

Susan and Sig Cohen
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Washington, DC 20002
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May 22, 2018

ATTACHMENT TO FORM 140 –PARTY STATUS REQUEST – Case No. 19728

**Proposed Renovation & Addition to 121 Tennessee Ave., NE Washington, DC
20002**

TO: Board of Zoning Adjustment
Government of the District of Columbia
441 4th St., NW- Suite 210 South
Washington, DC 20001

RE: BZA Zoning Application – **Case No. 19728**
Application of Patrick and Becky McGeehan
121 Tennessee Ave., NE
Washington, DC 20002

PARTY WITNESS INFORMATION:

1. List of witnesses who will testify on the Party's behalf: NONE
2. Summary of Testimony of each witness: SEE BELOW
3. A Summary of expert witnesses: NONE
4. Total time requested to present our case: 15 minutes

We have resided at 125 Tennessee Ave, NE for 32 years. Our home is two houses to the north of the McGeehan's (at 121 Tennessee Ave., NE). We will be adversely impacted if they get relief from the District of Columbia Board of Zoning Adjustment to construct a new three-story rear addition to their home. Thus, we strongly recommend that the BZA NOT grant the McGeehan's request for special exemption.

Here's why:

1. We dispute the findings of the Light and Shade Study carried out by the architect. We believe that the construction *would* obstruct the flow of light and air to the rear of our

property especially during Winter months when that the blockage of light will be most pronounced. (See Attached photos)

2. We have learned that the Light and Shade study is not a requirement, but a factor when considering whether to approve special requests, such as the McGeehan's, for an zoning exemption. Nevertheless, it played a major part in the deliberations of the ANC6A Economic Development and Zoning (EDZ) Committee when on April 18, 2018, it approved the McGeehan's request, despite our protestations to the contrary.

In his May 17 email to Allison Boyer EDZ Chair Brad Greenfield explained his Committee's decision to approve the McGeehan's request this way: "The EDZ found that while there was some small impact on the light and air on your (Ms. Boyer's) home, the scale of this impact was not significant. The new addition will result in shade that affects one window of your home, but only for a few hours in the afternoon. There would be no impact in the morning."

Importantly, Mr. Greenfield's conclusion was reached WITHOUT a Light and Shade Study for the winter months. Still, he contended that the Committee "was able to extrapolate the impact based on the three dates that were submitted." (Really?)

In Mr. Greenfield's subsequent presentation to ANC6A Commissioners on May 18 he cited the Light and Shade study as a key to his Committee's decision.

Now we learn the Light and Shade study was only *HALF a study*. According to Gary Peterson, Chair of the Capitol Hill Historical Society, "[The Study] is missing the part showing the shadows before the construction.....It is impossible to judge the effect of the new shadows without the before information." After considering multiple requests for special exemptions like the McGeehan's, how could the EDZ committee ignore the absence of a companion Light and Shade Study that would show light and shade BEFORE construction?*

What we also found distressing is the fact that a member of the ANC6A Economic and Zoning Committee, Missy Boyette, **is the McGeehan's architect**. We understand as well that in 2013 her firm also served as architect for an approved addition to the residence

* The BEFORE study was uploaded to the Case file May 22, 2018.

belonging to Brad Greenfield, Chair of the ANC6A EDZ. While she recused herself from considering the McGeehan's case at the EDZ meeting, we cannot help but believe that her membership on the Committee carried some weight in its decision to support the project.

We were also told by a colleague of Ms. Boyette that this case would not have to be considered by the Historical Preservation Review Board because the addition is under 500 square feet. We subsequently learned that the HPRB considers other criteria than just an addition's square footage.

Despite our strong opposition to this proposed exemption and construction of the rear addition to the McGeehan's home, the Committee voted 3 to 0 to support the [McGeehan's] request for relief on the condition that they "*make best efforts to get letters of support from seven neighbors before the [May 10 full] ANC6A meeting.*" They didn't. The McGeehan) got only one letter of support before the May 12 ANC6A meeting. My neighbor (Allison Boyer) who resides to the immediate north of the McGeehan's property and we sent letters in opposition to all 8 ANC6A members.

