BEFORE THE
BOARD OF ZONING ADJUSTMENT
GOVERNMENT OF THE DISTRICT OF COLUMBIA

APPLICATION NUMBER 16780
(Application of Lenard Woods for multiple variances at premises: 1360 East Capitol St., NE (Square 1035, Lot 82))

STATEMENT OF CHRISTOPHER AND CHERYL CORSON
IN OPPOSITION TO THE APPLICATION

We live at 1362 East Capitol St., NE. Mr. Woods owns the vacant house that is next-door at 1360 East Capitol. In March, he built a new, two-story rear deck, all of which exceeds permitted lot coverage. We have lived with the unlawful deck for seven months, and we know how it harms the security, privacy, view, light, quiet, and physical maintenance of our own property. Our opposition to Mr. Woods's application is based on our experience.

A. All of Mr. Woods's deck is in excess of a pre-existing non-conformity.

The house that Mr. Woods owns was the mirror image of our house, built at the same time. As built, both houses covered 61% of their lots. This coverage included a two-story wooden porch at the back of each house, and these porches were side-by-side with a wooden partition between them. We have attached a copy of a survey of our house, with Mr. Woods's house drawn in.

More than a year ago, Mr. Woods removed his wooden porches and, last spring, replaced them with a new two-story masonry addition that takes up all of the original 61% footprint. Last March and April, he then added a new two-story deck that extends an additional 8½ feet farther back from where his house used to end (and ours still does). Thus, all of the new porch construction is in excess of the pre-existing, original 61% of lot coverage.

BZA
Case No. 16780
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16780
EXHIBIT NO.22

B. Mr. Woods's application for a variance does not meet a single one of the criteria required by the DC Code.

As set out in DCMR Section 3103.2, the DC Code permits the consideration of a variance

> "[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property . . . , or by reason of exceptional topographical conditions or other extraordinary situation or condition of a specific piece of property, the strict application of any regulation . . . would result in peculiar or exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property . . . ."

Not a single requirement in this section is met in this case. Mr. Woods's lot is 16.25 feet wide, which is standard for Capitol Hill. Its depth is 135.58 feet, which is very deep by Capitol Hill standards. Its shape is a rectangle, so there is no shape problem at all. Likewise, there is no topographic problem; the site is flat. And there is no "other extraordinary or exceptional situation or condition." Quite simply, the house owned by Mr. Woods is generous in size, and it is located on a large lot with no irregularities or obstructions of any kind.

With respect to whether there are "peculiar or exceptional practical difficulties to or exceptional and undue hardship upon the owner," there are none. Mr. Woods decided to replace his original wooden porches with a masonry addition in order to expand the interior of his house. He completely filled the original non-conforming footprint, and his decision left no room for a lawful deck. If he now finds himself with no right to a rear deck, the situation was completely of his own creation. Consequently, there is no basis under DC law for a variance to be granted.

C. Mr. Woods' new porches seriously impair the security, privacy, view, light, quiet, and physical maintenance of our own property.

The DC law quoted above also states that even if the criteria for a variance are met – clearly not true in this case – a variance still can only be given if "the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan . . . ." A variance in this case would definitely violate this requirement as well. Mr. Woods's completed construction has already harmed our property substantially.

Security. The attached pictures show that someone can step easily from the second story of Mr. Woods's rear porch directly onto our second floor porch. Our porch used to be secure, and there is a door and a window from this porch into our back bedroom. Our former security is completely gone. And this problem is especially

serious, because Mr. Woods's house is obviously vacant. Therefore, for the last seven months since he built his unlawful construction, our house has been prey to any vandal who might enter his house and step from his second-story porch to ours. We do not think that we should ever have been subjected to this problem, and we want it abated as soon as possible.

Privacy. Someone standing on Mr. Woods's second-story rear porch is only six feet from the back door and window of our rear bedroom – able to look directly into our room. When our houses were originally built, our rear porches were adjacent but entirely private. Now the privacy that used to exist in one of our bedrooms is gone – unless we keep shades pulled on the door and on the window. We strongly object to losing the privacy of one of our bedrooms due to Mr. Woods's unlawful construction. There is also a problem with Mr. Woods's first-floor deck, from which someone can look directly into our kitchen door and window. Furthermore, the new construction towers over our back yard and intrudes on the enjoyment of that space, too. These problems are shown on the attached pictures.

