

BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA
PARTY STATUS APPLICANT: LISA V. TERRY
EXECUTIVE SUMMARY, HEARING of DECEMBER 15, 2015
DECEMBER 10, 2015

INTRODUCTION:

I am the homeowner and resident of 3904 McKinley Street, N.W. I have lived at my home for 22 years. I am here to express my strong objection to the Applicants' plans to turn their small Chevy Chase DC lot with a bungalow and shed into a crowded lot with a home double the size, an oversized garage, and a car pad. To do this, they would tear down every single tree on their lot, including two mature 30 foot trees. Significantly, their proposed expansion amounts to a **69 % increase of lot coverage (footprint) in their backyard**. I share a property line with the Applicants and my lot is perpendicular to theirs facing south. I am therefore *uniquely and directly affected* by their proposed plans.

LEGAL STANDARD:

Because the proposed plans exceed the 40% lot occupancy requirements in the District of Columbia, the Applicants are required to obtain a "Special Exception" which is subject to the provisions of Section 223.2 of the DC zoning regulations. Those provision require that the proposed "addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent property." For the reasons I will explain, the Applicants' proposed plans have a significant adverse affect on the use and enjoyment of my home. As such, the Applicants cannot meet their burden of proof and their application should be denied.

FACTS:

Section 223.2 (a) The light and air available to the neighboring properties shall not be unduly affected

- The two story addition to the home would directly impede existing open views—light and air—from my kitchen, dining room, deck and patio, and second floor bedrooms. (See representative photos which are included in the record). The addition would essentially create walls where there is currently sun, light and air.
- The adverse impact of the two story addition is most significant in my "solarium" which was designed of all glass for the very purpose of inviting sun and light into my home. See the attached photograph taken recently on a Sunday morning at 10:00 a.m. showing the sun streaming into my kitchen. I have been advised by an expert in this field who will testify on my behalf that the proposed addition will significantly limit both my sun light and ambient light during certain times of the year (e.g., Fall and Winter) and for several hours of the day.
- The proposed garage expansion will also unduly impact the light and air available to my home since it would rise significantly higher in height (approx. 14 feet) and would create an imposing view directly from my deck and patio. (See photographs as viewed from my deck included in the record).

Section 223.2(b) The privacy of use and enjoyment of neighboring properties shall not be unduly affected.

- The two story addition significantly and unduly impacts the privacy and use and enjoyment of my home. The addition includes nine windows in the back of the house. Because the structure extends *21 feet* into the back of the lot with less than a 5 foot setback, it provides direct views into my back yard. The three large windows on the upper floors would provide the most direct views onto my property; the six large windows on the lower level also violate my privacy because they are above the height of our shared fence (which is subject to height restrictions).
- These privacy issues do not exist now since homes were originally designed and built to avoid this very thing--taking into consideration the proximity and small size of the lots.
- The construction of a new garage also unduly affects the use and enjoyment of my home. The Applicants claim the purpose of the much larger garage is to accommodate a “modern day car.” Yet the new garage would extend several feet higher than is necessary to accommodate a car! And several feet higher than the existing garage. Most significantly, in order to build this oversized garage, the Applicants would tear down a beautiful 30 foot holly tree which enhances the use and enjoyment of my *and neighboring* homes. It also provides significant shade in the hottest of the summer months.
- The proposed plans also include stairways to allow access to two new cellars—one in the home addition and one in the garage. The stairwells are built *SIX INCHES* from the property line I share with the Applicants and extends several feet. These plans leave *NO* room for planting privacy trees to obscure the review of the proposed imposing garage or addition.
- I question how building two concrete stairwells ten feet into the ground six inches from our property line will not adversely impact that security of the fence we share and my property.
- It is not clear from the plans whether the Applicants architects have addressed the issue of ***Urban Runoff***, a primary source of flooding and water pollution in urban communities. The Applicants additional structures, including the cement car pad, will result in ***a 69 percent increase in lot coverage*** in their backyard. At the end of the day, there will be very little soil left. Where will the rainwater go and what will be the impact? As a homeowner who shares a property line with the Applicants, *the answer to that question matters a great deal to me!*

SUMMARY:

It is the totality of the Applicants’ proposed plans that is so objectionable. The addition of a two story structure which blocks my light and air with nine windows peering onto my property, the construction of an oversized garage, and the removal of a mature 30 foot holly tree would significantly and unduly affect the use and enjoyment of my home where I have lived in for 22 years. This impact is exacerbated by the fact that the Applicants’ lot is a small one which is situated perpendicular to mine. It is this unique placement of our lots that distinguishes their proposed additions from others in the neighborhood. Yet this is the lot they bought. It was clearly not designed or intended to do what they want it to.