**Alice T Davis**
**T. Wilkins Davis, MD**
**1843 Park Road, N.W.**
**Washington, DC 20010**

July 9, 2001

Board of Zoning Adjustment
Government of the District of Columbia
441 Fourth Street, NW, Suite 210S
Washington, DC 20001

**RE: BZA Application # 16732/ Jim Barnett**
**For Variances to 1841 Park Road, NW**

Dear Board Members and Staff:

Pursuant to 11 DCMR Section 3106.2, we wish to participate as a party in any proceedings before the Board regarding the referenced BZA Application #16732. This request has been submitted 14 days in advance of the scheduled hearing on the matter.

**(a)** ***Person's name and address*:**

Alice T. Davis and T. Wilkins Davis, MD, residing at 1843 Park Road, NW, are abutting property owners.

***(b) Request to appear and participate as a party:***

We request to appear and participate as a "party" in any proceedings regarding the referenced BZA application.

***(c) Whether the persons will appear as a proponent or opponent of the appeal or application:***

We will appear as opponents of the referenced Application.

***(d) Whether the person will appear through legal counsel:***

We will appear without legal counsel.

***(e) Written statement setting forth why the per son should be granted party status, including reference to the following:***

BZA
Case No. 16732
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO.16732
EXHIBIT NO.35

***(1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the zoning relief requested of the Board.***

We are owners and occupants of 1843 Park Road, NW, which is an abutting property to the west of the subject property; and will be directly affected by the zoning relief requested.

***(2) The legal interest the person has in the property:***

We are owners of 1843 Park Road, NW since 1954, over 47 years.

***(3) The distance between the person's property and the property that is the subject of the application before the Board.***

The distance between our property and the property that is the subject of the application is 10 feet between the two main houses, four feet from our house east to the property line, six feet from the subject main house west to the dividing property line and from 1 to 2 feet between the two carriage houses/roofs. There is an open chain link fence on the subject property that runs the length of the main houses almost up to the carriage houses, providing visible access between the properties. There is no separation between the property lines from the street along the open space to the top of the hill where the houses are built.

***(4) The environmental, economic, social and other impacts likely to affect the person and/or the per son's property if the zoning relief requested of the Board is approved or denied:***

(a) **Environmental/Security Impact: (i)** Given the topography of the north side of the 1800 block of Park Road, NW, where the front of the houses were built on a hill and the backs of the houses are almost level with the alley, the alley is used predominantly or exclusively as ingress or egress to the residences and to serve the needs of the homeowners. Our security as we walk or drive up and down the alley, particularly after dark and early morning, is that we know and recognize the people in the alley and around the alleyway. This security safeguard would be jeopardized by patients using the office space proposed or by the possibility that the occupants of the proposed rental units could change with no determined frequency.

(ii) In our instance, navigation of the front steps, 31 from the street to the front door, was not an issue when we purchased the property because of the alley which served the single family homes which then lined the alley on both sides. Navigation of the front is not now an option for Dr. Davis whose extended physical handicap does not allow him to use the front steps. In addition, his provision of professional services to the DC Government requires him to be available on a 24 hour / seven-day basis, so safe access to and availability of the alley are necessary.

**(b)** **Social impacts:** As senior residents, security and the right to move freely within our home are fundamental to our living environment and these rights would be threatened and curtailed by visibility to business clients and unknown occupants of rental units if the variances are allowed.

( i.) Those living areas most used by our family, specifically the kitchen, bedrooms, and bathrooms, can be seen from the windows and rear yard area nearest the proposed variances by anyone living in the carriage house or using the proposed home business entrance in rear of 1841 Park Road ("1841"). In the past, during vacation periods, or other times when either family would be absent from home, the other family provided surveillance. During the years several intruders were thwarted and break-ins averted by family surveillance. If the proposed variances are granted, the increased traffic of strangers and intermittent renters would compromise security and open the isolated area where the two houses meet to unknown scrutiny and unwanted intrusion. The close proximity of these two houses is substantially invaded by the proposed multi-family and business use.

(ii) The rooms on the front east side of 1843 Park Road ("1843"), on the first floor are four (4) feet from the property line and the windows on 1841 are less than 6 feet away from the property line. These rooms in 1843 have many windows and provide light to the east side of our house and center hall. Further, the east side room enters into a center hall by an archway. This means not only the east side of 1843, but also the center hall and living room on the west side are visible from 1841. Granting of these variances would require us to block off the east side of the house, limiting usage and blocking out natural light, and preventing surveillance of the east side of the house. The space between the houses is isolated. The carriage houses block the view from the alley or backside and the terrain is too high for visibility from the street. Thus the proposed variances further compromise our security and limit our use of the east side of our home.

