

# Opposition to BZA Case 20585

Proposed project at 1457 Swann St NW | Jacob Hensley

## Onscreen Materials

Submitted by Jeff Gay

Adjacent neighbor at  
1455 Swann St NW

Board of Zoning Adjustment  
District of Columbia  
CASE NO 20585  
EXHIBIT NO 48



Our home  
**2014**



Our home  
**Today**

## CONTEXT

- **DC's 10-foot "by right" Zoning Regulations exist precisely to protect against this scenario... being tunneled.**
- **Considerable opposition to the plan from neighbors.**

## REMEDY

Enforce the already-in-place 10', "by right" rule for bump-outs.

## Relevant Regulations

### Zoning Regulations of 2016

- E 205.5 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle E § 5201 if applicable.

## Relevant Regulations

### Zoning Regulations of 2016

- E 205.5 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle E § 5201 if applicable.
- E 5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:
- A** The light and air available to neighboring properties shall not be unduly affected;
  - B** The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
  - C** The proposed addition or accessory structure, together with the original building, or the proposed new 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 street and alley frontage; and



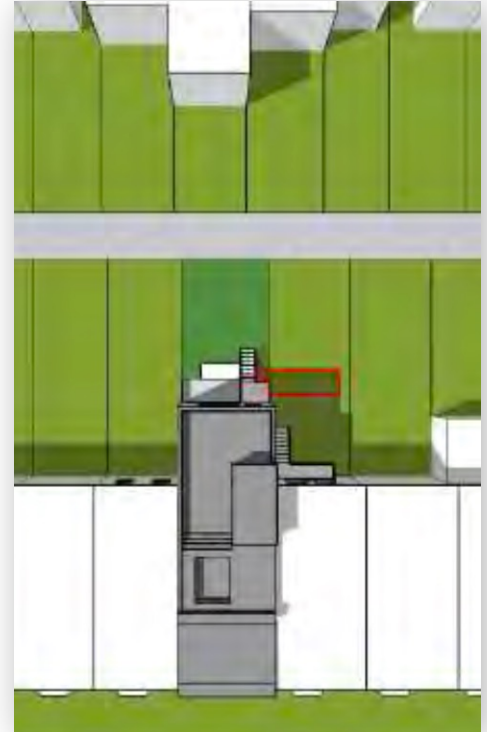
**The light and air available to neighboring properties shall not be unduly affected.**

A

## Light & Air

Our summer sun gone

- Our patio will now be entirely shadowed during summer afternoons.
- Our vegetation and three trees will receive no afternoon sunlight.



SUMMER SOLSTICE- 3:00 PM

Washington, DC  
Latitude: 38.915000N Longitude: 77.034047W

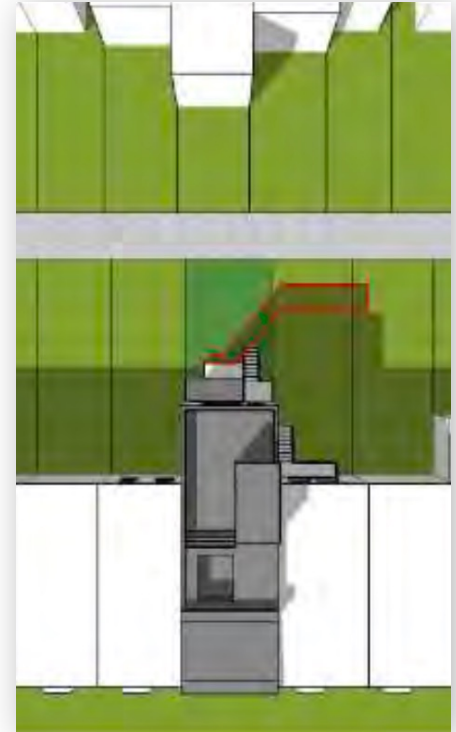
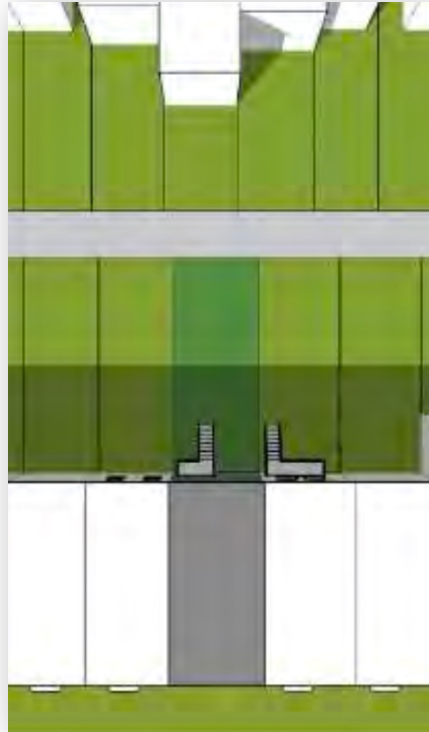


