

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

**APPLICATION OF
CHARLES SAMENOW**

ANC 2B01

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the 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, pursuant to Subtitle X § 901.2, from the requirements for lot occupancy (Subtitle F § 304.1) to add a rear addition to his residence (the “Project”).

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 of the Zoning Regulations.

III. BACKGROUND

A. The Property and the Surrounding Neighborhood

The Property is in the RA-2 Zone District and has a lot area of 1,488 sq. ft. A copy of the zoning map is attached at **Tab A**. The Property is improved with an attached, two-story row home (the “Home”) and a one-story accessory garage (the “Garage”). The Home and Garage have an existing first level lot occupancy of 70.7%, which is non-conforming in the RA-2 zone. To the rear of the Property is a 10-foot-wide alley (the “Alley”) that briefly expands to 20 feet along the eastern side of the Property.

The Property is mid-block on Swann Street between New Hampshire Avenue NW and 18th Street NW in Dupont Circle. Swann Street is residential in nature with attached two-to-three story

rowhomes. The streets to the north, south and east are also primarily residential, including higher density apartment buildings on New Hampshire Avenue. Nearby 18th Street is a commercial corridor with many restaurants and bars leading into Adams Morgan. The Property is within the Dupont Circle Historic District.

B. Traffic Conditions and Mass Transit

The Property has excellent access to public transportation. The Dupont Circle Metro Station is approximately 0.35 miles from the Property. There are numerous bus stops within 3-4 blocks of the Property, including for lines 42, 43, 90, 96, and L2. Additionally, four Capital Bikeshare stations are located within a four block radius of the Property. In general, the area is very pedestrian-friendly and bicycle-friendly, as Walkscore.com rates the Property as a “walker’s paradise” and “biker’s paradise.”

C. The Project

The Applicant proposes to demolish an existing rear deck and overhang and construct a modest rear addition to increase livable space in the Home. A copy of the Architectural Plans are attached at **Tab B**. On the ground level, the Project will entail a bump-out of the kitchen and a new exterior stair with access to the back yard. The ground level addition will project approximately 6 ft. from the rear of the existing Home and consists of 56 sq. ft. of new interior floor area. On the second floor, the Applicant proposes 92 sq. ft. of new habitable space that will include a bump-out on the eastern side of the Home to expand the second floor bathroom. On the western side of the second floor, the Applicant proposes a smaller bump-out of the den area that projects only 4’3” from the existing Home.

The Applicant also proposes a new roof deck and access stair on the Garage. The access stair will be within the existing footprint of the Garage and, therefore, does not contribute to any

new lot occupancy. Accordingly, although part of the overall Project, relief is not needed for the Garage structure.

Currently, the Property's first level has a lot occupancy of 70.7%, which is non-conforming, and a second level lot occupancy of only 31.4%, which is compliant.¹ As a result of the Project, the Property's lot occupancy on the first level would decrease from the existing 70.7% to 69.6%. However, in the RA-2 zone, the maximum lot occupancy is 60% and, therefore, relief is required. *See* Subtitle F § 304.1. The Property's second level lot occupancy will be 45.6% and remain compliant.

With the exception of lot occupancy, the Project is consistent with the by-right standards in the RA-2 zone. The Property's rear yard will be 15 feet, which is the minimum required rear yard. *See* Subtitle F § 305.1. The Project will not alter the building height of the Home, which is 30 feet and complies with the RA-2 standards. *See* Subtitle F § 303.1. Finally, the Property will have a total floor-area-ratio of 1.45 with up to 1.8 FAR permitted in the RA-2 zone. *See* F § 302.1.

IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant requests special exception relief pursuant to Subtitle F § 5201.1 from the requirements for lot occupancy on the Project's first level only. The Applicant seeks relief for lot occupancy of 69.9%, which is 9.9% above that permitted in the RA-2 zone. Nonetheless, the proposed lot occupancy is within the Board's authority to grant 70% lot occupancy by special exception.