View. When Mr. Woods's house and ours were originally built, our porches were adjacent and co-terminous. At that time, the view from our rear windows and porches was completely unobstructed for 180°. We had a spacious view of the deep back yards and trees in the interior of our block. Now, our view to the left for a full 90° is obstructed by Mr. Woods's unlawful decks. They are the most obvious and dominant feature of our view, and we do not see any reason for granting a variance for unlawful construction that has spoiled what was once a very enjoyable aspect of our house.

Light. Since Mr. Woods built his decks seven months ago, we have had shadow cast on our back yard where none existed before. Now that the sun is lower in the sky, his decks cast shadow fully halfway – or more than 25 feet – into our yard. Thus, just when we would like to be able to enjoy the fall sun, the new construction blocks it.

Quiet. The original rear porches on our houses were (and ours still is) modest in size, large enough for two or three people. Mr. Woods's new decks are substantially larger and would seem to accommodate at least 15 people. We are concerned that Mr. Woods built them that large in order to use them in that way, which would create a great deal of noise directly outside of our rear bedroom. That would further impair the privacy of that room and impair its use as a bedroom.

Physical maintenance. Lastly, we would like to note that Mr. Woods built his new first-floor porch directly up against the top of the party fence that separates our back yards. Due to the way in which that fence is constructed, it is now impossible to replace any of the upright boards for the entire length of Mr. Woods's porch. We hope that the fence stays in good condition, because it cannot be repaired any more.

Encouragement of other unlawful construction. Since Mr. Woods built his clearly unlawful decks, another neighbor about six houses to the other side of us also built a deck that violates lot coverage limits even more. We received no notification of a

variance application, so we believe that this other neighbor's deck was also built without a valid permit or variance. Perhaps that situation will come before this Board at a future date, but such problems clearly spread when some neighbors see what other neighbors have done. The danger that Mr. Woods's construction causes for the "intent, purpose, and integrity of the zone plan" is not hypothetical; it has already spawned other building in violation of plan.

We believe that the impairment to our property and the enjoyment of our home has already been substantial. Our second-story rear porch is vulnerable to any intruder from Mr. Woods's second-story porch, and his house is still standing vacant. We have lost all privacy in our rear bedroom. The rear view from our house is obstructed and spoiled, and there is shadow across half of our rear yard. If and when Mr. Woods moves in, we are concerned about noise right outside our rear windows. We do not think that we should suffer any of these impairments from unlawful construction, and we would like relief as soon as possible. And we believe that the Board should immediately put a stop to such zoning violations before they continue to spread.

D. Nothing about this situation warrants any special exemption from legal requirements.

We would also like to give some more context to Mr. Woods's application, in order to show that no special consideration is warranted. In short, Mr. Woods has broken or ignored the zoning and construction rules and regulations at every turn. The fact that he has done so and completed his unlawful construction is no reason to allow it to stay.

1. Mr. Woods has circulated a statement in which he states that he obtained a plat from the DC Surveyors Office that did not show his garage and that he was never instructed to show his garage when he delivered the plat to the permit office. By his own statement, he submitted a plat to the permit office that he obviously knew was incorrect.

2. When Mr. Woods started laying the decking of the first version of his new construction – at that time an approximately 18-foot extension instead of 8½ feet – we and another of our neighbors each told Mr. Woods that his plans clearly violated lot coverage limitations and that there was no way that his decks would not be challenged by adversely affected neighbors. He completed the first-story decking anyway and received a stop work order. He then cut back the 18-foot plan to the still unlawful 8½ feet and built the second story. Thus, Mr. Woods was informed of the lot coverage problem before he incurred virtually any of his construction costs, and he chose to complete the unlawful construction anyway.

3. Mr. Woods completed his rear decks at least seven months ago, in March or April. We knew that they were unlawful and spoke with the building inspector, who told us that the zoning office had instructed Mr. Woods to file for a variance. In July, we contacted the zoning office to find out if anything was happening, and we learned that Mr. Woods had done nothing. That office then posted a notice

requiring Mr. Woods to file for the variance or be fined, and that is when he finally made his application.

4. At the ANC stage, the chairwoman of the ANC's zoning committee personally visited Mr. Woods to encourage him to attend the ANC meeting at which his application was considered. He did not appear.