A

## Light & Air

### Spring / Fall darkness

- Time of year we most use our patio.
- Applicant's model shows shade to cover 85% of the backyard.



SPRING/FALL EQUINOX- 3:00 PM

Washington, DC  
Latitude: 38.915000N Longitude: 77.034047W





**The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.**



B

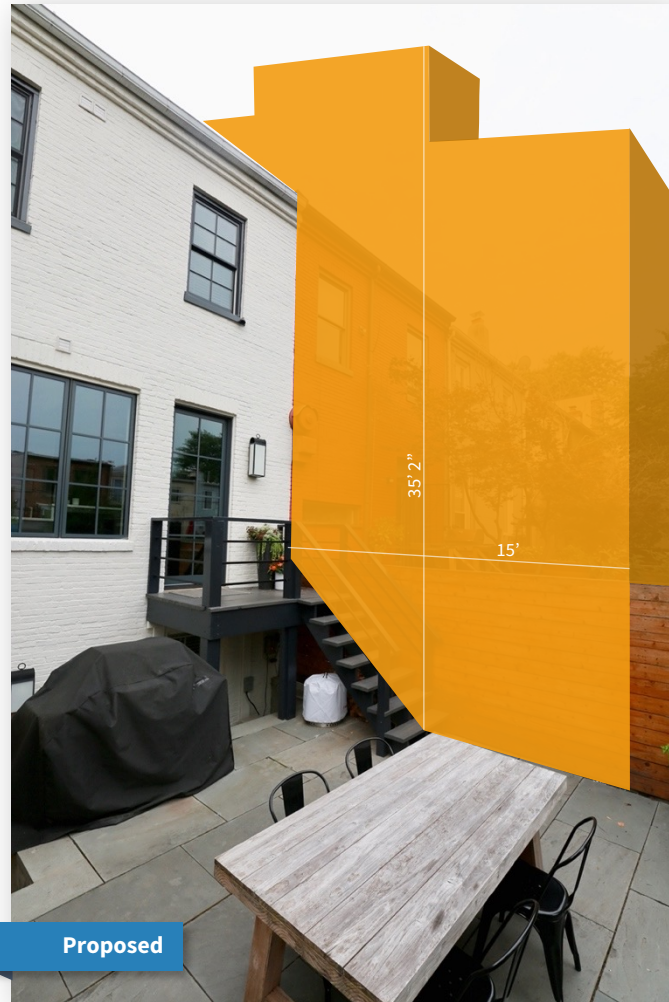
## Privacy & Enjoyment

### Looming wall

- Currently, the collective outdoor space of the alley is enjoyed equally by all neighbors.
- Eight houses in a row maintain a similar depth.



Existing



Proposed

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?

