

June 9, 2012

Appeal of the Issuance of Building Permit B1206336

**CONSTRUCTION IN A HISTORIC DISTRICT OF A MASSIVE TWO LEVEL DECK
WITH A SIDEWALL OVER 11 FEET ABOVE THE EXISTING ROOF LINE
WITH ADDITIONAL MASONARY & BRICKWORK
AT
1530 SWANN STREET NW, WASHINGTON, DC 20009**



RE: Building Permit B1206336

Dear Sir/Madam:

I hereby appeal the issuance on April 10, 2012 of Building Permit **B1206336** ("Permit"). I live across the street at 1523 Swann Street NW. I have lived in my house since *November 1995*

**Board of Zoning Adjustment
District of Columbia
CASE NO.18429
EXHIBIT NO.2**

and I have never previously filed a complaint concerning any of my neighbors in the nearly 17 years I have lived here.

I also appeal the issuance of Building Permit **B1209691** issued on or about June 5, 2012, which states in the "Description of Work" that it is a "*Revision to existing building permit #B 12067336 – 4/10/12. Relocate rear exterior stair as per plans and plat for the Darren Binder SFD Property.*" The June 5, 2012 permit appears on the surface to be a *small* revision of the April 10, 2012 permit and appears limited to a revision to the stairway for the deck work described in the April 10, 2012 permit. Building Permit B1209691 has **not** been posted or displayed at the site.

The information on-line for B1206336 states:

1630 SWANN ST NW	0191 0076	B1206336	Construction/Alteration and Repair	2012/04/10	Permit Issued	2012/04/10	The proposed work is a new roof deck and to remodel existing rear roof deck, as per plans and plats
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The deck being constructed is a massive two level roof deck appearing to cover approximately 60 -70% of the existing third floor roof for a third floor square footage of approximately 250 square feet.

A *separate* step down deck extension of an additional approximately 160 square feet juts outward from the rear third floor roof line and covers both the second floor existing walk out deck **plus** encroaches and covers over an additional approximately 25-35 square feet of the existing non-conforming side open court. **The result appears to extend the existing non-conformity and, increase the lot occupancy percentage above that which is allowed in the zone.**

The total square footage of the new deck is over 400 square feet and is totally out of character with all other houses on the south side of Swann Street in the 1500 block.

The deck will, according to the artist sketch submitted with the permit, have a solid floor not deck planking and will also have outdoor year round plumbing, hot & cold water, a sink and possibly cooking facilities.

Indeed, what is being built is massively out of character with any other deck which has been built in this neighborhood since this neighborhood became part of a historic district.

In addition to this two-level 400 square foot plus deck, two side wall sections rising at least 7 feet above the deck flooring and, therefore, over 11 feet above the existing roof are being built on the west side. The building permit file refers to these walls as "decorative walls" though they rise more than 11 feet above the existing roof, are clearly solid in nature, as shown by the above picture. These are all weather walls with at least a 12 inch inner core. See above picture and the artist's rendering submitted with building permit application

The deck with its plumbing and above described affixed new walls clearly violates the height limits for a building in this zone.

The below picture gives a good idea of how towering this upper level deck will be over the adjacent structures. In the below picture the underside framing for the floor of the deck appears to be over four feet high and reaches above the chest of the man in the foreground. With floor planking and the *sloping roof* the deck floor will rise **between 4 and 5 feet into the air** above the existing roof. The three men in the background are standing on the lower level of this new two level deck. The uprights in the below picture are for the “decorative wall”. The man in the foreground helps create perspective; he is standing on the existing roof, showing just how tall this “decorative wall” will be.



The next picture (below) is taken from my own bedroom while sitting on my own bed.

This deck, as presently permitted and being constructed, will deprive me of privacy in my own bedroom. I will not be able to lie down on my own bed without people standing on this deck and being able to see me lying in bed.



When I was taking the next picture while sitting on my bed, one of the two workmen in the picture saw me thru the window and called the other workman and pointed to me. In

other words standing on this deck at around 11am in the morning these workmen could see inside my bedroom from this deck.



My house is at 1523 Swann St NW. A public alley runs alongside my house. The next picture was taken in early May, showing 1530 Swann Street (second house on the other side of the road). This picture shows the public alley as it enters onto Swann Street. The *first* of the eight uprights built for the “decorative wall” is *clearly* visible from the street.



A fifteen foot (15 foot) wide public alley runs behind 1530 Swann Street. At least two carriage houses on this rear alley behind 1530 Swann Street are occupied as residences in this 1500 block. Several other carriage/garage houses carry the potential to be converted, making the fifteen foot wide rear alley behind 1530 Swann Street a unique neighborhood liveable public alley.

However, the construction of this massive two level deck is clearly visible from this rear public alley and is greatly inconsistent in character and size from other decks on the south side of the 1500 block of Swann Street. This two level deck visually overpowers the rear alley and deprives adjacent owners of privacy in their open rear courts and rear small lower level decks. This two level deck also clearly deprives adjacent homeowners of light and air. The result, if the granting of the permit in question is upheld, is to set off an ‘arms race’ race among homeowners on the south side of the 1500 block of Swann Street to each build roof decks higher than the adjacent owner’s deck, so as to recover the privacy each presently enjoys with the existing smaller lower decks being. The smaller second floor decks are the norm on the similarly situated houses on the

south side of the 1500 block of Swann. This can be seen from the below picture showing 1530 Swann Street and the two adjacent homes.