5. Mr. Woods never posted the required orange signs to notify the public of this BZA hearing. We do not want this hearing to be delayed, however, because Mr. Woods would only profit from delay – his unlawful decks are already constructed.

6. Mr. Woods's disregard for the rules has unfortunately been the norm. When he removed his original wooden porches to make way for his masonry addition, he asked our permission to remove the wooden partition that was the side wall of our porch – on the promise that his contractor would contact us the next week about full replacement at no cost to us. We agreed on that basis, and Mr. Woods destroyed the side wall of our second-story porch. We have never been contacted about any repair or replacement.

7. After Mr. Woods removed the side wall of our second-story porch, he did not build his addition for at least four months. During that time, there was no side wall or rail on our second-story porch at all. If one had walked on to our porch from the rear door and had taken two steps to the left, one would have fallen directly into Mr. Woods's rear yard.

8. When Mr. Woods finally built his masonry addition, he left exposed cinderblock on the entire wall that faces our property, which appears to violate his permit.

9. We later discovered that Mr. Woods's workers had also destroyed the base of the left-hand column of our second-story rear porch. That column was hanging from the rafter supporting the porch roof. It gave no structural support to the porch railing, which was in fact unsafe. We have stabilized the column and railing ourselves. The column needs to be replaced.

10. Mr. Woods and his workers frequently violated the permit restrictions on when construction can take place. There has been noisy construction at 10:00 PM and often on Sundays. When Mr. Woods removed the original brick rear wall of his house (after the new masonry addition was completed), he used what sounded like a chain saw on the brick on the Sunday morning of Passover. After we finally discovered that there are restrictions, we asked Mr. Woods on a Sunday to stop working. He refused and denied that any permit restrictions exist. We called the permit office the following Monday, and they posted Mr. Woods house. When one of his crew worked after 7:00 PM again, we had to call the police.

E. This situation should never have been allowed to get this far.

Lastly, we strongly object to the fact that the zoning and permitting processes allowed this situation to develop. If Mr. Woods had been stopped at the appropriate time from building his plainly unlawful porches, most of our complaints in this statement would never have arisen. In the absence of appropriate enforcement, Mr. Woods completed his construction, and we must now appear in a formal proceeding to reclaim our own property rights. We have no interest in being antagonistic to Mr. Woods, and we in fact support whatever he wants to do with his house as long as it is consistent with the zoning rules.

As this situation has developed, however, we must oppose Mr. Woods's application in the strongest terms possible. There is not a single aspect of DC law that would support a variance in this case, and granting one would perpetuate severe harm to our property and to our enjoyment of our home. We ask that the application be denied.