Pursuant to D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

¹ The difference in lot occupancy is due to the Garage being only one level.

- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *President & Dirs. of Georgetown College v. D.C. Bd. of Zoning Adjustment*, 837 A.2d 58, 68 (D.C. 2003); *see also Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

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

The special exception relief will be in harmony with the purpose and intent of the Zoning Regulations and related maps. The modestly-sized Project will increase the functionality and usable space within the Home. The Project will not change the existing single-family residential use of the Home and will further the purpose and intent of the RA-2 zone. *See* Subtitle F § 100.3(a-c).

Additionally, the Project will *decrease* the Home’s existing lot occupancy because an existing rear deck will be removed. Under Subtitle C § 202.2, an existing non-conforming structure can generally be altered and modernizing, provided it conforms to the current use and development standards; does not increase or extend an existing, non-conforming aspect of the structure; or create any new non-conformity. The Project meets this standard because it otherwise

complies with the RA-2 development standards, will not increase or extend any existing non-conformity and will not create a new non-conformity. As such, the Applicant engaged in a discussion with DCRA's Zoning Administrator regarding whether the Project can be accomplished by-right pursuant to Subtitle C § 202.2. The Zoning Administrator's practice is to require a permit or other official documentation establishing that the existing non-conforming aspect of the structure was legally constructed. Unfortunately, the Applicant has been unable to locate such documentation for the Home, as the non-conformity existed prior to the Applicant's purchase of the Property in December 2020. Nonetheless, the fact the Applicant is decreasing the overall lot occupancy at the Property is harmonious with the purpose and intent of the Zoning Regulations, including rules governing non-conformities.

B. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property

The Project will not adversely affect the use of neighboring properties, including as to light, air and privacy. The Project will align with the rear of the neighboring home to the east and, therefore, will not impact light and air. With respect to the western neighbor, the Project proposes an egress stair at the first level, which will be open to light and air. On the second level, the Project extends only 4'3" from the rear of the existing home. To that end, the western neighbor has an existing portico along the shared lot line with the Property that will minimize any impact to light and air. Nonetheless, even with the Project, the second level has a lot occupancy of only 45.6%, well below the maximum of 60%.

With respect to privacy, there is a large fence on each side of the Applicant's rear yard. The portion of the fence closer to the Applicant's home is approximately one story tall and will obscure views for each direct neighbor. Further, the Project's rear-facing windows are roughly the same size and in the same location as existing conditions at the Property. While the Applicant

proposes two western-facing windows, the fence and western neighbor's portico will limit any impact to privacy.

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

In addition to the general special exception standard, the Project satisfies the special conditions for an addition in the RA-2 zone 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 Project will not impact light and air for neighboring properties because it will align with the rear wall of the eastern neighbor and will extend only 4'3" beyond the rear wall of the western neighbor on the second level. Nonetheless, the Project's first level is open to the air along the western lot line, and relief is not needed for the second level.

- 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 proposed windows are in approximately the same shape and location as currently exists at the Property. The large fence on each side of the rear yard will further ensure privacy is not impacted by the Project.

- 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. The Project will not alter the Property's frontage on Swann Street. With respect to the Property's rear façade, there are a variety of building types and massing along this section of Swann Street. Several of the nearby homes have a third story and extend well beyond the Project's proposed rear façade. The two directly adjacent homes are similar in size to the

Property. The Project will align with the rear of the eastern neighbor and will extend less than five feet beyond the neighbor's rear façade, which includes a small portico.

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 architectural plans attached to this statement comply with this condition by providing plans, elevations and section drawings to depict the deck in relation to neighboring properties and public ways.

IV. COMMUNITY OUTREACH

In accordance with ANC 2B's procedures and guidelines, the Applicant contact ANC 2B after the application is filed. The Applicant will formally present the application to ANC 2B at its next available public meeting.

V. CONCLUSION

For the reasons stated above, the Project meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board grant the application.

