

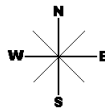
BZA case number: 18927

Letter in Opposition: David Sanok (owner), 821 8th St NE Washington, DC 20002

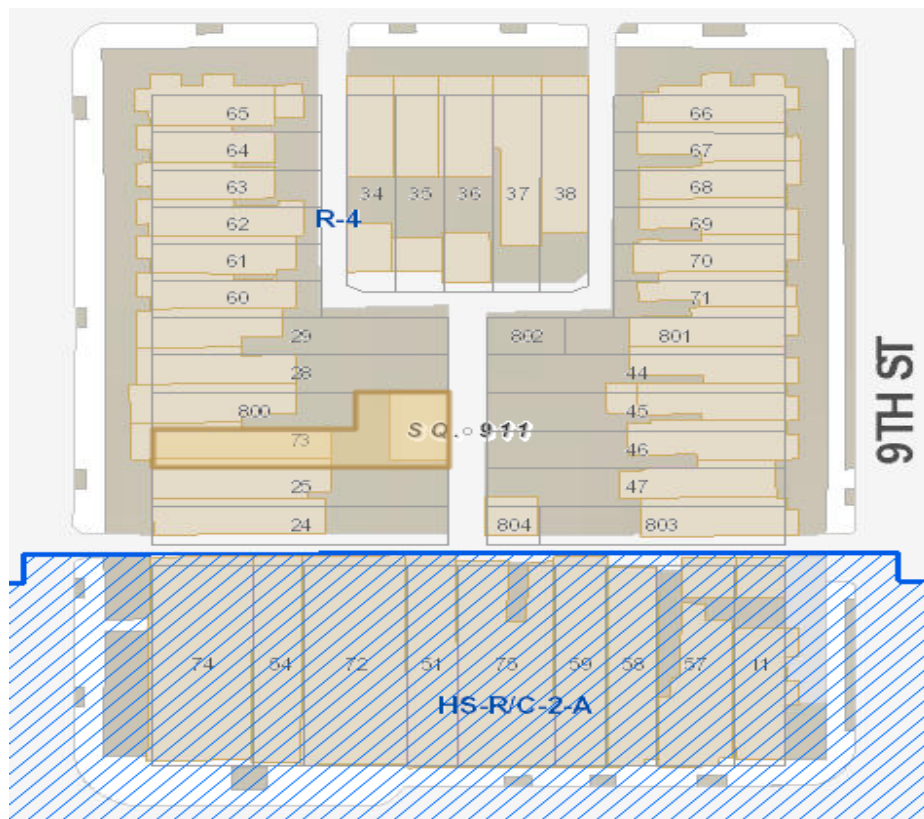
I have reviewed the new plans for the creation of a two story building on the back lot 815 8th St NE, and although it is better than the first design, I am still opposed to the structure for several reasons.

SIZE: You can see from the plot and pictures that the house at 815 8th St NE already extends deep into their lot, much further than all of the other properties to the North of theirs. The proposed two story house is very large and would be almost double the width of a regular DC row house plot. Their situation is very different than most existing one lot wide garages/carriage houses zoned as R-4. This is building a new house on the property verses a small “studio” flat on top of an existing garage.

Most garage conversions no not have the size to make a separate two bedroom house in the back yard including a one car parking garage. The house and garage currently violate the DC zoning laws. It is already at least 11% over the allotted build out percentage for the land. If anything, since the building is being leveled on purpose, it should go back to complying with the building/land ratios instead of getting an exception (it is at 71% already). And although this is not taking up a larger land footprint from what is currently there, it will take up more space going vertically, increasing its size.



Picture from the DCRA Zoning Map



VIEW AND SIGHT LINES: At the meeting held on 3/3/15 it was mentioned by Mr. Turnbull that blocking a neighbor view is not a cause to stop a building from going up. He used losing the view of the Capitol as an example. That may be true in general, but it doesn't apply to this case.

This building is not your standard construction on vacant land or an already properly zoned building waiting to be developed or reconstructed. This property is already in violation of current zoning standards and was completely renovated and flipped a couple years ago. The owners are asking for an exception to four (4) zoning violations (not meeting the lot occupancy requirements, the rear yard requirements, the open court requirements, and the nonconforming structure requirements). Mr. Gonzales is well over the percentage limit and is now asking to expand even more? If the parking garage didn't exist in the first place and the building would be within code at 60%, would a two story house be allowed to be built there which would take up 11% more of the building/land ratio?

Looking zoning code: Chapter 11, 223.2 it states;

The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (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; and
- (d) 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 second floor addition would definitely effect the neighbors under sub-part (b) and (c). Sub-part (a) partially effects house 819 during certain times of the year.

1. The creation of a two story building directly behind the owners at 817 8th St (lot 800) will have a negative impact on property value. It would mean residents of this house will be looking at a wall out their back windows on both floors. It would violate (a), (b), and (c).
2. The neighbor at 819 8th St (lot 28) would have a large building next to their property line which will have a "substantially adverse effect on the on the use or enjoyment of any abutting or adjacent dwelling or property". It also effects the views, privacy, and property value, and which violates sub-part (a), (b), and (c).
3. My property would have its current privacy taken away as well as "visually intruding upon the character, scale, and pattern of houses..." It would violate (b) and (c) and potentially my property value.
4. Parts (b) and (c) would also apply to those on the 9th St side of the alley (East side).

Zoning Code: Chapter 11, 223.5: This section may not be used to permit the introduction or expansion of a nonconforming use.

The current garage structure is already large and outside of city zoning codes. The razing and building of a two story, two bedroom house with one car garage will indeed introduce and expand the property's nonconforming use according to DC zoning codes. The structure will not be getting smaller to conform, it will be getting larger.

CONCLUSION:

- This is a project which is not necessary and already violates four zoning codes as it stands today.
- Neighbors directly affected have opposed the building (currently the three neighbors to the North, and to a lesser degree, two/three neighbors directly to the East of the property).
- It improves the standing of the 815 house while hurting the neighboring properties.
- The zoning exception will allow him to build a second residence on his property (a two bedroom house with one car garage). The trellis connector is just a loophole.
- The neighbors will be looking at a tall large building, or walls in the case of 817, from our back yards and second floor windows while the 815 tenants can look into our properties and houses.
- The existing building in the back of 815 is for a large garage and should stay that way.
- The home currently has the ability for a basement rental and has been rented out in the past by Mr. Gonzales. This is purely an additional income generator for the owner and a negative to everyone else.
- The lot at 815 already is at 71% of the land usage (11% over code).
- Would this size of a building be allowed by DC zoning if the garage structure did not exist in the first place?
- Would other neighbors on the block (myself included) be given the same curtesy to build a second house to the same (71%) land percentage as 815 if we connect it to our home with a trellis since this sets a precedent for Square 911?
- Giving this property an exception, after already being greatly over the code percentages, already having a rentable basement, and having a negative effect on its direct neighbors lends the questions:
 - The building is being razed and the same structure is not being rebuilt. Shouldn't a completely new building with a different purpose to the original one be built within current zoning laws instead of violating them more?
 - If not, what is the point of having to these zoning codes in the first place?
 - What are the zoning codes supposed to protect?

Instead of the building getting larger, I would ask the commission to recommend making an exception to the property having to have a parking space. This would allow the owner to turn the current garage into a rental and remain at one level. This would keep the privacy, sightlines, and property values as is for all the neighbors and would be as close to a win-win as possible.