Respectfully submitted,

Christopher T. Corson 10/30/01

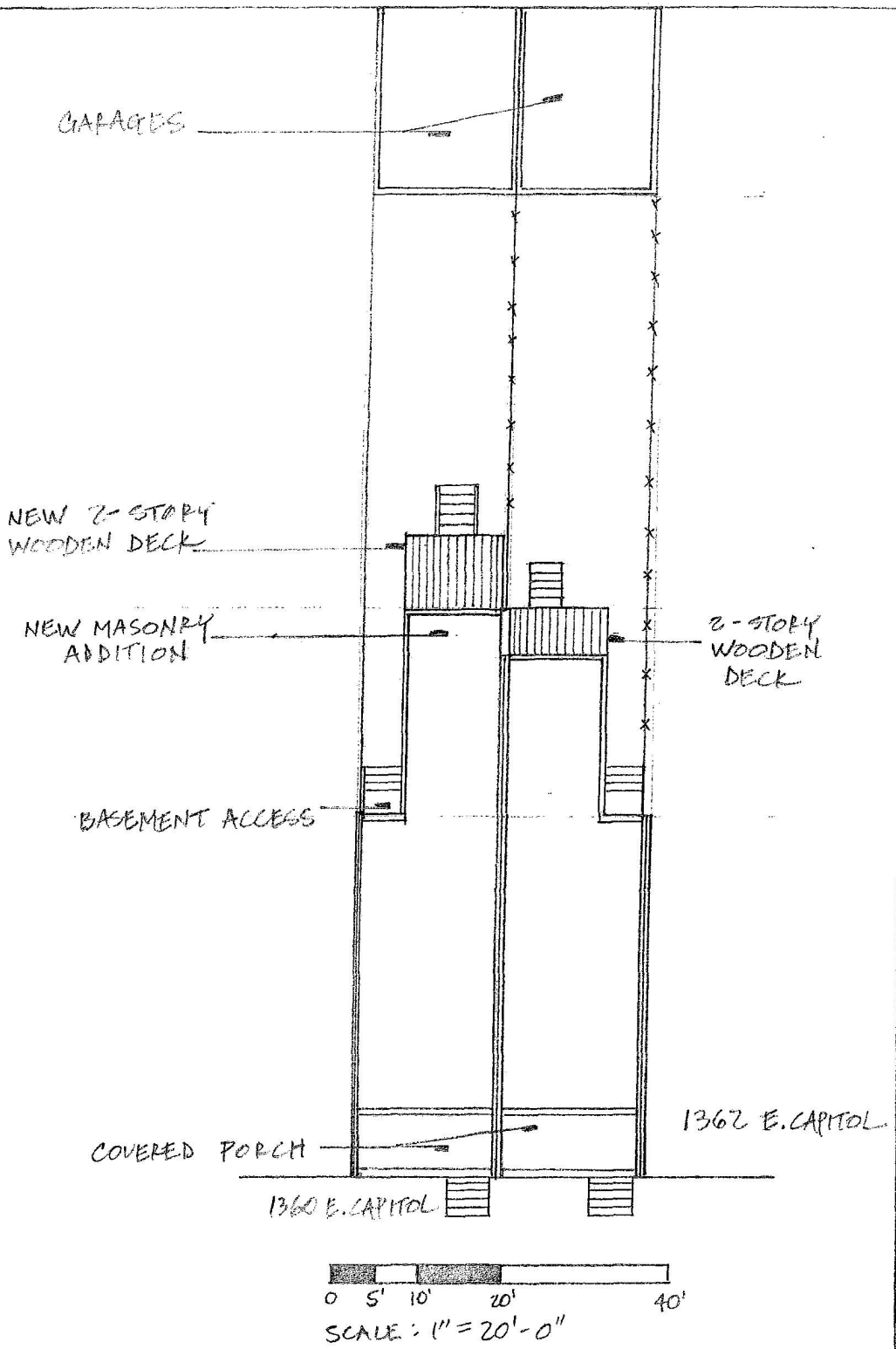
Christopher T. Corson

Cheryl T. Corson 10/30/2001

