

1455 Swann St NW
Washington, DC 20009

December 17, 2021

Mr. Frederick Hill, Chairperson
Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

RE: Opposition to BZA #20585 from next door neighbors

Dear Chairperson Hill,

We are the full-time residents and immediate neighbors to the east of the proposed project at 1457 Swann St, and we join the many other families who have filed letters in opposition to this application. We see three primary reasons the BZA should reject this application.

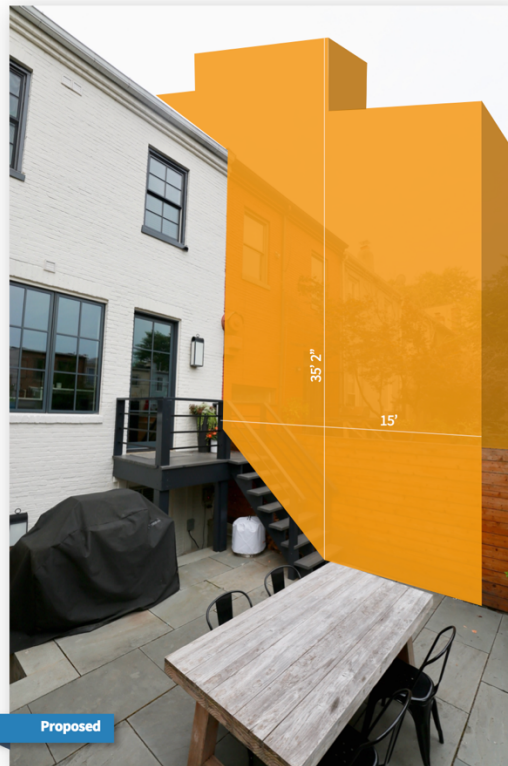
Reason 1. The massing the project would create over our property and the alley is out of proportion with the surrounding houses.

The applicant seeks to bump out 15-feet across three existing floors while also bumping up to create a penthouse with hot tub. The 15-foot extension is excessive given that our lots are only 17½-feet wide.

We believe that BZA regulation E-5201.4 argues our point well. Section 3 states: “The proposed addition shall not substantially visually intrude upon the character, scale, and pattern of houses along the street and alley frontage.” Multiple neighbors have submitted letters of opposition noting this as their primary concern. Houses in three directions on either side of the applicant have nothing approaching the scale of his plans (see figure 2 below).

Additionally, BZA regulation E-5201.4 (1) addresses light and airflow: “The light and air available to neighboring properties shall not be unduly affected.” Here too the applicant’s own studies show that our backyard – which we use extensively – would be covered in shade for most of the year. In the December 8 ANC meeting, the applicant rebutted this argument saying that by cutting down a beautiful 35-foot tree in his backyard to make way for this massive expansion that he would now be affording neighbors *more* light. Very obviously, a tree lets through light and air flow that the proposed building would not.

Based on the applicant’s architectural drawings, we calculate that the massing that would loom over our backyard nears 600 square feet — the same size as a highway billboard or a movie screen. It would be 50% larger in mass than the rule allows, and it would create an unreasonable visual barrier that would dramatically reduce the appeal of our outdoor space and thus our property value. It would look ridiculous.



Total massing visible from our backyard

~580 sq ft.

Calculations and dimensions determined from pages A-1.04 - 06, architects proposed schematic designs.

What else is that big?

- Standard roadside billboard
CapitalOutdoorMedia.com, "Types of Billboards"
- Atlantic Plumbing movie theater screen
Quora, "What are common movie theater screen sizes?"

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Opposition to Application
HPA 21-417, Zoning Case N° 20585,
1457 Swann St NW

Submitted by Jeff Gay & Ken Germer,
owners and residents of 1455 Swann St
NW, jeff.gay@gmail.com

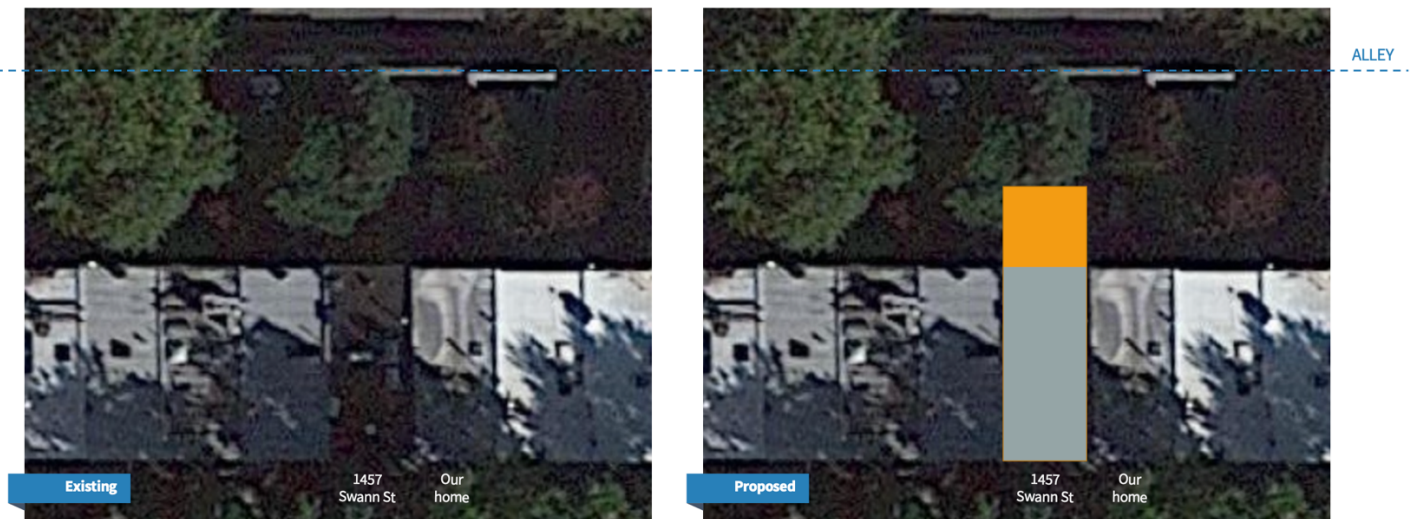
FIGURE 1. Measurements taken from architectural renderings submitted by applicant's architect.