(iii) The use of the carriage house second floor as a rental unit poses an unusual threat to our security, privacy and use of our home. The second floor windows of the 1841 carriage house look directly into the kitchen and upstairs dressing area. Occupancy of the second floor of the carriage house would mean the economic and aesthetic burden of covering the windows, and the loss of light and privacy. (Note: The second floor of the 1841 carriage house had not ever been used for living when I purchased the house and has remained so through the years.) The kitchen, where so much of our living occurs, not only for preparation of food, but also for frequent gathering of family and friends, has only "one" window. The rental occupants that would result from this variance and business clients would have direct view into this window. If the variances are allowed, we would be left with no alternative but to cover the window, thereby destroying the usage of our kitchen as we know and enjoy it.

(iv) The carriage house at 1843 was formerly used by the horse groomsman and, later by the chauffeur who serviced the family's automobile on the site. The 1841 carriage house had been used for storing of feed and for feeding of the horse. The carriage house has the feed door upstairs through which hay was passed and one of the last horse troughs intact in the City today. With the advent of the Deane (1841) and Davis (1843) children, the carriage houses were used as play space, and storage of confidential records. Historically, the carriage houses were used for work, parking, storage or recreational use, not for overnight sleeping.

(v)The heavy traffic noise on Park Road, from the Metro buses rumbling and vibrating the houses and the sounds of pedestrians from both sides of Park Road traveling near our house, have caused us to gravitate to the back side of the house for relaxation and tranquility. The use of 1841 for rental units and a business in the rear of the house will jeopardize the tranquility and relaxing atmosphere of the home for which we have made big financial investments.

(b) **Unanticipated Economic Impact (Economic Value / Need for Further Improvements)**: (i.) We were influenced to purchase 1843 Park Road by the *late* Dr. Robert Deane, the former owner of the subject property – 1841. Dr. Deane, the second resident of 1841, knew we were scouring the suburbs looking for a large single family home (I am a native Washingtonian, African-American, and few areas were open to us at the beginning of the 50's.). He urged us to remain in the District in his neighborhood of stable single/family homes. Dr. Deane dearly loved his house and recruited us to buy 1843 because he knew we felt the same about the use and preservation of these type houses.

(ii)To wit, when he was left to live in the house alone, he kept the house on the market for years as he relentlessly sought a buyer who would keep the house as a single family owner/occupied home. Several interested persons were turned down when he became aware of their intent. We voiced to the realtor our objections to any sale for use other than as a single family home for the sale of 1841 when interested buyers were brought forth who sought the property for other intentions and purposes. While there were other prospective buyers who were seeking a large single family home to use solely as their residence, unfortunately Dr. Deane was urged to take the Applicant's contract virtually on his "death bed". From our conversations with Dr. Deane over the past few years and during his hospital stay, we are certain he never intended to sell this property for multi-family use.

(iii)We are the second residents of 1843,which was also built at the turn of the century. We have lived through a complete metamorphosis on this block – from undesirable rooming houses and declining boarding homes to finally a return to restored, single family homes. We saw property values and home services decline and eventually disappear before the area returned to single family owner occupied homes. Historic preservation was gained to protect and preserve the uniqueness of

the architectural designs of these classical revival homes and to ensure the stability and character of the block. Later, the designation of the area as a *Historic District* added further protection to the preservation of the character of the area. The introduction of rental units and a business, as proposed by the subject variances, will open the floodgates to decreased value of our property and erosion of the character of the block. This will greatly affect our property value because of the close proximity of the proposed rental and commercial units resulting from the subject variances.

(iv)If these variances are granted, it will necessitate undue expense by us internally and externally to provide safeguards from intrusion and lack of privacy presently enjoyed. Further, the cost of household improvements will be far greater because we are located in an *Historic District.*

(v)Further, if the variances are granted, it would negatively affect the value of my property, a large single family home, within 10 feet from a multi-family rental property with a business-commercial use. Without required side yards and setbacks, depending on how the renters treat the property, the condition and maintenance could be significantly compromised and produce an eyesore. The value of the property as a single-family structure with a quiet enjoyment of space will be significantly reduced if the variances are granted.

(c) **Traffic Impact:** (i.)The proposed variances would produce an influx of vehicular traffic of patients, renters, their guests, and associated service needs. This would be far beyond that generated by single family usage. This increased vehicular traffic would lead to a congestion that would change negatively the environment that existed when we, and other nearby residents, made property investments.

(ii)Also, the alley is one lane wide, with no ability at this point to pass around standing vehicles loading/unloading people or goods. Thus, if the occupants of the many units proposed by the variances and business patrons stop at 1841, we would be unable to get to our entrance. 1841 comes first in the normal flow of one-way traffic down the alley, generally east to west.

(e) **Parking Impact:** Mount Pleasant, our neighborhood, is already a congested parking area. Unlike the condominium structure at the corner of 18th and Park Road which has side street parking, 1841 Park Road is mid-block and only has parking space in the carriage house for up to two small cars. Per the proposed variances, if each family household in the multi-family structure had one or more cars, we could anticipate the need for up to five or more parking spaces (not counting visitors or business clients). Why subject the area to even more cars to compete for the already too few spaces.

