Case # 16709

The following will address each of the issues raised in Mr. Dacy's letter, however, the BZA will ultimately determine whether this case presents an "exceptional and undue hardship." My wife and I have lived on Capitol Hill for four years and wish to raise a family in this neighborhood. We wish to reside in this home and continue to actively participate in the community. However, due to the uniqueness and non-conforming nature of the corner property, and the unusual layout of what once used to be a small corner store and a very small house, we currently do not have enough usable living area to raise a family.

We have worked very hard to improve a property that when we bought it was a deteriorating rental property owned by an absentee landlord. Our work included completely repointing and repainting the exterior, putting grass and plants in the front yard, and attempting to clean up a sorely neglected back patio area. It is our strong belief that the planned addition will vastly improve the property by not only making it an owner occupied single family home, but also by making it visually more consistent with the homes that surround it. It will complete the row of homes on that street. As it now exists, this property, with its backyard almost as large as the current building, creates a void in the block. That void is a noticeable detraction from our beautifully historic neighborhood. This is one of the reasons why we have such overwhelming support of our neighbors and the support of the ANC, Historic Preservation, and the Capitol Hill Restoration Society.

My wife and I respectfully ask that you approve the variances. Bill Brannon

Concerns of Mr. Douglas Dacy (owner of 305 Third St. SE)

Neighborhood effect:

- We have had overwhelming neighborhood support for the exterior improvements that we have done to the 2-unit rental, and with our current proposal to make 301 Third St. SE a single family home with an addition on the back.
- We would be turning a tenant occupied 2-unit rental property into an owner occupied single family home, which has historically increased neighborhood property values.
- Received approval from Historic Preservation for our proposal.
- Received approval from Advisory Neighborhood Commission for our proposal.
- Received approval from Capitol Hill Restoration Society for our proposal.
- Have received letters from neighbors in support of our proposal including the owners of 225 C St. SE (the adjacent property on C St.)
- Have a petition signed by 50+ neighbors in support of our proposal (neighbors within 200+ft) including from the tenants at 305 Third St. SE and 225 C St SE.

Increased insurance rates:

According to Mr. Gene Cartwright (State Farm Insurance)

- Mr. Dacy's insurance rates would not be affected by our addition unless our changes significantly increase his property value.

Light and air:

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EXHIBIT NO.38

- Mr. Dacy's property is to the South of our property, so the majority of sunlight (which is in the Southern Hemisphere in DC) will not be blocked. We actually receive far more sunlight from Mr. Dacy's property (direction) than he does from ours.

- Mr. Dacy's patio is open on the Southern and Western sides allowing a large amount of sunlight and air from these areas.

- There is only 15 feet of space between Mr. Dacy's property line and our current building, which does not receive much sunlight except when the sunlight is directly above.

- Mr. Dacy's tenant (Hannah Keismann-Ennis), does not feel that our addition will affect her enjoyment of the patio or dramatically impact her light and air.

- Our proposed 2-story addition would be about 7 ft. lower than the roofline of Mr. Dacy's 3-story rental property.

- When we first purchased the property there were three very tall trees in our backyard which cut back considerably on any light and air Mr. Dacy's received from our direction.

Fire Concern:

- Given modern safety and fire codes there are no indications that an attachment would result in an increased risk of fire.

- Fire would not be more likely to be spread to Mr. Dacy's property, especially since we would be attaching only to the back 18 inches of his brick wall and there would be a difference in rooflines of about 7 feet.

- Access by fire and rescue workers to either Mr. Dacy's property or the Baxter's property at 225 C St. would not be compromised since there is access to both properties through the alley and back patios behind Third St.

Flooding:

- A brick wall will not create a condition for flooding at Mr. Dacy's property since all roofline drainage will be controlled on our property.

- There are numerous examples of row houses on the hill with brick walls on both sides, which do not have flooding patios.

- Our addition would have absolutely no impact on the drainage system Mr. Dacy has for his back patio. Additionally Mr. Dacy will not bear any impact from the drainage necessary on our property.

- The water leak to which Mr. Dacy referred to at 307 3rd St. was actually caused by a water leak within the first floor of Mr. Dacy's house.

Windows light on North facing wall:

- We are not applying for a variance to build at the front of our property line facing 3rd St. because it would block all five windows on Mr. Dacy's North facing wall.

- Setting the proposed addition back from 3rd St. to purposely not block these five windows built on the property line.

- The windows that we would have on our addition would face onto 3rd St. and not onto Mr. Dacy's property.

- Currently there are already windows from our property as well as the Baxters' property at 225 C St. that look into Mr. Dacy's property. The windows of our addition would be far less obtrusive.

- Setting the addition back would allow the small bit of light received from 3rd St. to continue to enter the windows on Mr. Dacy's North facing wall.

APPENDIX A:
All contact made with Mr. Dacy or his representative, Ms. Paula Weaver through 31May01.

02May01 – Called Mr. Dacy in Texas to inform him of our plans, and the BZA hearing and ANC meeting*. Asked if I could send him information detailing our plans and he said okay. He suggested I also contact Ms. Paula Weaver, his property manager.

03May01 – Called Mr. Dacy in Texas to ask if he had received the package that I had expressed mailed him on 03May01. He indicated that he had not yet picked it up and asked if I had spoken to Ms. Weaver. I told him, yes and that I had set up to meet with her and show her the property on 07May01.

07May01 – Met with Ms. Weaver at 301 Third St. to discuss our proposal. Showed her the property, plans and drawings, and she said that she thinks it would be a nice improvement. Ms. Weaver also stated "I see no reason why Mr. Dacy should object to your proposal, and I will talk with him about it."

11May01 – Called Ms. Weaver to ask if she had the opportunity to speak with Mr. Dacy. She said that she had, and that he feels that our addition would impact his light, air and insurance rates. She says she is going to look into the insurance issue, but Mr. Dacy is not in agreement to our proposal.

23May01 – Received letter from Mr. Dacy stating that he is unable to sign the letter of approval we sent him, as he feels that our plans would decrease the use value of his house and also increase his insurance.

* Mr. Dacy has accused the ANC of misrepresenting his interest in not inviting him to the ANC meeting. My first contact with the ANC regarding the meeting was when I called Gotleib Simon around 18Apr01 and let him know that I had a date for the BZA hearing. He told me that they would have to fit me into the May 1st and May 8th meeting schedule, since their next meeting would have been on the 12Jun01 (the same day as the BZA hearing). Following the initial preliminary meeting on 01May01, I called Mr. Dacy on 02May01 and personally informed him that there would be an ANC as well as a BZA hearing on our proposal. I also gave Mr. Dacy my phone # and e-mail address in case he had any questions or concerns. Certainlly no information I had was kept secret from him. I not only mailed him a package of information detailing our plans, but also verbally provided him all the information that I could to clarify our proposal.