Respectfully Submitted,

COZEN O'CONNOR



Eric J. DeBear
1200 19th Street NW
Washington, DC 20036

Tab A



Legend

Credit Trade Area

Campus Plans

Pending PUDs

Pending

PUDs

Final

Pending Zones

Zone District

Zone District

Downtown Zone

Mixed-Use Zone

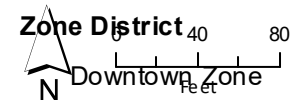
Neighborhood Mixed-Use Zone

Production, Distribution, and Repair Zone

Residential Apartment Zone



Zoning Map of the District of Columbia
Unzoned



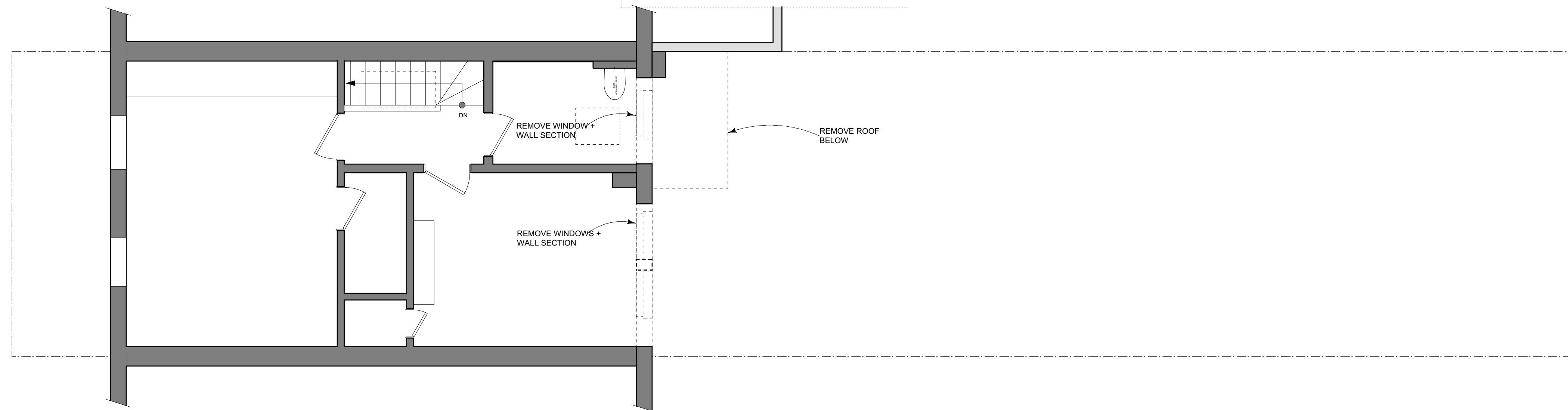
Extracted from the Zoning Map of the District of Columbia published by the District of Columbia Office of Zoning, DCGIS, and Office of the Chief Technology Officer (OCTO). Exported on 10/27/2017 10:00 AM.

To certify zoning on any property in order to satisfy a legal requirement, the user must verify the zoning at the address listed below.

District of Columbia Office of Zoning
441 4th St NW, Suite 200, Washington, DC 20001
202-727-6377
zoning@dc.gov