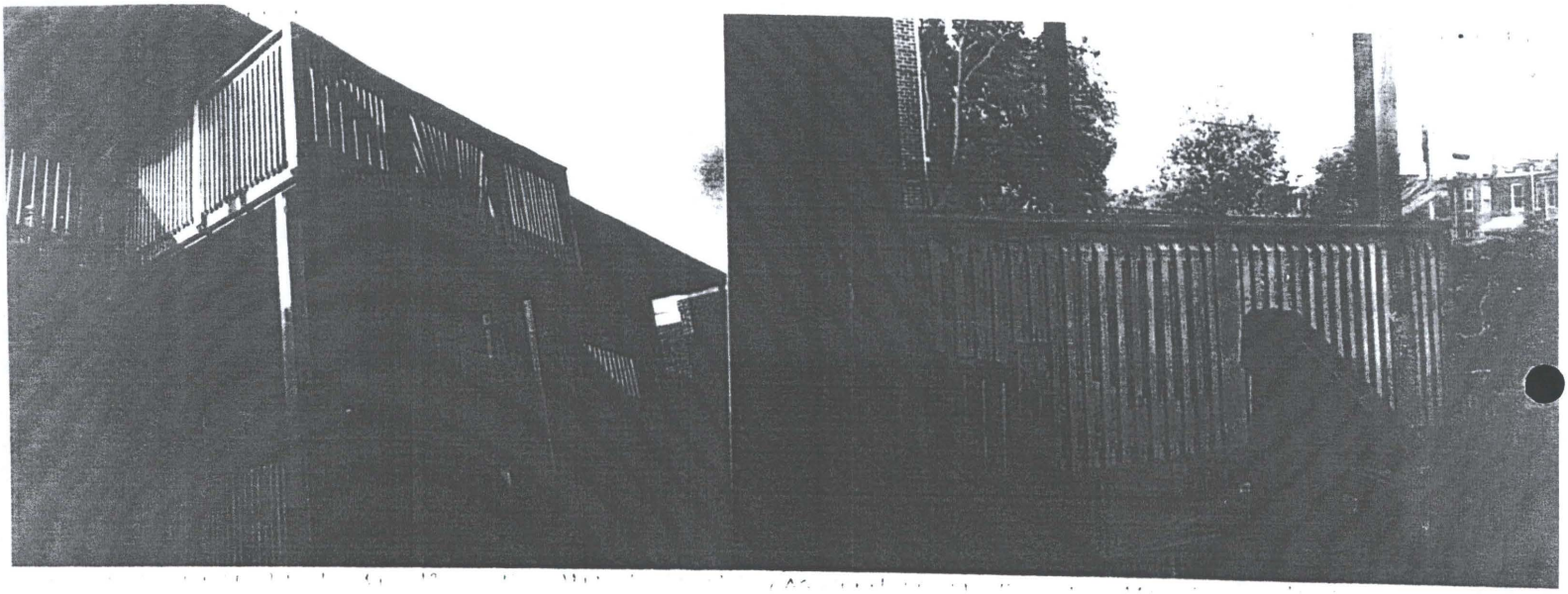
Cheryl T. Corson

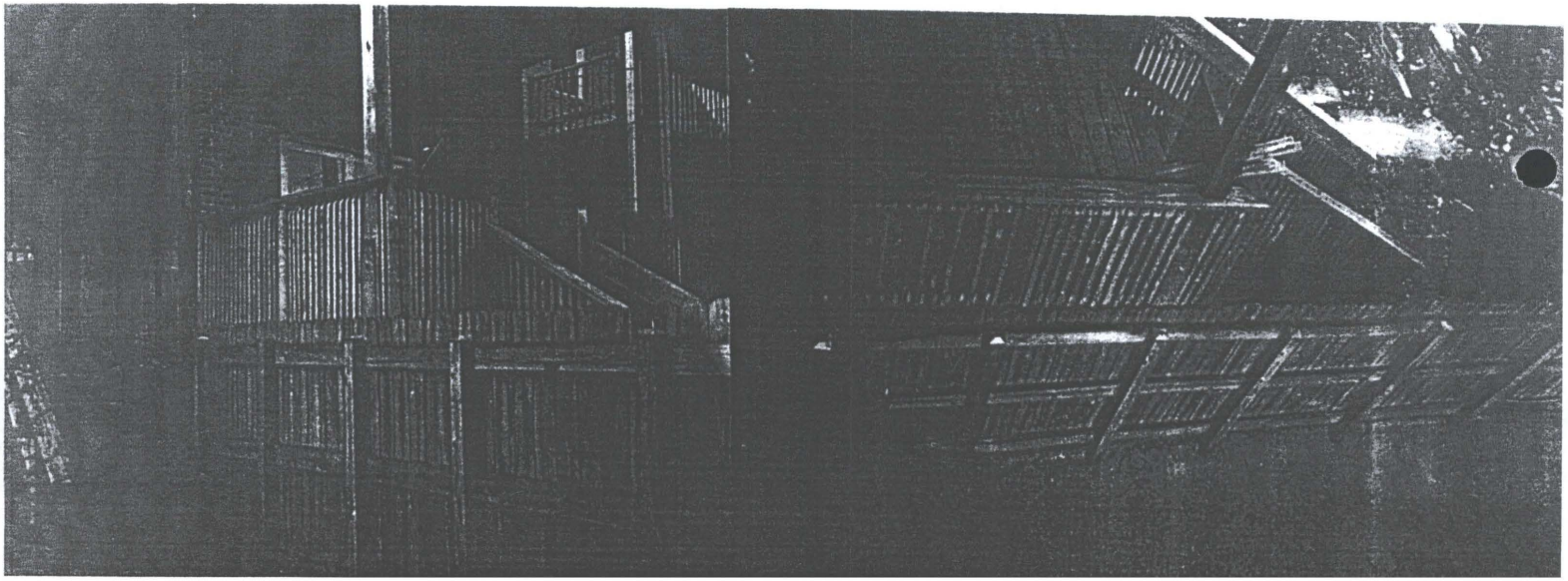
DRAWN & SUBMITTED BY CHERYL CORSON

PUBLIC ALLEY

