



May 25, 2022

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Frederick L. Hill, Chairperson  
Board of Zoning Adjustment  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

**Re: BZA Case No. 20737  
Applicant's Prehearing Statement**

Chairperson Hill and Honorable Members of the Board:

On behalf of Applicant Dr. Charles Samenow, please find enclosed the Prehearing Statement for the above-referenced case. We look forward to presenting the application to the Board of Zoning Adjustment on June 15, 2022. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

A handwritten signature in black ink, appearing to read "E. DeBear", written over a horizontal line.

BY: ERIC J. DEBEAR

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of May, 2022 a copy of the foregoing Prehearing Statement was served, via electronic mail, on the following:

District of Columbia Office of Planning  
c/o Brandice Elliot  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
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Advisory Neighborhood Commission 2B  
c/o Matthew Holden, Chair  
Meg Roggensack, SMD Commissioner  
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Eric DeBear

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

**APPLICATION OF  
DR. CHARLES SAMENOW**

**BZA CASE NO. 20737**

**APPLICANT'S PREHEARING STATEMENT**

**I. EXECUTIVE SUMMARY AND NATURE OF RELIEF SOUGHT**

This prehearing statement is submitted on behalf of Applicant Dr. Charles Samenow (the "Applicant"), the owner of the property located at 1736 Swann Street NW (Square 152, Lot 56) (the "Property"), in support of his application for special exception relief, from the requirements for lot occupancy (Subtitle F § 304.1) and rear yard (Subtitle F § 305.1) to construct a rear addition at his residence (the "Project").

**II. REVISED ARCHITECTURAL PLANS**

Since filing the original application, the Applicant has revised the architectural plans (the "Revised Plans") for the Project. A copy of the Revised Plans are attached at Tab A. On the first level, the Revised Plans propose a smaller rear addition of approximately 35.3 sq. ft., which extends four feet from the rear of the existing home. The stair accessing the rear of the home has been shifted from the western side to the eastern side of the Property. Instead of hugging the home's rear façade, the stair now extends directly back toward the accessory garage. Additionally, in response to comments from Historic Preservation Office ("HPO") staff, the Applicant has incorporated a spiral staircase to access the roof deck atop the accessory garage building.<sup>1</sup> The spiral stair replaces an internal garage stair that was previously proposed.

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<sup>1</sup> While zoning relief is not required for the roof deck, the external spiral stair contributes to lot occupancy and is germane to this application.

On the second level, the Revised Plans propose a uniform rear addition extending 5'8" on both sides of the home. Previously, the eastern side extended approximately 6'3" and the western side only 4'3". The second level addition totals 96.3 sq. ft.

The Applicant continues to seek lot occupancy relief under Subtitle F § 304.1, as the Project proposes a lot occupancy of 69.9% on the first level. The Project's second level is compliant with a lot occupancy of only 41%. However, with the addition of the new spiral staircase for the accessory garage, the Revised Plans now require modest rear yard relief. The Project will have a rear yard of 10'9" adjacent to the spiral stair where 15 feet is required in the RA-2 zone under Subtitle F § 305.1.<sup>2</sup> A revised self-certification form is attached at Tab B. The special exception standard for rear yard relief is outlined below.

### **III. THE APPLICANT MEETS THE BURDEN FOR REAR YARD RELIEF**

#### **A. The Relief is Harmonious with the Purpose and Intent of the Zoning Regulations and Maps**

The rear yard relief is harmonious with the purpose and intent of the Zoning Regulations and maps as a substantial portion of the Property's rear will remain open and unencumbered. Notably, there is a rear yard of 16'5" between the Project's first level and the spiral stair, which exceeds the 15-foot requirement in the RA-2 zone. *See Tab A*, pg. 2. However, a required yard must be "open and unobstructed to the sky," meaning the rear yard is measured from the second level overhang that cantilevers beyond the first level. *See Subtitle B § 324.1*. Relief is needed for the western side of the rear yard that is 10'9" as measured from the second floor overhang to the spiral staircase. The eastern side of the rear yard is 17'6" as the spiral staircase only occupies a small portion of the yard.<sup>3</sup>

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<sup>2</sup> Under Subtitle F § 305.1, the rear yard must be equal to 4 inches per 1 foot of building height, with a minimum of 15 feet. The Applicant's home is approximately 30 feet, meaning the rear yard must meet the minimum of 15 feet.

<sup>3</sup> The stairs accessing the main home are permitted to project into an otherwise required rear yard. Under Subtitle B § 324.1(c), "stairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required under provisions of this title."

## **B. The Relief Will not Adversely Affect the Use of Neighboring Properties**

The rear yard relief will not adversely affect the light, air or privacy of neighboring properties. The Project proposes a modest rear addition that extends only 4 feet at the first level and 5'8" at the second level. As such, the Project will not extend beyond either neighboring home. Since there is no second level on the accessory garage, the rear of the Property will remain open to light and air. Further, the Project does not propose any windows facing either neighboring property owner, thereby limiting impacts to privacy.

## **C. The Project Satisfies the Special Conditions of Subtitle F § 5201.4**

In addition to the general special exception standard, the rear yard relief satisfies the special conditions pursuant to Subtitle F § 5201.4, as follows:

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

As outlined above, the rear yard relief will not impact light and air for neighboring properties because the Project will not extend beyond the two abutting properties. The eastern portion of the rear yard exceeds the minimum requirement of 15 feet. Additionally, the spiral staircase accessing the garage roof, which creates the need for rear yard relief, is unenclosed and open to the air. There is no second level on the accessory garage, which also limits infringement on neighboring light and air.

2. *The privacy and use and enjoyment of neighboring properties shall not be unduly comprised;*

The Project will not unduly comprise the privacy and enjoyment of neighboring properties. The Revised Plans remove the western-facing window that was originally proposed on the Project's first level. The existing large fence around the Property will further limit any impact to neighboring privacy and use of property.

3. *The proposed 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 or alley frontage;*

The Project is consistent with the character, scale and pattern of homes on Swann Street and along the Alley. With the new rear addition, the Applicant's home will align with the rear of the two abutting homes and be consistent with the architectural pattern of these homes. Since filing the application, the Applicant has corresponded with HPO staff to review the Project. Based on these conversations, the Project is consistent with the character of the Dupont Circle Historic District and can be approved at staff level. The Applicant also incorporated the spiral staircase design in response to comments from HPO staff disfavoring the prior garage stair.

*4. 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;*

The Revised Plans include floorplans and elevations to show the relationship of the addition to adjacent buildings and public ways.

#### **IV. COMMUNITY OUTREACH**

The Applicant has conducted significant community outreach in connection with the application. In addition to meeting directly with several neighbors on Swann Street, on April 25, 2022, the Applicant held a community meeting with Commissioner Roggensack. Following that meeting, on May 4, 2022, the Applicant presented the application to ANC 2B's Land Use Committee. On May 11, 2022, the Applicant presented to the full ANC 2B and obtained a unanimous vote in support. *See* Exhibit 20.

#### **V. CONCLUSION**

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings as well as the reasons discussed at the Board's hearing, the Applicants submit that the application

meets the requirements for special exception relief and respectfully requests that the Board approve the application on June 15, 2022.

Respectfully submitted,  
COZEN O'CONNOR



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