Residential Flat Zone

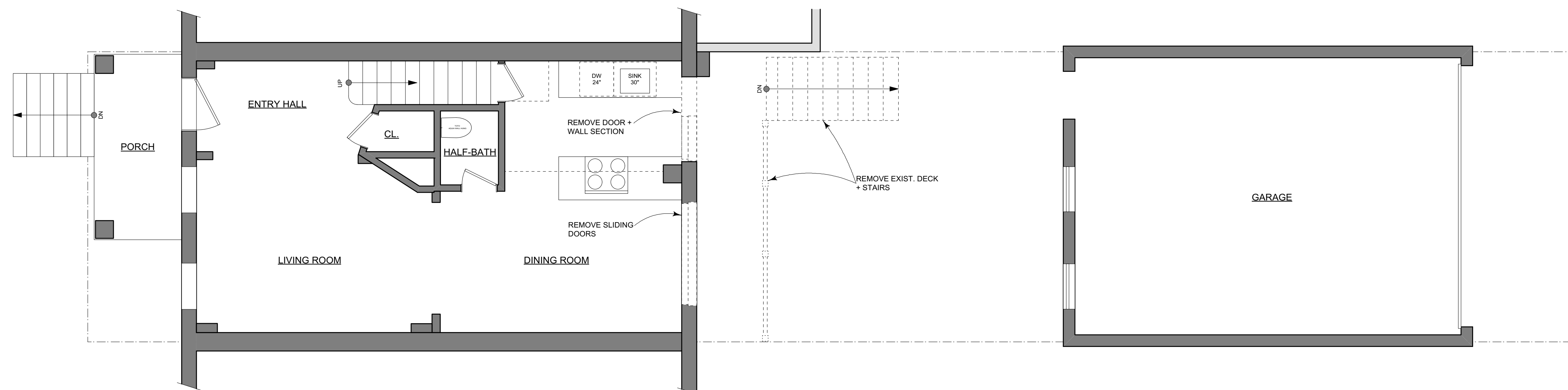
Tab B



B LEVEL 2 DEMO PLAN
SCALE 1/4"=1'-0"

SCALE 0 1 2 3 4 5 10

NORTH



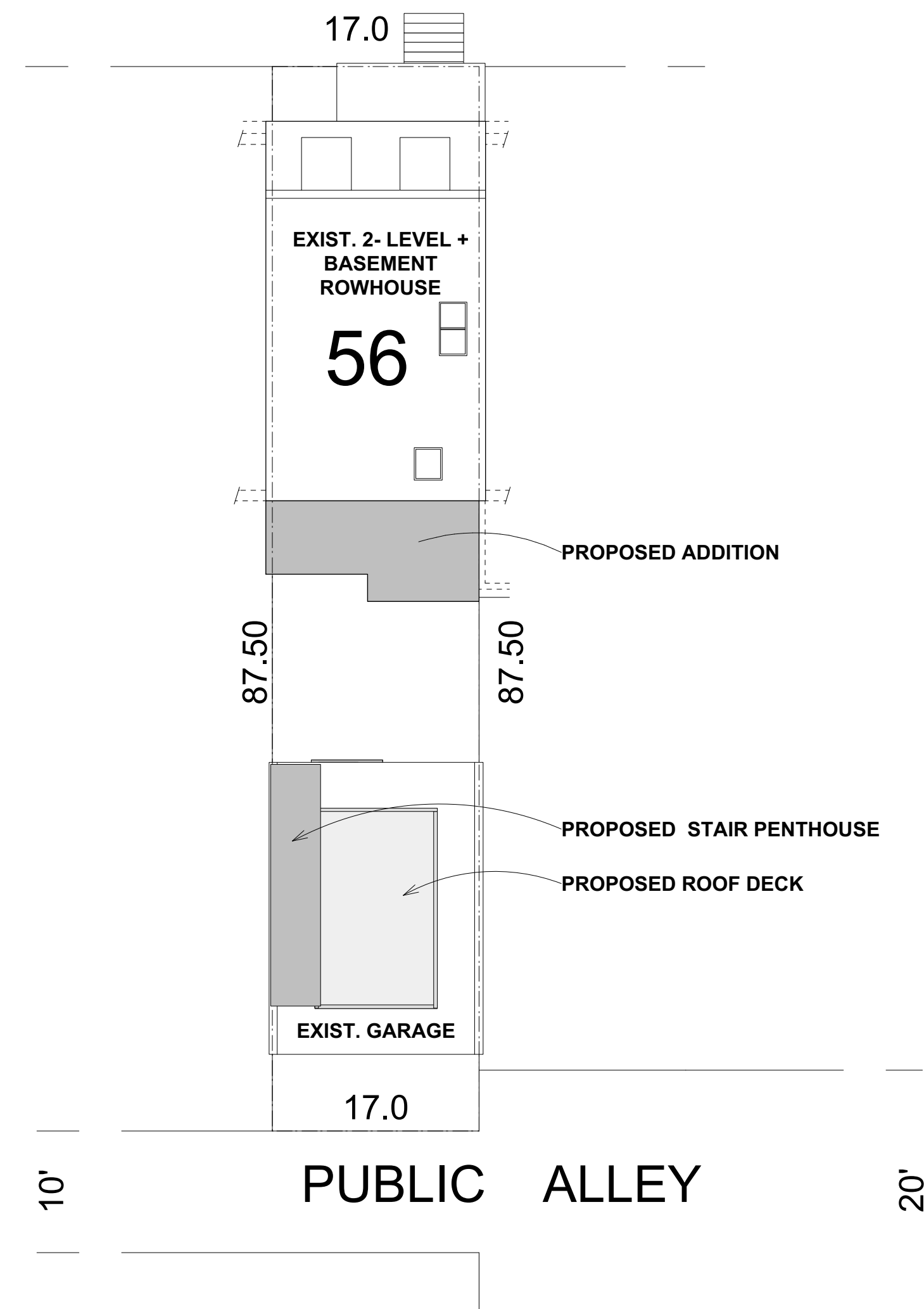
A LEVEL 1 DEMO PLAN
SCALE 1/4"=1'-0"