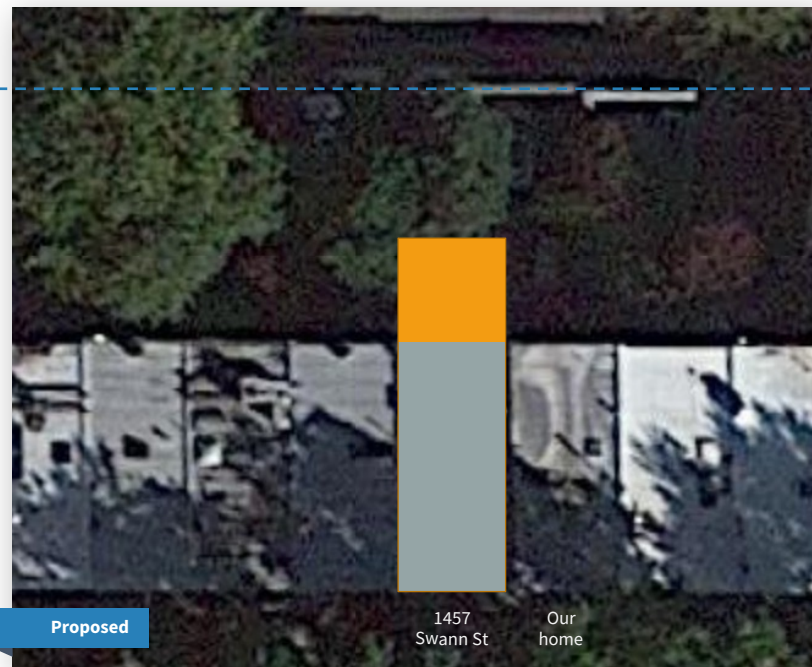
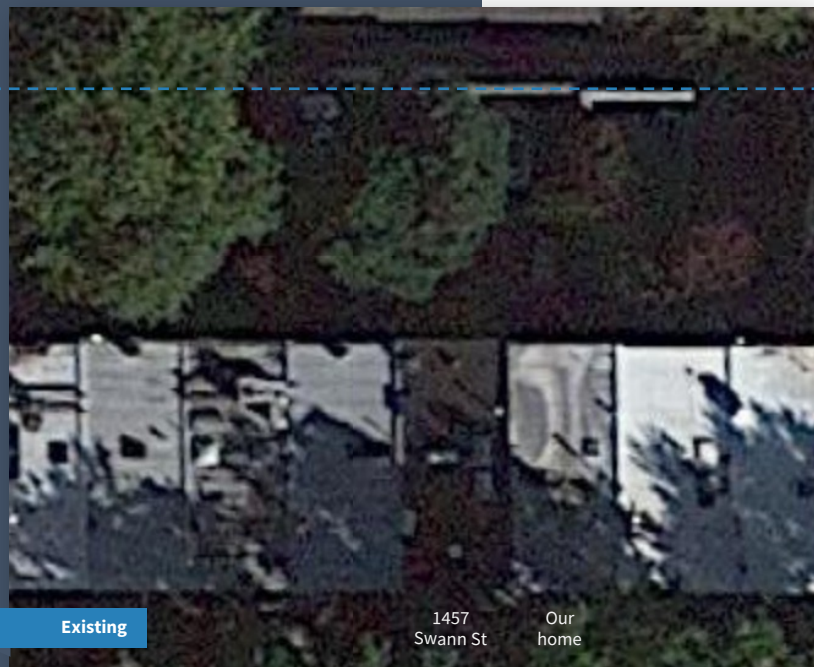
- Standard roadside billboard  
CapitalOutdoorMedia.com, "Types of Billboards"
- Movie theater screen  
Quora, "What are common movie theater screen sizes?"



**The proposed addition shall not substantially visually intrude upon the character, scale, and pattern of houses along the street and alley frontage.**

