

Appellants' Presentation Board of Zoning Adjustment

Case Nos. 20452 & 20453 Supplemental Slides

Hearing Date February 23, 2022

Edward Hanlon
Counsel for DECAA

Michael Hays
Pro se

Testimony and Exhibits

- The following Slides and Exhibits include a summary of the additional expected testimony of Appellants' and their experts.
- Appellants' incorporate by reference the Briefs, Reports, Slides, and Exhibits they have previously submitted to the Board, which likewise reflect the expected testimony of Appellants' and their experts.

Perseus' Rear Yard Measurements Are Improperly Based On An "Average," Rather Than The Specified "Mean" Calculation

- The Zoning Regulations mandate that the "depth of a required rear yard shall be measured as the **mean** horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title." 11-B DCMR § 318.2.
- Webster's Dictionary defines "mean," in pertinent part, as "a middle point between extremes."
- By contrast, Webster's Dictionary defines "average," in pertinent part, as "a number that is calculated by adding quantities together and then dividing the total by the number of quantities."
- Perseus Slide No. 16 admits that it is based on the "average," not the mean.
- Calculating the depth of the rear yard, using the definition from Webster's Dictionary above for "mean," results in a rear yard measurement with a much smaller depth than in Perseus Slide 16.

The Zoning Regulations Carefully Delineate Between “Mean” and “Average” as the Basis for Calculations.

- The Zoning Regulations mandate the “mean” as the basis for, among other things, the calculation of rear yard measurements in a number of provisions.
- By contrast, the Zoning Regulations mandate “average” as the basis for calculating such matters as:
 - “average of the estimates furnished by three (3) independent qualified contractors” 11-C DCMR §203.4, 205.3
 - “the average square feet of gross floor area per dwelling” 11-C DCMR §1505.7
 - “average elevation of the lot from its front line to its rear lot line” 11-F DCMR §403.2(b), G DCMR §803.1(b);
 - “Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average for the linear frontage of the building” 11-H DCMR §809.1(i), 909.1(g)

Rear Yard Depth Based on Perseus' Measurements Is Still Non-Compliant

The following calculations are based on the revised rear yard calculations submitted by Perseus in its Slide No. 16 claiming that the depth of the rear yard is 40.98 feet, not 42.5 feet.

To comply with 11-F DCMR § 605.1, the depth of the rear yard must be 1/3 of the Temple's height

Scenario 1

Temple Height measured from S Street (correctly including the vertical depth of north areaway):

154'

$$139 + 15 = 154'$$

$$1/3 \times 154' = 51'4''$$

Rear yard is 30.48' (40.98' deep, improperly including the width of the south areaway):

Result: In Either Case - Violation of 11-F DCMR § 605.1

Rear Yard Depth Based on Perseus' Measurements Is Still Non-Compliant(Cont'd)

Scenario 2

Temple Height measured from S Street (improperly excluding the vertical depth of north areaway): 139'

$$1/3 \times 139' = 46'4''$$

Rear yard is 30.48' (40.98' deep, improperly including the width of the south areaway):

Result: In Either Case - Violation of 11-F DCMR § 605.1

Scenario 3

Temple Height measure from 16th Street (improperly excluding the vertical depth of the north areaway): 139'

$$1/3 \times 139' = 46'4''$$

Rear yard is 30.48' (40.98' deep, improperly including the width of the south areaway):

Result: In Either Case - Violation of 11-F DCMR § 605.1