ALL DIMENSIONS FRAMING-TO-FRAMING U.N.O.

SCALE 0 1 2 3 4 5 10

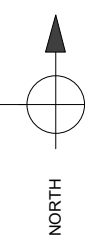
NORTH

SWANN STREET, N.W.



A SITE
SCALE 1"=10'

SCALE 0 5 10 20 30



CODE + ZONING ANALYSIS

PROJECT DESCRIPTION

1. PROPOSED REAR ADDITION TO EXISTING 2-LEVEL + BASEMENT ROWHOUSE.
2. PROPOSED ROOF DECK + STAIR PENTHOUSE ADDITION TO EXISTING GARAGE

APPLICABLE CODES

- 2017 District of Columbia Building Code
- 2017 District of Columbia Energy Conservation Code
- 2017 District of Columbia Green Construction Code

ZONING DISTRICT	RA-2
HISTORIC DISTRICT	DUPONT CIRCLE
LOT SIZE	1,488 S.F.
LOT OCCUPANCY	<p>LOT SIZE: 1,488 s.f. 60%: 893 s.f. 69.99%: 1,041 s.f.</p> <p>LEVEL 1 EXISTING: 1,051 s.f. PROPOSED DEMO: 71 s.f. (Rear Porch/Deck/Stairs) PROPOSED NEW REAR KITCHEN ADDITION + STAIRS: 56 s.f. PROPOSED NEW TOTAL: 1,036 s.f. (69.6% LOT OCCUP.)</p> <p>LEVEL 2 EXISTING: 514 s.f. PROPOSED DEMO: 0 s.f. PROPOSED NEW REAR BATH/DEN ADDITION: 92 s.f. PROPOSED NEW GARAGE STAIR PENTHOUSE: 72 s.f. PROPOSED NEW TOTAL: 678 s.f. (45.6% LOT OCCUP.)</p>
FLOOR AREA RATIO	<p>ALLOWABLE MAX. FAR: 1.8 x 1,488 = 2,678 s.f.</p> <p>EXISTING BASEMENT: 514 s.f. LEVEL 1: 922 s.f. LEVEL 2: 514 s.f. EXISTING GROSS S.F.: 1,950 s.f. EXISTING F.A.R.: 1.3</p> <p>PROPOSED BASEMENT: 514 s.f. LEVEL 1: 966 s.f. LEVEL 2: 678 s.f. PROPOSED GROSS S.F.: 2,158 s.f. PROPOSED F.A.R.: 1.45</p>
HEIGHT OF BUILDING	<p>ALLOWABLE: 50'; UNLIMITED STORIES EXISTING: 30' (APPROX.) PROPOSED: NO CHANGE</p>
REAR YARD	<p>ALLOWABLE MIN: Equal to 4 in. per 1 ft. of principal building height but not less than 15 ft. PROPOSED: 15'-0"</p>