C

## Character, Scale & Pattern



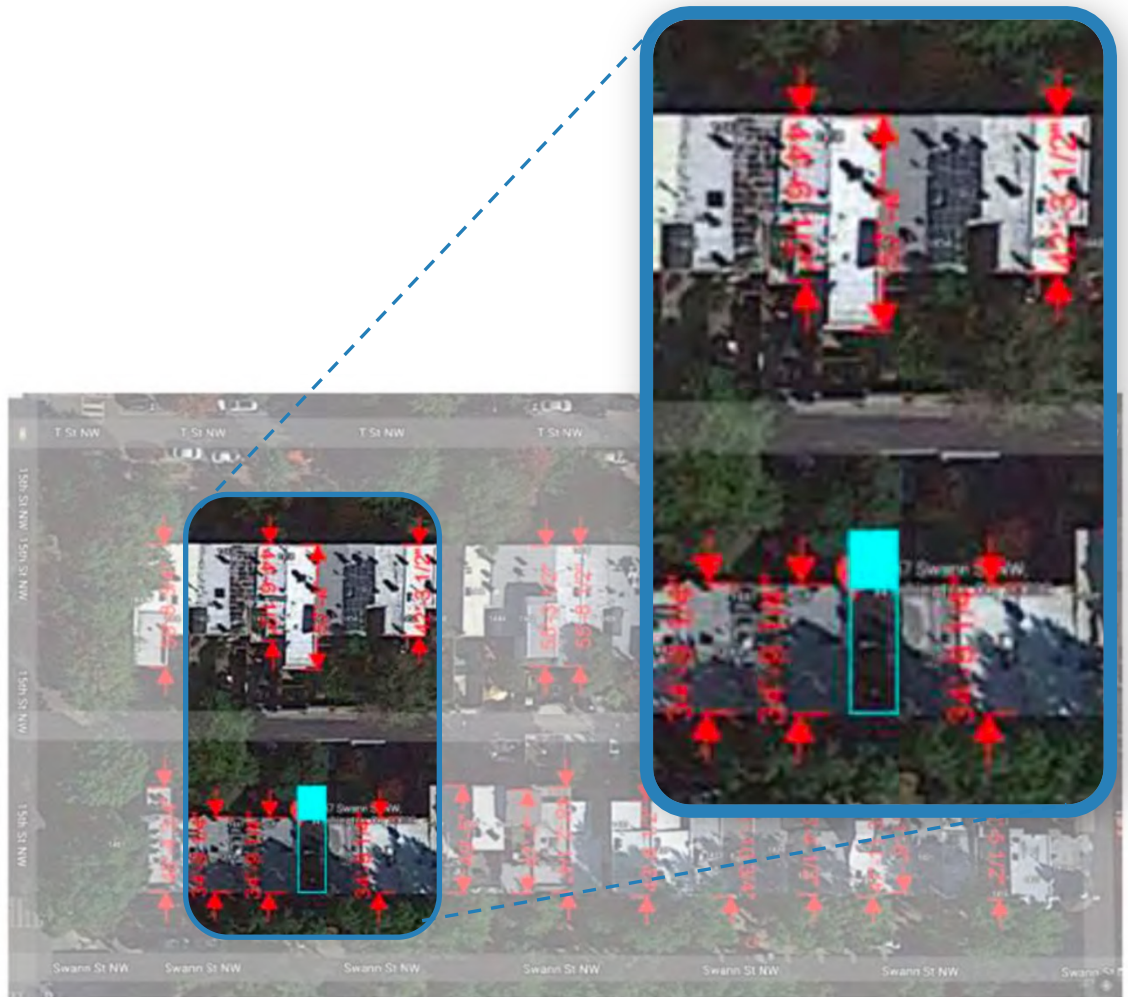


C

## Misrepresentation

### Bump Outs

- Red suggests homes on our block that have bumped out. However, many in red have not bumped out.
- Graphic misrepresents how many homes have expanded.



IF THE PROJECT MEETS SO MANY CONDITIONS



Why is there so much opposition  
from neighbors?



DUPONT CIRCLE CONSERVANCY  
Resolutions  
July 13th, 2021 7:00 p.m.

II. Project Resolution

- A. 1457 Swann Street NW (HPA 21-417) Project concept: two-story plus penthouse rear addition
- B. Contact Information :
- a. Owner: Jacob Hensley, jacob@districtdogs.com, 859-866-2357
  - b. Applicant / Agent/ Ryan Beible, rbeible@stone-rem.com, 202-640-0022
  - c. Architect: Patrick Brian Jones, 202-765-232
  - d. HPO Contact: Imania Price, Imania.price@dc.gov, 202-442-8827

C. Link to HPRB Application and  
[https://m.box.com/shared\\_item/2Fdh9mawq7e6fqor5v5v40hr](https://m.box.com/shared_item/2Fdh9mawq7e6fqor5v5v40hr)

**RESOLUTION:**

*“The Dupont Circle Conservancy  
is too large and we feel that a ten-foot-deep  
We support the palette and fenestration as presented.”*

APPROVED: 6 in favor; 3 opposed.

