

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

**APPLICATION OF
MR. SCOTT GIERING**

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

STATEMENT OF THE APPLICANT

NATURE OF THE RELIEF SOUGHT

This statement is submitted by Mr. Scott Giering, (the “Applicant”), the owner of 744 Hobart Pl, NW, (the “Property”), (Square 2888, Lot 117). The Applicant seeks 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:

1. Lot Coverage (Subtitle E-§304.1) The proposed addition will increase the current lot coverage from 57% to 68% where 60% is the maximum allowed in the RF-1 District.
2. Rear Yard (Subtitle E-§306.1). The existing rear yard is non-conforming at 9’-8”. The proposed addition will reduce it to 4’-6”, aligning with the adjoining property’s existing addition, where 20 ft. is required in the RF-1 District
3. Non-conforming Structure (Subtitle C-§202.2). The lot size is 960 sq. ft. where a minimum of 1800 sq. ft. are required 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.

BACKGROUND INFORMATION OF THE PROPERTY

The property is a mid-block, RF-1 zoned lot of 960 square feet improved by a two story brick row house as a single family dwelling constructed c.1913. This is the principal residence of the applicant. The proposed addition is intended to allow the applicant to remain in the house as his family grows. The residence contains 864 sq. ft. of livable area covering 551 sq. ft. of the lot (57%). The dwelling is flanked on both sides by identical row houses the length of the block. The existing structure has a two story porch extending back 6’-0”. The structure to the east extends 7’-6” back from the

original building. The structure to the west extends 11'-0" back from the original building. The structures sit approximately 18 ft back from the front property line which prohibits any construction to the front and leaves only a non-conforming 15ft rear yard for any addition at all properties in the square.

The property is within the boundaries of ANC 1B, not located within any historic district and the existing building on the Property is not listed on the D.C. Inventory of Historic Sites.

DESCRIPTION OF IMPROVEMENTS IN THE SURROUNDING AREA

Square 2888 is located in the Columbia Heights neighborhood. The square is bounded by Columbia Rd NW to the north, Georgia Avenue NW to the east, Harvard St NW to the south and Sherman Avenue NW to the west. The square contains two zoning districts: RF-1 along Hobart Pl, Harvard St and Columbia Rd and MU-4 lots along Georgia Avenue NW and Sherman Avenues NW. The properties along the Avenues are multi-story, mixed use apartment and commercial buildings. The interior lots of the Square are occupied by rowhouses. The lots fronting Hobart Pl NW are uniform sizes of 960 sq. ft. on both the south and north sides. Lots on the north side of Harvard St NW, the alley behind the applicant's lot, are 800 sq ft. All of the original structures have non-conforming rear yards of +/-15'-0". Many of the properties in the square have 2 story additions to the original structures. The rear yards vary from 4'-6" to 9'-4". Several lots on the eastern end of the block have garages with zero lot line setbacks from the alley. Neither of the adjacent properties has solar installations. The proposal does not impact any chimney or vent within 10 feet.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Application is proposing to extend the small livable area of the Property from 864 sq ft to 1200 sq. ft. by building a two-story addition open at the basement level. The current footprint of the structure will be increased by 104 sq. ft. by removing a small covered porch in the rear and extending back from the existing structure. The proposed addition will provide for a larger kitchen and Powder Room on the first floor and a new master bath on the second floor. No roof deck is proposed. The addition will be elevated above the rear basement grade to allow for the possibility to park beneath the upper floor addition. The height of the building will be not be increased. The addition will extend 11'-0" back and align with the addition on the property to the west. The property to the east has an addition that extends 7'-6" from the original structure. Therefore the proposed addition meets the requirement of Subtitle E-8 section 205.4 of not extending more than 10 feet beyond either adjoining structure.

The non-conforming lot size of 960 sq ft only allows a structure of 576 sq ft by right. The proposed addition will have a footprint of 655 sq ft (68%) lot coverage. This is still a small house of only 1200 sq ft. on 2 levels. On a minimum required sized lot (1800 sq ft) this would be 36% lot coverage.

Apart from the relief requested, the Project complies with the development standards for the RF-1 zoning district. The Project does not increase the height of the building and will not affect the main façade's existing architectural elements.

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 BZA has limited discretion in granting a special exception – once an applicant has made the requisite showing of the requirements under the regulations for the special exception, the Board typically must grant the application. *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

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 addition matches the length of the existing addition to the west and is only 42" longer than the existing 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.


- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The Applicant is requesting relief for 68% lot coverage.

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


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