

OBJECTION to Zoning Relief: BZA Case 18859

To: The Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington, DC 20001

From: Linda and Larry Nelson
440 New Jersey Ave., SE
Washington, DC 20003

Re: BZA Case Number 18859 about 438 New Jersey Ave., SE, DC owners' request for special exception pursuant to 11 DCMR paragraph 3104.1 to allow rear addition to a flat (two dwelling) under paragraph 223, not meeting the lot occupancy (paragraph 403) requirement in CAP/R-4 District.

We are Linda and Larry Nelson, adjacent property owners at 440 New Jersey Ave., SE. We have owned and lived at 440 New Jersey Ave., SE, over the last 35 years. We purchased this property because it was a property with wonderful historic character in the Capitol Hill Historic District of Washington, DC, with already planned potential for improvement (approval obtained by the previous owners). We have spent considerable effort to get re-approval and complete the planned project under the strict Federal and State (DC) Historic Preservation Guidelines.

We learned of the neighbors' plans quite late in the game since we had not received notice that this was planned (as other neighbors had not). Holly and Travis showed us the concept floor plans their architect had provided of the proposed addition on Sunday, October 19. They requested that we sign an approval letter at that time. We did not sign the approval as we had some concerns which we expressed at that time: how high would the structure be and would it be higher than the roof of our two-story back structure and the chimney on top of that structure. They did not tell us at that time they were taking these plans to the Historic Preservation Office, to the Zoning Office, or even to the ANC.

After viewing the concept floor plans e-mailed later to us it had draft concept plans including demolition and proposed floor plans, but no roof or exterior elevation plans, I decided to go to the Historic Preservation Office and to the Planning Office. I called the Historic Preservation Office on Monday morning October 27 and had to leave a message (to be answered within 24 hours). Having not been answered by the next morning I called again and was told they were busy but would be available by noon; I went there just before noon and was able to speak with the Primary contact at the Historic Preservation Office who told me they had just approved the

438 New Jersey Ave., SE plans! I then saw the Planning Office people who also had the plans and asked if I had not seen the Large Orange sign in front of 438 New Jersey Ave., SE to which I had to answer "No!" (It was put up November 4! Which I now understand is the last available date before the BZA meeting.) Not that many years ago it had to be put up at least 30 days in advance. Now I really had concerns!

I sent an e-mail to Holly telling her I had concerns and asked if she had discussed this with Tony, the owner of 436 New Jersey Ave., SE. She replied on November 2d that the height was 40 feet; she replied on November 4 that she had discussed it with Tony and he had approved it.

We are herein objecting to this project for several reasons which list here and will be happy to discuss them in person and/or add more supporting technical documentation.

Objections/Concerns:

1. Meeting of the DCMR Regulations 223.2, 223.2(a), 223.2(b) and 223.2(c).

(a) *The current plans unduly affect the light and air available at 440 New Jersey Ave., SE and unduly compromise the use of that adjacent property.*

(We have our master bedroom and bath on the third floor). They have changed their plans to have a completely open covered deck to build a wall taller than the 3-floor front of our property still with an open covered deck on their 3rd floor. The air circulation would be seriously affected. The result unduly compromising our use of our property

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.*

The proposed covered deck on the third floor would be available for many late night loud parties, particularly since their back yard would be shortened. The noise would still be quite annoying even after the wall on the side facing us causing our privacy and enjoyment of our property to be unduly compromised (We have our master bedroom and bath on the third floor).

(c) *The 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 frontage.*

As can be seen by this picture, Attachment 1, taken from 1st Street, SE, were the 3-story structure be built with a deck on the top it would substantially change the historic character of the neighborhood. The view without the new structure is directly above the car and over the roof of our 2-story structure and to the right of our light-colored chimney.

2. The application would damage the Historic Character of this Capitol Hill Historic District area.

The 3 buildings to the North of 438 New Jersey Ave., SE, are no further back than the current 3-story existing structure but have equal if not larger back yards. They are all about the same height. They don't tower over their neighboring structures.

Thank you for this opportunity to provide our objections.

Sincerely,

Larry Nelson

Linda Nelson

Attachment 1.