**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. We support the palette and fenestration as presented.”*

APPROVED: 6 in favor; 3 opposed.





**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Dupont Circle Advisory Neighborhood Commission 2B**

December 15, 2021

Mr. Frederick Hill  
Chairperson  
Board of Zoning Adjustment  
441 4th Street NW, Suite 210S  
Washington, DC 20001  
[bzsubmissions@dc.gov](mailto:bzsubmissions@dc.gov)  
RE: 1457 Swann Street NW (BZA #20585)

Dear Chairperson Hill,

At its regular meeting on December 8, 2021, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") considered the proposed matter. With 9 of 9 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (6-3).

WHEREAS, Jacob Hensley has submitted Board of Zoning Adjustment #20585, seeking support for special exceptions from the Board of Zoning Adjustment regarding penthouse setback requirements, and the rear addition and penthouse at 1457 Swann Street NW, located in ANC 2B;

WHEREAS, ANC 2B's Land Use Committee (LUC) reviewed this application at its duly-noticed monthly public meeting on December 1, 2021, which was held in-person and via Zoom;

WHEREAS, ANC 2B and the ANC 2B Land Use Committee (LUC) reviewed this application at its duly-noticed monthly public meeting on December 1, 2021, regarding concept-level plans in July 2021;

WHEREAS, the LUC 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

WHEREAS, the LUC continues to suggest that the applicant meaningfully engages with affected neighbors in order to address and resolve the myriad of concerns expressed through public testimony and letters.

WHEREAS, the LUC 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.