1736 SWANN ST NW ADDITION

1736 SWANN ST NW WASHINGTON, DC 20009

OWNER:
CHARLES SAMENOW
WASHINGTON, DC 20009

PROJECT NAME:

DRAWING LOG:

1/12/22 REVIEW SET

SHEET LABEL:

LEVEL 1 ARCHITECTURAL PLAN

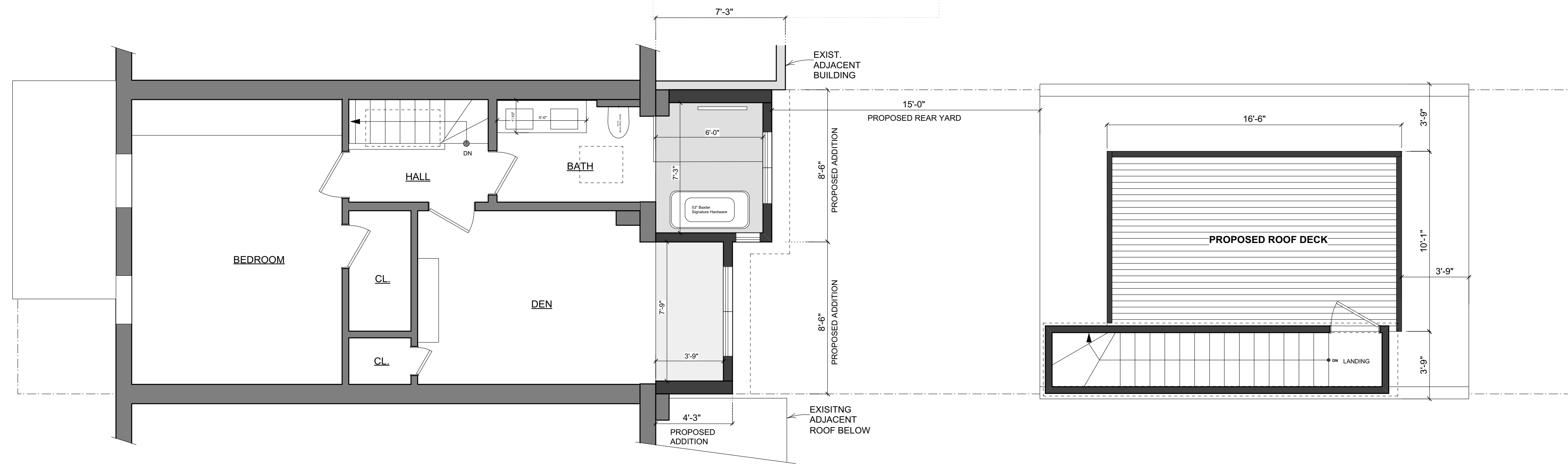
LEVEL 2 ARCHITECTURAL PLAN

DATE:

