Testimony of Dr. Fernandez-Miranda in front of the Board of Zoning Adjustment in opposition to application number 16824

I am Dr. A. Fernandez-Miranda and the owner of the house located at 818 East Capitol St., N.E. I am appearing to testify in opposition to the proposed zoning exception sought by the owners of 816 East Capitol St., N.E. With me today are Michael Rodman, also of 818 East Capitol Street, and Mr. and Mrs. Jeffrey Humber of 820 East Capitol Street. Congressman and Mrs. Lowery of 812 East Capitol Street wanted to be here but were not able due to previous work related commitments in California.

As explained below, the proposed structure will clearly limit my light and air and create a total lack of privacy in my only outdoor living space and back garden. This zoning exception is the subject of this hearing and involves two or possibly three types of variances. One variance involves the issue of open court; a second the percentage of lot occupancy and the last the issue of the side yard. I am co-owner with Mr. Michael Rodman of the residence at 818 East Capitol St., N.E. which abuts 816 East Capitol St., N.E. There would be several adverse effects to my property should these variances be granted.

1. It would clearly have an adverse impact on my light and air. There is no doubt that the proposed screened porch will greatly limit the amount of air and light that will reach my deck and my back garden. Since the back garden and deck are on the north side of the house, there is already a limited amount of light. The creation of an enclosed porch will further block this light and air flow, particularly in the afternoons when the sun enters the garden from the west. Since this is the *only* outside living area of my house (as opposed to 816 East Capitol Street, which has 3 existing large decks; one on the first floor and 2 on the third floor, one of which is covered. There is also a large balcony on the third floor), this proposed construction will negatively affect my only outside living space where I spend a great deal of time, particularly in the spring and summer months.

2. It would adversely affect the privacy not only in my house, but also on my deck and in any part of my garden. The present deck at 816 East Capitol is used regularly as a set up/catering area for entertaining, and this enclosed porch will serve the same purpose, with the accompanying noise and catering staff. My dining/kitchen area, deck and garden will be in full view of my neighbors, their visitors, staff and caterers with the proposed porch looming closely over my property. Such an extended structure will make it impossible for me to ever enjoy

Board of Zoning Adjustment
District of Columbia
CASE NO.16824
EXHIBIT NO.24

BZA
Case No. 16824
Exhibit No. 24

my only outside living space. According to the drawings, the proposed porch will be at least twice the size of the present deck, further invading my privacy. If additional square footage is allowed to the house, 2 to 3 floors could be built above as allowed by law. In addition they are planning to extend the deck on the back of the house from its current 3 feet to 8 feet. This, along with the other negative effects listed above, would have a deleterious impact on the enjoyment of my house and have a negative impact on the value of my property.

The three houses (816, 818 and 820 East Capitol Street) were completed in 1992 and are very large residences for this segment of the Capitol Hill Historic District. Each has four floors, 10' to 12' ceilings, and are 27.5 feet wide and approximately 40 feet deep, except for 816 East Capitol Street, which has an *additional* 15 ' by 18' extension/wing on the back. *The denial of a variance in this case would* ***not*** *represent a hardship to the owners since this house is already, by far, the largest of this group of row houses with no less than four (4) existing outside living areas.*

Regarding the zoning issue of the open court, I would like to state that because the home's accessory apartment has been rented for many years, as seen in the Tax and Assessment records, *it is not a single family dwelling.* I believe, therefore, that it would fall under the rule *Zoning 406.1 that* requires a width of open court of 4 inches per foot of height but *NO LESS THAN 10 FEET.* We do not know whether the entire garden side of the back wing is considered a court as it applies to the 4" rule. We do know that the back wing is in excess of 20 feet high, because the house is not on ground level at the back, and if one includes the panels on the roof deck it is over 30 feet high (e.g., 20 feet times 4 inches required by the regulation would be 80 inches, or 6,6 feet; 30 feet would be 120 inches or 10 feet).

I have prepared some attachments, with photographs and drawings, in order to recap our points of contention regarding the requested zoning relief:

The owners of 812 East Capitol Street, Congressman Lowery and his wife, requested that I make their letter part of my presentation so I have included it here as **Attachment 1.** They regretfully cannot be here, as they had to travel to California at this time.

Attachment 2 of my presentation is a letter from the owners of 816 East Capitol Street, Mr. Greenberg and Ms. DeLauro, delivered on January 15th, 2002. In my opinion this letter misrepresents what is planned by stating that they wish to simply "to enclose our existing deck".