(f) **Impact of Construction Service**: (i.) Renovation of 1841, resulting from the proposed variances to accommodate rental units in the carriage house and a business, will require additional excavation of Park Road and the alley to create and connect utility services to these units. The alley on which we navigate daily has a long patch of unfinished construction, from many years back, which has mud when it rains, ices in the winter and damages the alignment of tires. The utility company, which was required to make the repairs, has steadfastly reneged on its promise to re-brick the area. Other demands on city construction follow-up have placed this issue on the back burner. With the proposed variances allowing construction of new structures and extensive renovations, we envision construction equipment further eroding the negative aspects of the cracked alley. The proposed constructions and renovations will require additional monitoring by the City and by the surrounding homeowners, more than would be required if the new owners were renovating just for their own personal use as occupants of a single/family residence.

(ii) Further, the sewage system running beneath the alley is an aging infrastructure and its capabilities need not be taxed further from construction run-off and multi unit usage. It would be a travesty for us to have to endure, monitor, and pay for (eventually with tax dollars) the extensive excavations and service hook-ups and accompanying air pollutants, noise and free flying debris, rodents and minimized use of the alley – to mention some of the burdens and hazards – such a project would place upon us if these variances are granted merely for the pecuniary interests of a new homeowner.

(iii) The questionable activities and varying reports on proposed usage of the property by the Applicant have caused us to question the motives of the new owners in their property variance plans for 1841. We are uncertain as to the extent of proposed expansion and density increases, or changes in proposed historic character and property use if requested variances are granted. For example, we have been threatened by the Applicant that he could create a family unit for every 900 square feet and that he is seeking to combine his two lots for a total lot in excess of 12,000 sq. feet. A combined lot would allow the Applicant to increase the size of his proposed multi-family structure in excess of ten units. Since the Applicant has not fully disclosed his intentions, we do not think the BZA has the correct information regarding the proposed impact and use of requested variances. Further the Applicant has not shown the dire necessity for these variances as weighted against the negative impact of the proposed variances on surrounding or abutting property owners.

*(5)* ***An explanation of how the person's interests as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning relief than those of other persons in the general public.***

As abutting property owners, located from 10 to less than one (1) foot from the subject property and requested variance improvements, we are significantly, distinctively, and uniquely affected by the proposed zoning relief:

- **No other property owner is as close to the subject property and proposed variance changes and no other property along the block is configured as close to one another as our two properties.** As an abutting property owner, our houses are ten feet apart at the widest and our carriage houses (where variances are requested) are from one to three feet. The other abutting property owner has estimated that its house is approximately 50 feet from the main house. The adjacent properties to the rear are separated by a slim alley. The subject property and my property have many uniquely large windows that are longer and wider in shape than in most houses. In our house, most of the heavily used living activities, i.e., kitchen, bath, master bedroom, are on the side of the house in closest proximity and view to the proposed variance improvements. The use of these rooms would be directly impacted by approval of the requested variances.

- **The proposed variances changes would be in direct view of our property and the proposed activities to emanate from the requested variances will directly impact our freedom of movement, access to light and the physical safety and emotional well being of the occupants in our home.** The direct impact of granting the variances would be to incur substantial home improvement costs to prevent visual and unwanted access to our property, limitations on sunlight from the need to cover windows near the variance improvements to prevent unwanted invasion of privacy, and increased noise from additional unrelated occupancy movement. Also, such proposed variances will restrict our opportunity for freedom of movement and the quiet enjoyment of our home.

- **The topography of the land in the front of both my house and the subject house results in our alley entrances serving as our main ingress and egress from our houses into an alley area isolated from public view**. This is uniquely different from most single family neighborhoods. As opposed to using the front entrance, we must use the back entrance, in part because the occupants of our property are handicapped physically and cannot use the steps up the front for medical reasons. The proposed variance would allow for a constant stream of an unpredictable number and types of strangers and different visitors or occupants who would have access to an isolated area during the day and night. This never existed before.

- **Unlike the general public, uniquely we have carriage houses that are separated by from one (1) to less than three (3) feet.** At a point on the property, the eaves of the carriage house appear to touch each other. Further, there are two windows on the second floor of the carriage house with view to our second floor living space. The two windows on the west side of the 1841 carriage house and the window on the east side of the 1843 carriage house are less than

three feet apart. The variances would provide for use of the carriage house's second floor as rental units, whose occupancy could change depending upon the relationship with the owners of the subject property. To our knowledge, at no time, has this type of living arrangement been approved in our neighborhood, where the carriage houses are so close together.

- The factors set forth above significantly, distinctively, and uniquely affect our property and that of 1835 Park Road, for we are abutting properties to 1841. **1843 is most affected by its proximity.** As such, both of us, and those property owners contiguous to 1841, deserve party status in opposing this Application for variances to 1841.

If additional information or explanation is needed, we may be reached at (202) 332-1843. We thank you for providing a forum so that we may save our home and for consideration of the factors set forth herein.

Sincerely,

Alice T. Davis

Alice T. Davis

T. Wilkins Davis, MD