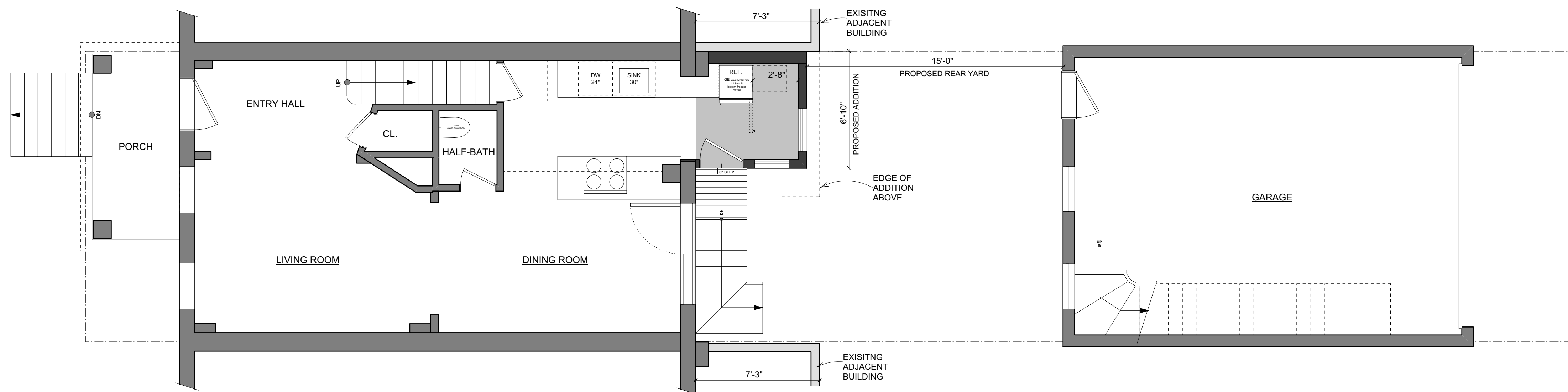
3/21/22

SHEET:

A002



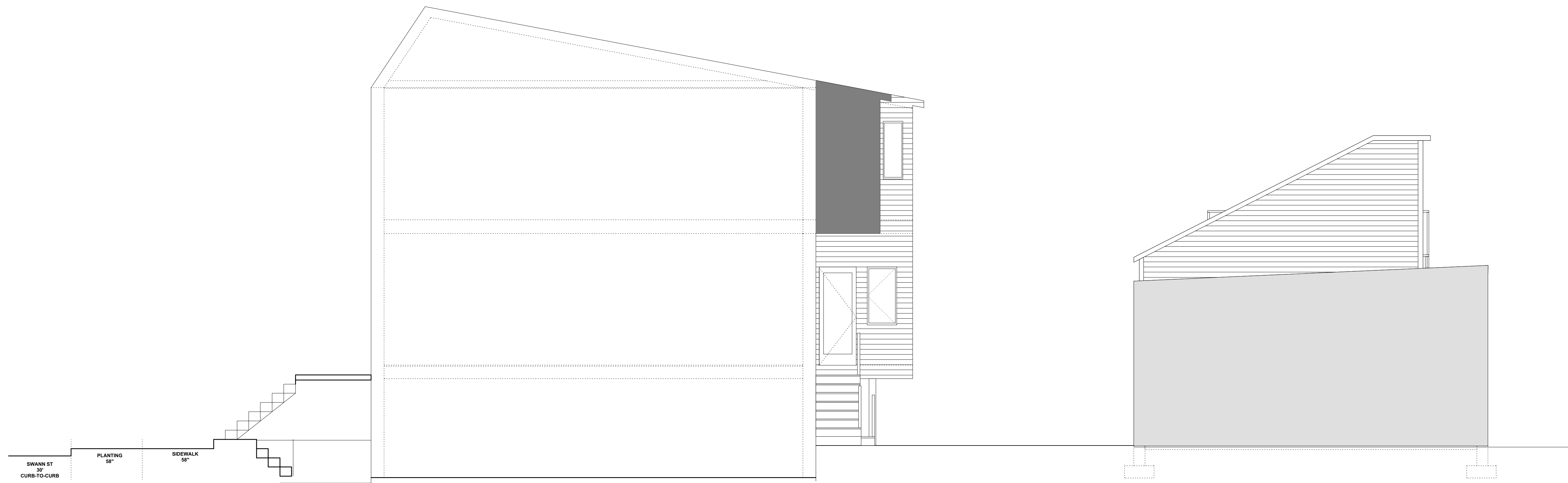
B LEVEL 2 ARCHITECTURAL PLAN
SCALE 1/4"=1'-0"



A LEVEL 1 ARCHITECTURAL PLAN
SCALE 1/4"=1'-0"
ALL DIMENSIONS FRAMING-TO-FRAMING U.N.O.



A REAR ELEVATION - HOUSE
SCALE 1/4"=1'-0"



B WEST ELEVATION
SCALE 1/4"=1'-0"