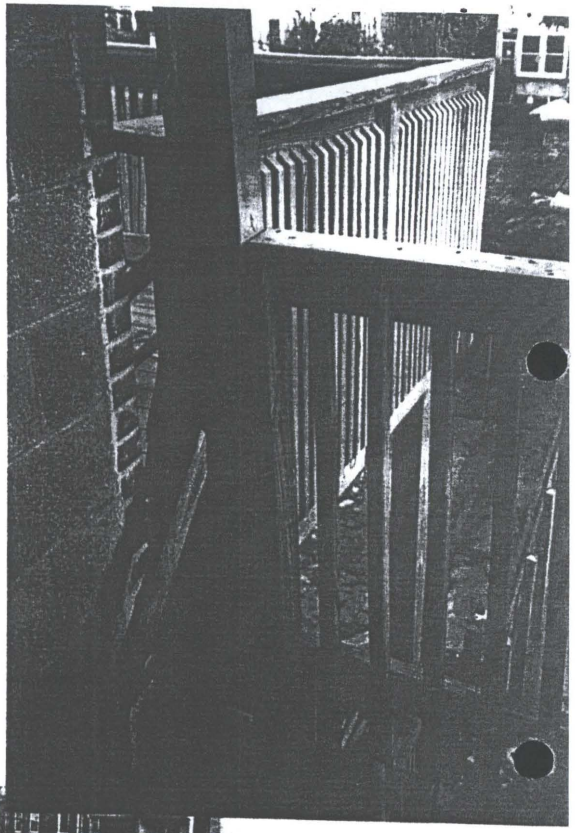


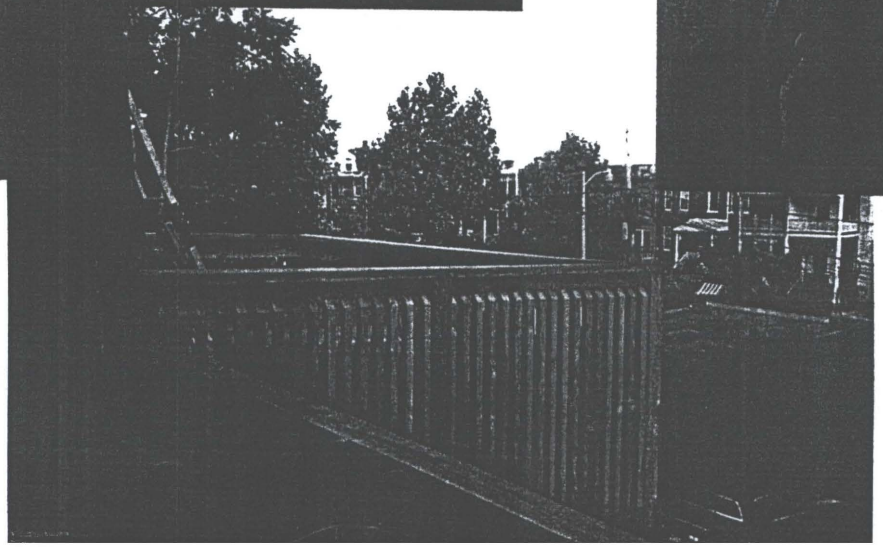
DRAWING OF 1360 & 1362 E. CAPITOL ST, NE
EXISTING CONDITIONS ON OCTOBER 30, 2001