Reason 2. The Zoning Regulations of 2016 were put in place precisely to protect against this scenario... neighbors being tunneled in.

The applicant frequently points to the fact that other houses in this alley closer to 14th Street have been allowed to bump out and that he should also be allowed. In fact, the other end of the block serves as a cautionary tale of what allowing a 15-foot exception would do to our end of the block. The bump outs were completed, to our understanding, before the current 10 foot by-right rules were put in place. Buyers and developers then raced to follow suit completely changing the character of that run of houses. Residents of our block frequently speak of one as "the house that ate Swann Street" after its owner completed a similar massive expansion.

We believe the ensuing zoning rules were put in place precisely to protect against this scenario of neighbors being tunneled in. In its December 8 public ANC 2B hearing, Commissioner Jeffrey Rueckgauer raised the point that all the houses in our alley share the light, airflow, and the collective backyard space. Granting this special exception, he said, would create a precedent whereby future applicants could assume they could exceed the 10-foot rule. Doing so would create a canyon-like alley. A longtime Swann Street resident said, "One thing I have learned is that if you allow the precedent for one mega house project, don't be surprised when others quickly follow."¹

¹ Exhibit 24. Letter by Charlie Gaynor, owner/resident 1438 Swann St NW.



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Submitted by Jeff Gay & Ken Germer, owners
and residents of 1455 Swann St NW.
jeff.gay@gmail.com

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Source: 1400 Block of Swann St NW,
Google Maps. July 27, 2021.

FIGURE 2. Taken from Google Earth.

Reason 3. The applicant has never explained what justification he has to receive an exception to the 10-foot rule when neighbors would be injured.

Our understanding is that exceptional allowances are granted when someone is being harmed in some way. In a previous Board of Zoning Adjustment hearing such a special exception was granted when a side yard requirement kept owners from being able to bring their kitchen up to modern standards. In another example, the BZA granted a special exception because the onset of health difficulties meant the resident had limited access to other floors in the home and sought an exceptional expansion of the ground floor. These served as helpful examples to us.

When asked why this applicant is seeking the special exception, one reason he gave was that anything less than 15-feet would be “uneconomical” for him. We would respond that adding to his home at this scale would have an adverse impact on *our* economic situation with respect to our property value and a wall looming over our yard.

In the ANC Land Use Committee meeting, the applicant was pressed by ANC Commissioners about why they should break with the standing rule and allow him to go 150% of the depth allowed in a by-right extension apart from simply wanting a larger house. Since we would suffer the very kind of injury — tunneling — that the 10-foot rule was created to prevent, we believe the applicant should present a justification that exceeds the injury we would suffer.

Lots of People and Parties are Opposing this Application

Many have expressed their opposition to this application. While the applicant will point to approval by the Historic Preservation Board, this is not a justification for an exception to a zoning

rule. To that point, neighbors are in broad opposition.

- **The ANC voted to oppose this application at its public hearing on December 8, 2022:**

[...]

WHEREAS, the LUC [Land Use Committee] continues to find that the proposed rear addition is inconsistent with the character and context of neighboring residential structures along this segment of Swann Street NW,

WHEREAS, the LUC continues to suggest that the applicant considers alternatives for reducing the length of the proposed rear addition to the by-right limit, and [...]

THEREFORE, BE IT RESOLVED that ANC 2B is opposed to the request for a special exception from the rear addition requirements.

- **The Dupont Conservancy opposes, writing in their July 21, 2021 resolution:**

“The Dupont Circle Conservancy does not support the project as presented because the massing is too large and we feel that a ten-foot-deep addition would be more appropriate in the context.”

- **TEN letters of opposition from neighbors on Swann and T Streets (at the time of this submission).**



FIGURE 3. Applicant's home in yellow. Neighbors submitting letters of opposition marked with red Xs (as of Friday December 17, 2021).

We love Swann Street, and we love our home's outdoor space. However, if the BZA grants this special exception, our neighbor will be enriched, and we will be injured in precisely the manner that the 10-foot rule is designed to prevent.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a long, sweeping horizontal line that ends in a small hook.

Jeff Gay & Ken Germer
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