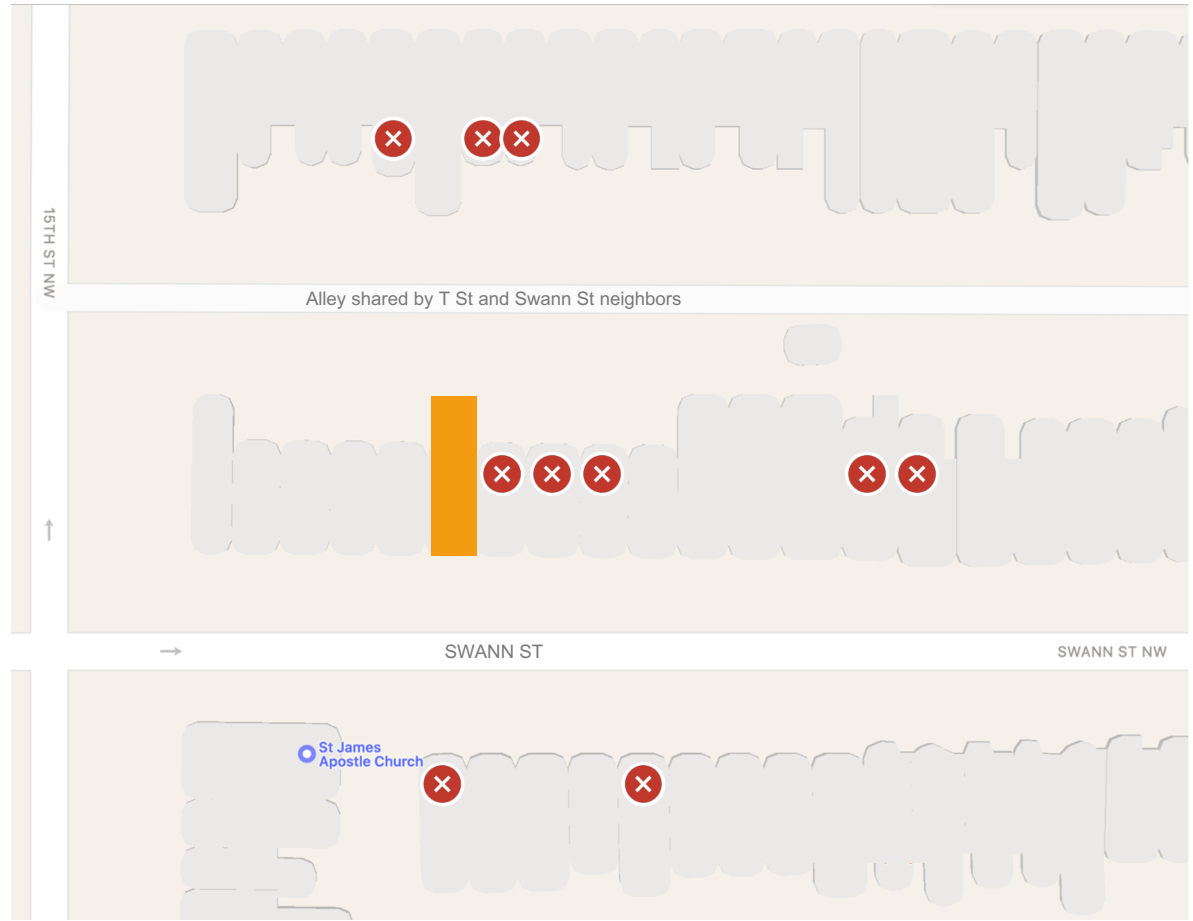
LETTERS IN  
Support

3

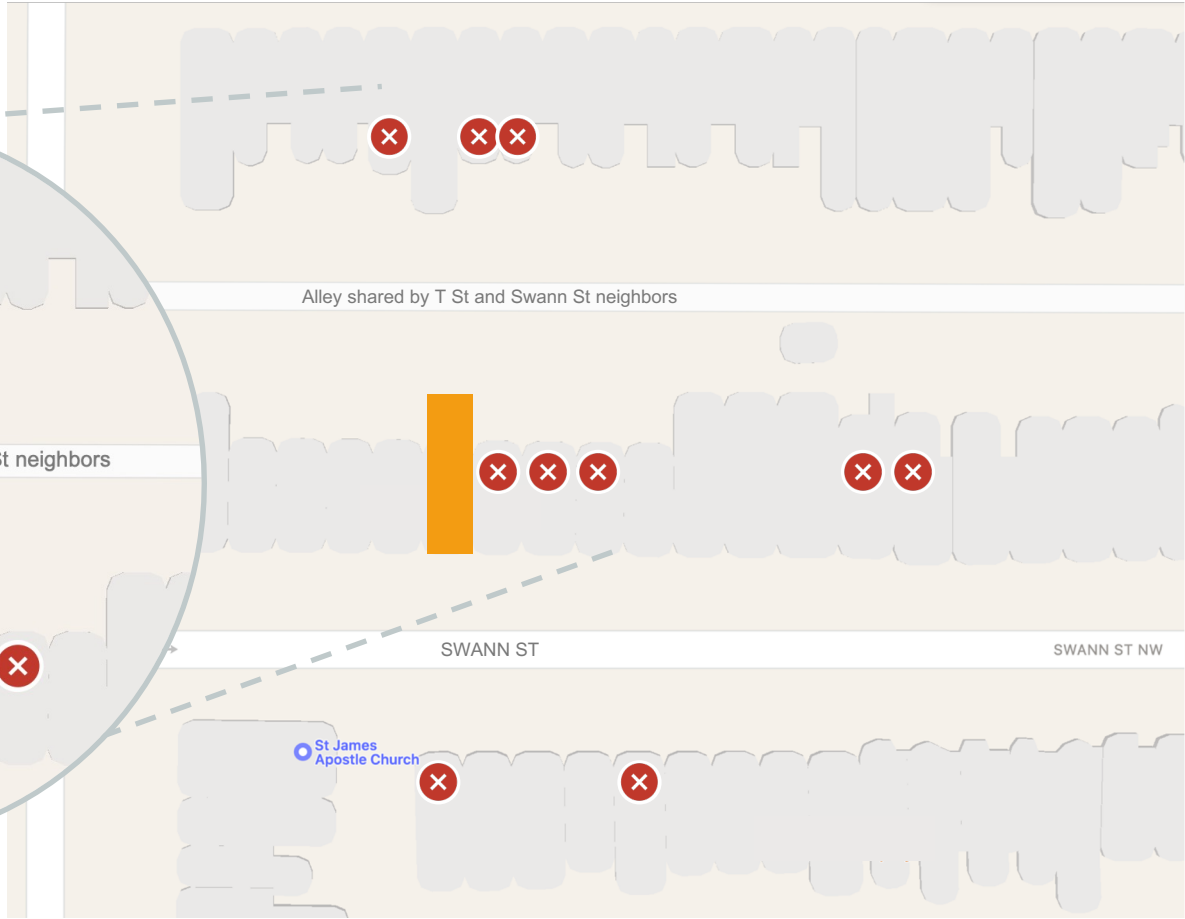
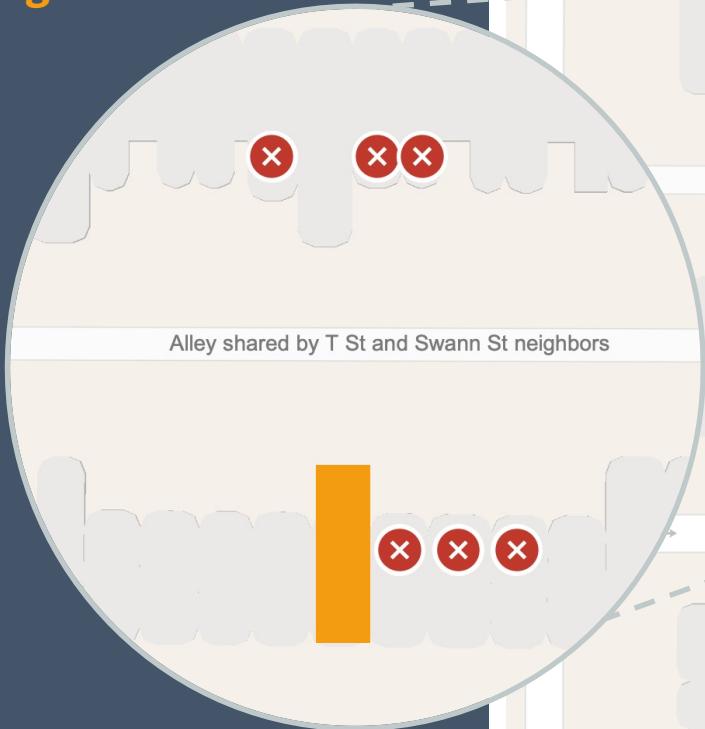
LETTERS IN  
Opposition

10

# 10 Letters of Opposition from 17 Neighbors



# 10 Letters of Opposition from 17 Neighbors



To Whom It May Concern:

We believe that the plan our neighbor at 1457 Swann has submitted is excessive in its scale. We share the alley and look directly at his home from ours. Allowing such massing is not in keeping with the depth and character of neighbors' homes in both directions and would create a blight. The Zoning regulations spell out:

"The proposed addition or accessory structure, together with the original [building](#), or the proposed new 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 street and alley frontage" (zoning regulations of 2016)

To allow such a structure diminishes our ability to get the southern light on the back of our home and will cause us to not only lose the view of the beloved Ginko trees that are the pride of the neighborhood but also the sense of personal space as projects like this take up more and more square footage forever changing what makes our historic neighborhood special. What is certain is that this large structure will visually intrude upon our home and all the others within view of it. These lots were just not made for such massive structures.

Respectfully,

Brian VanFleet  
Joseph Stochak  
1452 T St NW

--

Brian VanFleet | 301-452-4966

BvF Design Consulting

Senior Designer

What is certain is that this large structure will visually intrude upon our home and all the others within view of it.

These lots were just not made for such massive structures.



Going further than 10-foot-by-right allowance sets a precedent of its own, and if you ignore that, one must ask where will it stop and at what cost to those nearby?