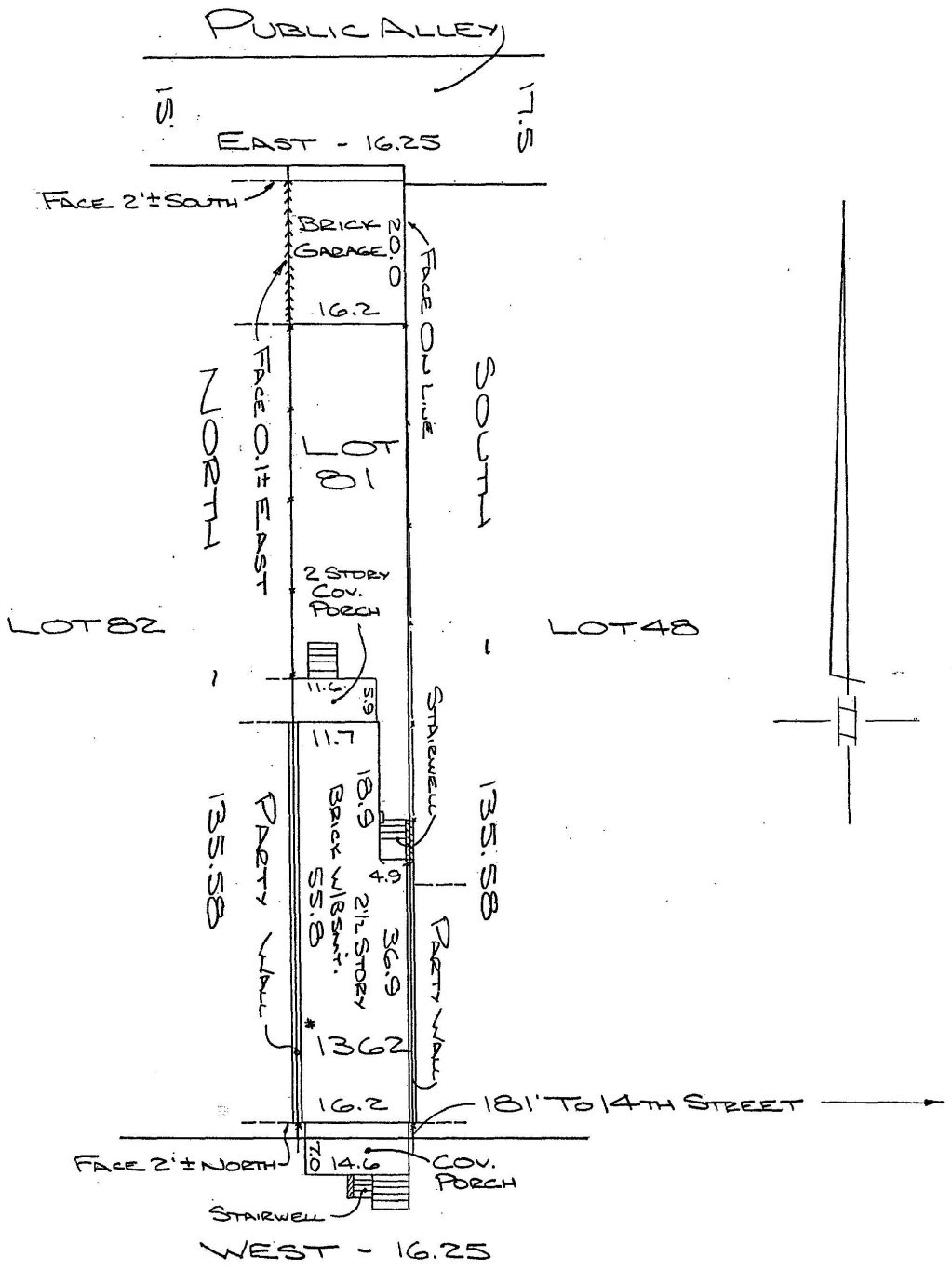












EAST CAPITOL STREET, N.E.

Notes: This property does not lie within the limits of a flood hazard area as delineated on the maps of the National Flood Insurance Program, unless otherwise shown. This survey prepared for title purposes only.

10762 Rhode Island Avenue
Beltsville, MD 20705

Phone 301-931-1350
Fax 301-931-1352

CAPITOL SURVEYS

NOTE: This drawing is not intended to establish property lines. It cannot be used for construction or design purposes. All information shown hereon taken from the land records of the county or city in which the property is located and field work performed.

© As of current date.

HOUSE LOCATION

LOT 81 SQUARE 1035

DISTRICT OF COLUMBIA

Recorded in Liber 44 Folio 112 Scale 1" = 20'

DATE: FEB. 3, 1999 CASE: 99-121 FILE: 60976

I hereby certify that the position of all the existing visible improvements on the above described property have been established by accepted field practices, and that unless otherwise shown there are no visible encroachments.

STATE OF MARYLAND
EDWARD L. LOPEZ, JR.
PROPERTY LINE SURVEYOR
No. 522

EDWARD L. LOPEZ, JR.
MD Property Line Surveyor
No. 522