4). The proposed second floor of the addition will extend 11 feet beyond the existing wall of the adjoining residential building, aligning with the adjoining property’s existing single story addition, where 10 ft. is allowed in the RF-1 District

JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the special exception requested herein pursuant to 11 DCMR Subtitle X-§901.2 of the 2016 Zoning Regulations.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

There is no change to the proposed project.

NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

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 DCRM Chapter 11, Subtitle X §901.2, where, in the judgment 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;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Subject in specific cases to the special conditions specified in the Zoning Regulations 11 DCRM Subtitle X §901.2.

The Applicant's compliance under §901.3 with those requirements is:

THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTIONS

Subtitle E, Section 5201.3 provides relief for the applicant by special exception when demonstrated that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

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

Many of the houses on the block already have rear extensions that are similar in depth and height as the proposed structure. The proposed two story addition matches the length of the existing single story addition to the west and is only 42" longer than the existing single story addition to the east. Neither of the two adjacent properties have windows on the sides and only one small window in the center of the rear wall. The 2nd story windows are south facing so only minimal shadows will be cast onto those existing windows. Therefore the light and air of adjacent neighbors will not be negatively impacted. The two-story rowhouses in this square are uniform and do not unduly affect the light and air of other blocks. There are no existing or permitted solar energy systems in proximity to the proposed construction. Finally, the ceiling height of the proposed addition will not exceed the existing structure height and is well below the height limitations.

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

The privacy and use of enjoyment of the neighboring properties shall not be unduly compromised because there are no windows placed on either side of the addition (shared party-wall property lines). The only windows face the alley. There is no roof deck proposed.

- (c) The addition or accessory structure, together with the original 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 subject street frontage;

The project will conform to the character, scale and pattern of the house on the block. The addition stays at the existing building height which is well below the allowed height. The rear addition will be either horizontal siding or stucco, consistent with other additions on the block.

- (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 or accessory structure to adjacent buildings and views from public ways; and

The Applicant has provided graphical representations vis-à-vis plat, plans, elevations, sections, perspectives and photographs to represent the project and its relationship to the adjacent buildings and views from the public way.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the Application.

Respectfully submitted



Scott Giering
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