Given all of the above, we came away with the impression that the EDZ Committee appears to be more a club than a committee.

Discussion of the Project

Ms. McGeehan did discuss the project with us. We showed her the potential impact of their proposed construction on the light and air flow to the rear of our property. (Ms. Boyer did the same.) The McGeehan's would not give an inch on modifying their design. Instead, they replied that perhaps the three-story wall could be a 'green wall' or covered with attractive graffiti.

The ANC6A Meeting

At their May 12 monthly meeting the ANC6A Commissioners considered the proposed exemption. As mentioned, Ms. Boyer and we had sent letters of opposition to all ANC6A members. We believe that ANC6A did not receive more than one letter of support before the meeting. Despite our pleas the ANC6A Commissioners voted to approve the project 4 -1 with 3 abstentions.

There was scant discussion among the Commissioners about the impact of the construction on our homes. There was nothing noted about the failure of the McGeehan's to produce 7 (even 2!) letters of support at that time. Little or nothing about the concerns of the adjacent neighbors who have resided a total of 50+ years on Tennessee Ave.

What was especially galling was the way our own ANC6A04 SMD Commissioner Amber Gove framed the issue before the ANC6A Commissioners voted. Despite physically visiting our homes and viewing how the proposed construction would impact our line of sight and air flow, she framed the ANC's decision as choosing between supporting a young growing family who has chosen to live on the Hill or risk their moving away from the Hill and the property becoming a rental unit with Heaven knows who living there. Nothing about light, shade, airflow, or our concerns.

The ANC6A Letter to Mr. Clifford Moy, Secretary to the DC BZA Commission

In his letter to Mr. Moy, ANC6A Chairman Phil Toomajian pointed out that the design "has taken measures to ensure that the [proposed] addition is in the character of the neighborhood (whatever that means!!) and *"will not disrupt the privacy, air and light of neighbors."* Then Chairman Toomajian asserted, "the ANC believes that this development will not substantially visually intrude upon the character, scale and pattern of homes in the neighborhood." Maybe not from Tennessee Ave. But most definitely from the rear alley. And how would he know? How he could make that claim without physically viewing our homes and the adjacent alley and seeing how the proposed construction *would* impact the rear of our homes. Especially after we, *who reside here*, stated that the proposed addition would have exactly the OPPOSITE effect that he claimed in his letter to Mr. Moy.

Letters in Support of the Exemption

What is happening now is, in our opinion, most unfortunate: As of May 18, 2018, the McGeehan's have solicited and received five letters of support. One comes from a new neighbor living at 1206 East Capitol St., NE who will in no way be impacted by the proposed construction. A second is from a neighbor who lives on the opposite side of Tennessee Avenue from the McGeehan's, who will also not be impacted by

the construction. Three others come from neighbors living on the opposite side of our alley who may be marginally affected by the construction.

Contrast that with our letters of opposition: neighbors residing on either side of the McGeehan's and we who live two doors to the north of them. We could have solicited letters supporting our opposition. But we decided not to. Why? Because as long time neighbors living on the Hill we know what can happen when neighbors are pitted against each other. We've seen it happen on our street and elsewhere on the Hill. It can get ugly. As this situation risks becoming.

Our apologies for this lengthy exposition. My wife and I are heavily invested in our community and hate seeing situations like this arise. But given the profound impact this project will have on our (and Ms. Boyer's and Mr. Daley's) quality of life, we respectfully request the Board of Zoning Adjustment reject this request.

Sincerely,

/s/

Susan and Sigmund Cohen

Certificate of Service

I hereby certify under penalty of perjury that I served a copy of this statement on the Applicant, via hand delivery to 121 Tenn. Ave, NE, Washington, DC 29992 on May 22, 2018.