To Whom It May Concern:

I have lived in the 1400 block of Swann Street NW since 1995, and have watched as more and more houses in the neighborhood have expanded their back walls and added large and often unsightly extensions. As an attorney, I respect the rights of property owners to make reasonable changes to their homes and accordingly try to fight my general inclination that "if you want a bigger home, go buy a bigger home." Respecting the rights of property owners has to go both ways, though, and even a quick look across the neighbors' backyards in either direction makes clear that the project is without precedent and would tower over its neighbors. Thus, I have to join other neighbors and ask you to please vote down application #20585 at 1457 Swann St NW.

I am not clear about what relief the applicant for #20585 is seeking with this request. Is his home in some structural or other danger? Are his living circumstances being infringed upon in some way? Typically, my understanding is that an exception like the one the applicant seeks is made to remedy some damage or injury that he or she is enduring. Here, no such circumstance is apparent, and I am assured by folks who have studied this proposal more closely that none exists. If it is merely that the applicants "wants a bigger house," he may have one with an extension that mirrors the precedent already established. Going further than 10-foot-by-right allowance sets a precedent of its own, and if you ignore that, one must ask where will it stop, and at what cost to those nearby? It would seem to me that sticking with the 10-foot by-right allowance in the current zoning ordinances both allows the applicant to expand his home while also ensuring he causes no damage to his neighbors in the way of reduced enjoyment of their homes and yards and decreased property values.

With kind regards,

Kenneth W. Patterson  
1439 Swann St NW  
Washington, DC 20009



My name is Charlie Gaynor, and I am a longtime (since 1977) resident and owner of the house at 1438 Swann St NW.

I am opposed to the expansion plans currently under consideration in case 20585 by the ANC and the Board of Zoning Adjustment. As an active participant in the development of the neighborhood for more than four decades, I have worked to maintain the character and the utility of our area by volunteering with the Dupont Conservancy and countless community initiatives. One of my ongoing neighborhood efforts is to protect our historical rowhouse neighborhoods.

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. The width of our lots does not support the giant project being proposed which would create a colossal structure for all the neighbors of the alley. I agree with the Zoning Regulations in place that allow for a 10' "by right" expansion. In fact, on my side of Swann Street, we have many homes that have expanded and most of these are under 10 feet; the house immediately next to me has plans to for an expansion to the rear and it will be 10' and only the 2 story plus basement just as was built in the 1870's. The proposed extension of 1457 Swann (150% of the allowance) creates the conditions for a tunneling of the neighbors. One neighbor is enriched, and both his neighbors are injured. What will we have achieved?

I have said to many people over the years; if you want a bigger house, go buy a bigger house.

Respectfully submitted,

Charlie Gaynor  
1438 Swann St. NW  
m. 202-246-1333  
[charlie@charliegaynor.com](mailto:charlie@charliegaynor.com)

...if you allow the precedent for one mega house project, don't be surprised when others quickly follow.



**From:** Jessica Calvert <jessicaannecalvert@gmail.com>  
**Sent:** Monday, November 29, 2021 7:16 PM  
**To:** Herbig, William (SMD 2B05); DCOZ - BZA Submissions (DCOZ)  
**Cc:** Will Lee  
**Subject:** Opposition to the bump-out application at 1457 Swann St (case 20585)

To Will Herbig (ANC 2B Land Use Commissioner) and the Board of Zoning Adjustment:

We are the owners and occupants of 1453 Swann St. NW, and we are writing to oppose the application being considered to expand the house two doors down from our home.

While we applaud neighbors investing in their homes, we find the proposed 4-story 15-foot expansion excessive in the extreme. The plan would create a giant wall and a bad precedent.

Our understanding is that the city has widely accepted zoning regulations in place that limit bump-outs to a depth of 10' past either neighbors' home. Why, then, is this application moving ahead given that it is 15'?

Thanks for taking our comments.

William and Jessica Lee

The plan would create a giant wall and a bad precedent.



If the application is granted...  
**we will be injured, and our neighbor will be enriched.**

**REMEDY**

We ask the Board of Zoning Adjustment to enforce its *already-in-place* 10', by right rule.