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January 15, 2016

Board of Zoning Adjustment
441 4th St. NW, Suite 200
Washington, DC 20001

Re: BZA Application No. 19156 (Application of Brad Edwards) – Opposition to Special Exception and Revised Plans

Dear Sir or Madam:

We write, as the two adjacent neighbors of the applicant, to oppose the revised plans for a special exception, because the applicant's proposed deck would decrease our privacy, security, light, and enjoyment of our respective properties. Both of our houses directly abut the applicant's, and we each share a wall with the applicant. Because of the substantial adverse effects that the proposed porch would cause on us, the applicant has failed to meet the burden necessary to obtain a special exception under 11 DCMR 223.

In addition, we note that on January 13, 2016, ANC 2B passed a motion unanimously opposing the applicant's proposed special exception "due to concerns regarding the privacy and security of the neighbors as well as the precedent that the project would set for the rest of the 1700 block of Swann St." Given the clear adverse impact of the proposed porch, as well as the unanimous conclusion of the ANC, the Board should deny the special exception.

I. The Applicant Has Failed to Meet the Burden Necessary to Obtain a Special Exception, Because of the Substantial Adverse Affect the Proposed Deck Would Have on the Adjacent Neighbors' Privacy, Security, Light, and Noise.

The applicant's proposed second floor deck would extend 6 feet beyond the uniform footprint of 15 similar row houses on Swann St. and allow occupants and visitors of 1723 Swann St. to see directly into both of our respective bedrooms at very close range, increase the noise level in our bedrooms, decrease the natural light visible from the kitchen in 1725 Swann St., and decrease the security of both of our houses. For these reasons, the applicant has failed to meet the burden necessary to obtain a special exception under 11 DCMR 223.

Under 11 DCMR 223, the applicant must prove that a proposed deviation from zoning requirements "shall not have a substantially adverse affect 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;
[and]

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

The Proposed Deck Would Substantially Decrease Adjacent Neighbors’ Privacy. The proposed deck at the back of 1723 Swann St. would have a substantial adverse effect on our light, privacy, noise, and security. As illustrated in the photograph below, the applicant’s home is one of approximately 15 row houses on Swann St. with exactly the same footprint including second floor bedrooms at the back of the respective homes. By disturbing the uniformity of the footprint of these houses by protruding 6 feet, the new deck would allow its occupants to look directly into both of our second floor bedrooms from a very short distance as well as the dining room of 1721 Swann St, thus negatively impacting our privacy.



The proximity of the proposed deck to the second floor windows of 1725 Swann St. is shown in the photograph below. While there are other porches across the alley, these are 30-50 feet away, while the applicant's proposed deck would be built a mere 5 feet away from our bedroom windows, thus substantially decreasing our bedroom privacy.



The Proposed Deck Would Substantially Increase Noise in Our Homes. The proposed protruding deck on the second floor would significantly increase the level of noise mere feet from our bedroom windows. We note that the new level of noise in our bedrooms would be much greater than noise from decks 20-50 feet away across the alley. For example, the proposed deck would be a mere 5 feet from the bedroom window of 1725 Swann St. Thus, any conversation or music, even if limited to one or two people, would easily be heard even if the bedroom windows were closed. The inevitable increase in noise from the proposed deck directly next to a bedroom window would substantially and negatively affect the use and enjoyment of our homes, especially in our bedrooms.

The Proposed Deck Would Substantially Decrease Security in Our Homes. The proposed deck would also adversely impact our security by creating a new horizontal beam on the second floor that would span the entire width of the applicant's property. Someone with access to the

proposed deck could easily use the new beam to directly access the second floor bedroom windows of the adjacent home on 1725 Swann St. The proposed deck and support beam would also extend to within just a few feet of the second floor of 1721 Swann St. Accordingly, the new deck and support beam would create a significant new security risk that would substantially and adversely affect the use and enjoyment of our homes.

The Proposed Deck Would Substantially Decrease Natural Light in 1725 Swann St. The support beam of the protruding deck, even as revised, would significantly decrease the natural light available through the first floor kitchen windows of 1725 Swann St. (shown below). The applicant is proposing to support the new deck with two steel beams that would stand approximately 15 feet high and extend 6 feet from the back of the applicant's home. The applicant is also proposing to build a second floor cross beam that would span the width of the property and also extend 6 feet from the back of the current building. The proposed beam and cross bar adjacent to 1725 Swann St. would significantly block skylight visible in the first floor kitchen shown below illustrated below. The beam and cross bar would block visible sky light to a much greater extent than the applicant's construction ladder visible in the photograph. Note that the proposed supporting beam would extend vertically roughly from the bottom of the ladder, to the second story, with the beam and second story crossbar blocking much of the sky visible in the photograph. Therefore, the proposed deck would substantially affect the natural light available to 1725 Swann St.



For the reasons described above, the proposed deck would have a substantial negative affect on the use and enjoyment of our homes due to (i) decreased privacy in our bedrooms, (ii) increased noise in our bedrooms, (iii) decreased security, and (iv) decreased natural light available in 1725 Swann St. Thus, the applicant has failed to satisfy the burden necessary to obtain a special exception, and the Board should deny the application.

II. The Applicant Has Many Other Options for Outdoor Space.

We believe it is important for the Board to know that the applicant has several other options to access outdoor space for which we have no objection. Aside from the applicant's existing large front porch, we would have no objection to the owners building a large porch off of the first floor or a roof deck. In addition, the applicant could build an enclosed porch on the second story that does not protrude from the back of the existing structure, as many other neighbors have done. None of these options would present the level of negative impacts to privacy, noise, security, and loss of light.

Finally, while other neighbors may support the applicant's porch because they are friends, we are the only two adjacent neighbors, and would bear the brunt of the negative consequences.

In conclusion, we hope the Board will come to the same conclusion as the ANC: Even after slightly modifying the size of the proposed deck, the applicant has failed to meet the burden of proving that the proposed deck would not have a substantial adverse effect on our homes. We have shown that the opposite is true: the deck would have a negative impact on the use and enjoyment of our homes in several substantial ways. For these reasons, the Board should deny the special exception and allow the applicant to build a deck on the first floor or the roof.

Respectfully submitted,

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