

BZA Application 21044 - Limited Scope Continued Hearing on March 20, 2024

Applicant's supplemental filing – March 8, 2024

The BZA asked the applicant to attempt to meet with the other parties to discuss their concerns and come to agreement. The applicant is requesting a special exception to add a 15' addition to their property at the same time as their attached neighbor (2916 Upton St. NW) who has already received a special exception. The applicant, Theresa Roosevelt and Robert O'Loughlin, has worked hard over the last nine days to come to agreement with their objecting neighbors, have an architect re-design their roof to meet their objecting neighbors' concerns, make other concessions in their design and meet the BZA's filing deadline. The applicant has not heard from their neighbors whether they agree to their proposal with the concessions the applicant has made. Mr. Darrow has sent the plans to his architect to review, and will follow up with the applicant when he has his architect's thoughts.

The applicant lives at 2918 Upton St. NW in a two-story semi-detached home that has 1,462 square feet of living area above ground. See DC Office of Tax and Revenue, Property Details. The objecting parties at 2920 Upton St. NW, Adam Darrow and Lindsey Kirsch Darrow, and James Gasser at 2922 Upton St. NW, each live in a three-story row house that has 3,000 square feet of living area above ground. See DC Office of Tax and Revenue, Property Details. Even if the special exception is granted and the applicant adds 570 square feet of living space above ground, their house will still only have two-thirds the living area above ground of the objecting parties.



Arial photo from google maps showing the difference in size between 2920 Upton St. NW and 2922 Upton St. NW, and 2918 Upton St. NW:

Applicant strives to negotiate with the objecting parties:

- The applicant (Theresa Roosevelt) met with Adam Darrow (objecting party from 2920 Upton St. NW) to discuss his concerns on Sunday, March 3, 2024. Based on them, the applicant contracted an architect to re-design the roofline.
- On Tuesday, March 5, the applicant knocked on Mr. Darrow's door and sent him an email to inform him that they were working with an architect who may be able to design a roof to the applicant's liking. On Thursday, March 14, 2024, the applicant told Mr. Darrow that the applicant was re-designing the roof from the roof on the addition that slanted backward and to which he objected in the initial design, to a roof that is primarily within the existing parapet, and only rises above it 6 inches at the back of the house. The applicant told Mr. Darrow other concessions they are making for the Darrows.
- The applicant reached out to objecting party James Gasser at 2922 Upton St. NW by email on Tuesday, March 5, 2024. The applicant informed Mr. Gasser they had asked an architect to look at the roofline to address Mr. Darrow's concerns and asked if anything else would address Mr. Gasser's concerns. The applicant also assured Mr. Gasser they had looked into the two suggestions he had in his objection which were to build up or to buy the house at 2928 Upton St. NW and move. Mr. Gasser has not responded to the applicant's email.
- The applicant renews their objection to Mr. Gasser participating as a party in this case since he is no more impacted than anyone else by the applicant's request for a special exception. This is affirmed by the solar studies showing shading at both 10' and 15", neither of which has an impact on Mr. Gasser's home. Even Mr. Gasser's deck, where he claims he will lose sunlight and his view is currently shaded and the view obstructed by his own privacy screen.



Photo of Mr. Gasser's deck and privacy screen (deck is 14 feet plus 4 feet for stairs).

Applicant's concessions for the objecting parties:

- **Roof:** Mr. Darrow objected to the roofline from the initial design. The applicant has had an architect re-design the roof.
 - The new roof covers the entire home and gradually decreases in height from the front to the back. At the addition, where facing the applicant's non attached neighbor at 2920 Upton St. NW, the roof will be a continuation of the original home's mansard style parapet. Due to detailing for drainage from the roof over the existing house (with the roof at the front raised so it can drain to the back at a pitch of 1/4" per foot) the roof will need to extend the parapet up by only 6 inches (above the mansard form) at the addition.
 - Note that this additional 6 inches is considerably lower than the high point of the height of the previous roof design. At the back of the addition, the mansard parapet will return and stop to allow roof drainage into a gutter.
- **Deck:** Mr. Darrow requested the deck be inset from his house at 2920 Upton St. NW, which is a row house 8 feet, 9 inches from the applicant's house. As requested, we have pulled the deck in from 10 feet deep to 8 feet deep, and have moved it a bit further away from our non attached neighbor
 - The applicant is inseting the deck by one foot and also reducing the deck from going 10 feet back to 8 feet back. (Please note that in the design attached, the stairs cross the back of the house. Applicant will file an amended design on Monday with the only difference being the stairs go straight out.)
 - At a total of 23', the addition (15') plus the deck (8') is now less than the total length of Mr. Gasser's 24' additional depth of his house (10') and deck (14').
- **Windows:** The new design includes translucent privacy glass on the windows above the basement level that face 2920 Upton St. NW to preserve the Darrows' privacy.

Mr. Darrow also requested the applicant cut a corner off her addition to accommodate the view of the sunrise from his sunroom. The applicant asked the architect if this was possible, and he informed her that she could not build one of the two bedrooms she is undertaking the addition for if she did this. There is also no right to a view under DC law.

Solar study: The solar studies shown at the first hearing demonstrated there was an incremental impact on the objecting parties. The solar studies were undertaken using Sketch up, which is a widely used program in the industry for solar studies.

The applicant will maintain a considerable, deep rear yard (lot occupancy of 28% when 40% occupancy is the maximum). The height of the addition would be proportional to the principal structure and sideyard.

Conclusion

The applicant has made good faith, best efforts to get the objecting parties to agree to her special exception. The applicant attaches her new plans showing the considerable concessions and re-design she has made for the objecting parties. The applicant meets the standard for a special exception because the difference between a 15' addition and the 10' addition the applicant is entitled to by right will have only an incremental impact.

The applicant meets all of the criteria for a special exception because: (a) the light and air available to neighboring properties is not duly affected; (b) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; (c) the proposed addition does not substantially visually intrude on the character, scale and pattern of houses along the street or alley; and (d) we have provided graphical representations addressing the criteria.

The applicant has 22 neighbor letters of support, approval from the board of planning, and the support of their ANC, which is given great weight.