Sincerely,

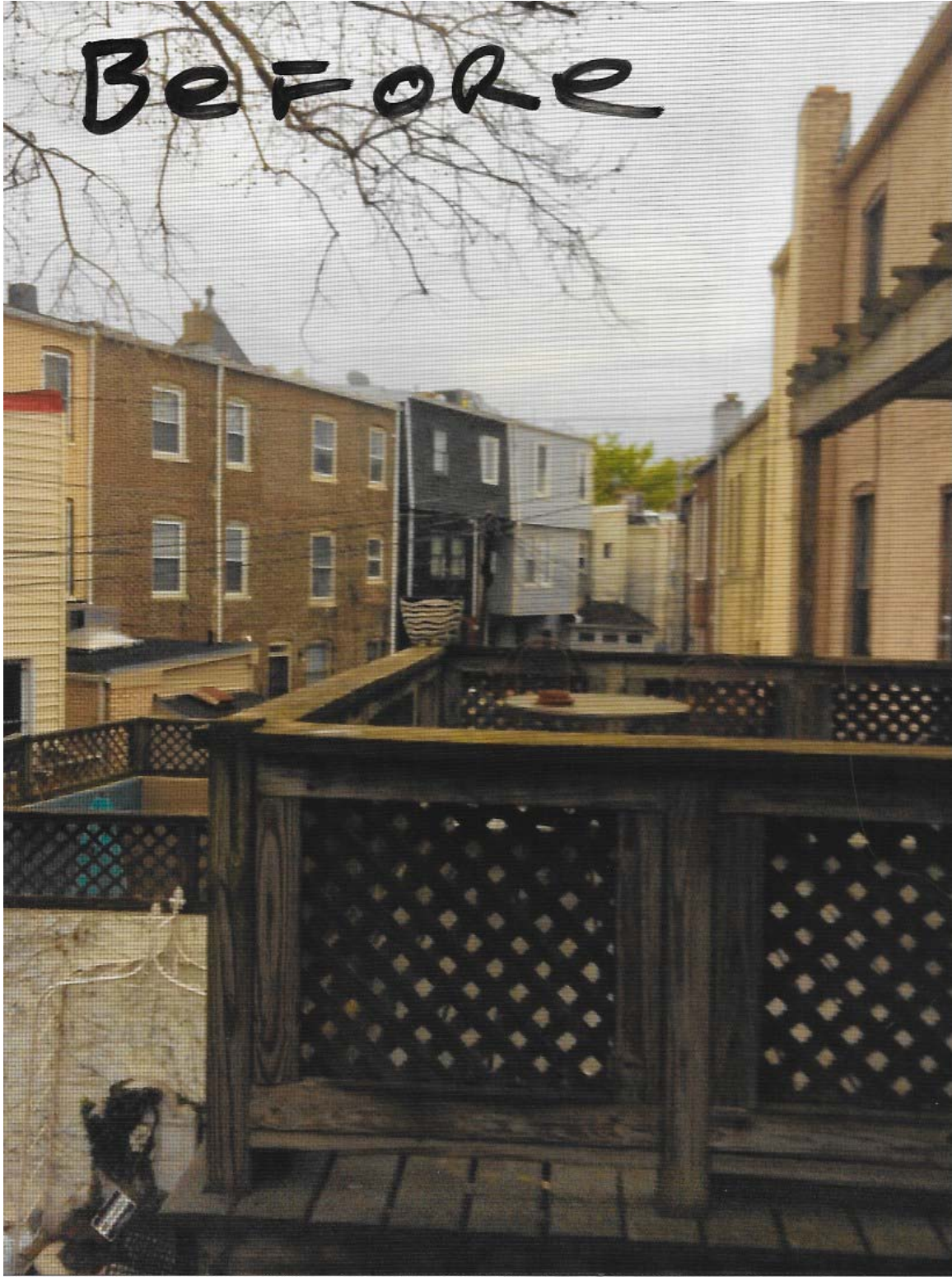
/s/

Sig Cohen

EXHIBITS ATTACHED

The "Before" photo was taken from our rear deck facing south showing a clear line of sight from our home to the southern end of the alley.

The "After" photo shows how the view from our rear deck facing south would be impacted by construction to the rear of the McGeehan's residence at 121 Tennessee Ave., NE.



AFTER