The below picture, taken from the middle of the rear public alley, shows how clearly visible and overwhelming this new deck will be as seen from rear public alley.



The above picture shows the 7 foot upright which will anchor one end of the solid “decorative wall” being built along the property line between 1532 Swann Street and 1530 Swann Street. The open court between 1530 and 1532 Swann Street shown in the above picture belongs to the homeowner at 1532 Swann Street and not to the homeowner of 1530 Swann Street.

Clearly, given the extension of this new deck out from the roof line and given the existence of the 7 foot “decorative wall” shown in the above picture, this side open court will be permanently deprived of air, sun and privacy.

The below picture taken from the middle of the rear public alley from the east side shows how part of the existing open court between 1530 Swann Street and 1528 Swann Street will be covered over by this new deck. The architectural diagrams and the artist rendering of how the new deck would look, which were submitted with the building application, do not show the deck extending out beyond the third floor roof line over the side open court area. But, clearly the new construction will extend out over the open court area, increasing the existing non-conformity.



Further, as the immediate above two pictures show, the old open sky arbor over the existing walkout second floor deck (which sits on the second floor roof not raised above it) is being covered over and converted to a deck. The result will actually be a massive three (3) level deck in the rear of the house, covering all of the second and third floor roof area except for approximately 11.5 linear feet in the front of the house. The total deck area will exceed 600 square feet

The massive two level deck being built significantly alters the massing of the house at 1530 Swann Street, fails to respect existing scale and proportions of similar structures on the south side of the 1500 block of Swann Street and is not only clearly able to be seen from the 15 foot rear public alleyway in this historic district – it is massive, dominating and visually overwhelming. This new two level deck is not set back from the rear roof line so as to minimize visual impact from the public alley in the rear, this construction actually extends significantly out from the third floor roof line.

Further, the manner in which this deck is being built violates the mandatory conditions of both of the above referenced permits which required “the work authorized herein [is to be performed] in accordance with the approved application and plans ... and in accordance with all applicable laws and regulations of the District of Columbia.”

More specifically, the manner in which this deck is being constructed violates the Building Code utilized by the District of Columbia and is inherently dangerous.

The supporting load bearing beams for this deck do not run from wall to wall. Rather it appears that the load bearing 2x12s were bought off the shelf in 12 foot lengths rather than specially ordered in 17 foot plus lengths. If one reviews the first picture on page one of this appeal, it can clearly be seen that the north side load bearing beam is held together by a small square metal nail patch. **THERE IS NO SUPPORTING POST BELOW THIS LOAD BEARING JOINT.** The three posts seen along the east side of the deck sit on the party wall. Though the angle from which the picture is taken slightly distorts the view of the middle post, the middle post actually is on the party wall at least half a dozen feet away from the load bearing joint.

The cross supports meant to run from load bearing beam to load bearing beam are also too short to run the distance. What has been constructed to support the deck appears to be four squares, none of which run the entire length being spanned, none adequately supported. See the first two pictures in this appeal which show this strange four square under floor support. Corners appear to be held together with metal nail patches. Movement on the deck and shear forces would eventually cause systemic collapse of the deck with potentially very serious injury to those standing on the deck.

On the front corner on the west side part of the brick party wall was removed, four pieces of 2 x 12 were either nailed or screwed together and appear to sit on an old brick non-loading bearing wall **only one brick wide** (maximum 4''wide). The support area is too narrow. Further, **these bricks are probably more than 120 years old, weathered and not meant to bear this kind of**

weight.

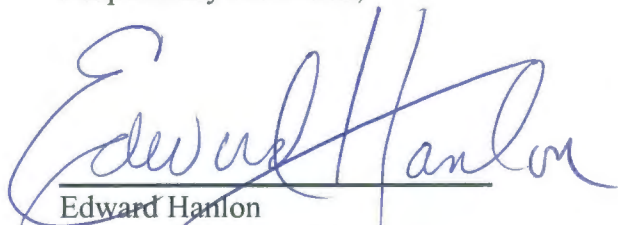
Much of the deck is being built using a nail gun and not screws, contrary to approved methods of deck building.

A different gutter system is being installed with limited excavation in the rear yard at ground level to bury a pipe which goes under the existing rear fence of the lot and comes up onto the rear public alley. Concrete was used to cement over the area around the pipe's exit onto the public alley.

RELIEF APPELLANT SEEKS:

1. Immediate stop work order;
2. Revocation of both existing permits, B1206336 and B1209691;
3. Demolition of the existing deck structure being built under permits B1206336 and B1209691
4. Issuance of an Order that any future permitted work at 1530 Swann Street be done by licensed contractors;
5. Close supervision of any future permitted work at 1530 Swann Street by DCRA;
6. Adequate Notice to all neighbors within 200 feet of 1530 Swann Street of *any future application for a building permit, issuance any building permit*, special exception request; and, or request for a variance with respect to any future exterior work proposed to be done at 1530 Swann Street; and
7. Such other and further relief which is just and proper under the circumstances.

Respectfully submitted,



Edward Hanlon
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Washington, DC 20009

6/9/12