According to plans, they intend to almost double the size of the existing deck to build a porch. In addition please note another apparent misrepresentation in that "the porch would be barely visible from public space". Attachment 11 is a photograph showing it would be clearly visible from public space. I would like to emphasize here that the plans also indicate an 8-foot extension of the deck on the rear of the house.

Attachment 3: Original house plans showing the existing 4 outdoor living areas - 2 decks (one covered) on third floor, 1 large balcony on third floor and large deck on first floor.

Attachment 4: Plan showing that the enclosed porch *will abut my house* contrary to other plan (see Attachment 5).

Attachment 5: Plan showing that the enclosed porch *will not abut my house* contrary to plan in Attachment 4. This plan also clearly shows that *the existing deck will be extended 8 feet* into their remaining backyard.

Attachment 6: The submitted "ROOF PLAN" of the proposed enclosed porch does not show that the porch will abut my house. I have, therefore, drawn the property line to demonstrate how the enclosed porch will abut my house.

Attachment 7: The two photographs show that anyone on the porch stairs or the porch itself can see directly into my dining/kitchen area, my deck and my garden. The screened porch will greatly limit the light and airflow to our deck and a good portion of our garden.

Attachment 8: This photograph is taken looking eastward from the backyard of 812 East Capitol Street and shows the area the enclosed porch will cover. It will be higher than the top edge of the photograph.

Attachment 9: This photograph is of the rear third floor deck at 816 East Capitol Street. This deck is approx 14.6 X 16 feet and with direct access to airflow and light. The white lattice privacy panels are high enough to afford complete privacy.

Attachment 10: This photograph, taken from our garden, shows the area the proposed porch will occupy, extending 8 feet from their house and as high as indicated. The photograph demonstrates how the enclosed porch will substantially affect the light and air in my garden.

Attachment 11: These 2 photographs taken from the alley show how clearly visible the proposed porch will be from public space, contrary to

their statement in their request to the Board of Zoning Adjustment.

Attachment 12: These 2 photographs taken from the door of my dining/kitchen area at the back of our house, show the view we will lose if the proposed enclosed porch is constructed. Except in winter months, the trees will cut off all of the remaining view.

ATTACHMENT 2
testimony of
Dr. FERNANDEZ MIRANDA

January 15, 2002

Jerrilyn R. Kress, FAIA, Director
Government of the District of Columbia
Board of Zoning Adjustment
441 4h Street, NW, Suite 210-S
Washington, DC 20001

Re: Application 16824

Dear Ms Kress:
Thank you for notification of the application of our next-door neighbor Stanley B. Greenburg for permission to build a home addition beyond the current allowable lot coverage.

I have serious concerns about our loss of privacy, air circulation and sunlight should additional building take place. We lost most of our light and air circulation when our neighbors, the McDonough's (at 808 E. Capitol), obtained a permit for an addition shortly before we closed escrow in November of 1997. They built a 12-foot brick wall which now blocks much of our light and has caused serious mold and mosquito problems since completion of their addition.

I cannot support further boxing-in and reduction of the natural light and air circulation in our back yard by granting this exception to the zoning law. I do appreciate the opportunity for input in this matter, as we will be out of town at the time of the hearing, but I must regretfully object to the application.

Sincerely,

Melinda Lowery

Melinda M. Lowery
812 East Capitol Street, NE
Washington, DC 20003

Cc: Stanley Greenburg and Rosa DeLauro

ATTACHMENT 2
testimony of
Dr. A. FERNANDEZ MIRANDA

Stanley B. Greenberg
816 East Capitol Street, N.E.
Washington, D.C. 20003

Michael P. Rodman &
Anthony Fernandez
818 East Capitol Street, N.E.
Washington, D.C. 20003

Dear Michael & Anthony:

First, we want to wish you a happy and prosperous new year!

My wife, Rosa DeLauro and I reside at 816 East Capitol Street, N.E. Since moving to the neighborhood and occupying our residence more than 2 years ago, we have had extensive renovation work done inside our home. We are now in the process of continuing this work outside. It is our intention to get outside and enjoy the spring and summer months more often, and in doing, so have drawn up plans to enclose our existing deck and make it a screened porch.

As our neighbor, we want to notify you personally of our intended changes, and assure you that the work will be done during non-obstructive hours, and weather permitting, completed in a reasonable amount of time.

Sincerely yours,

Stan & Rosa

Stan Greenberg and Rosa DeLauro

816 East Capitol Street N.E.
Floor Plan



Basement | First Floor | Second Floor | Third Floor

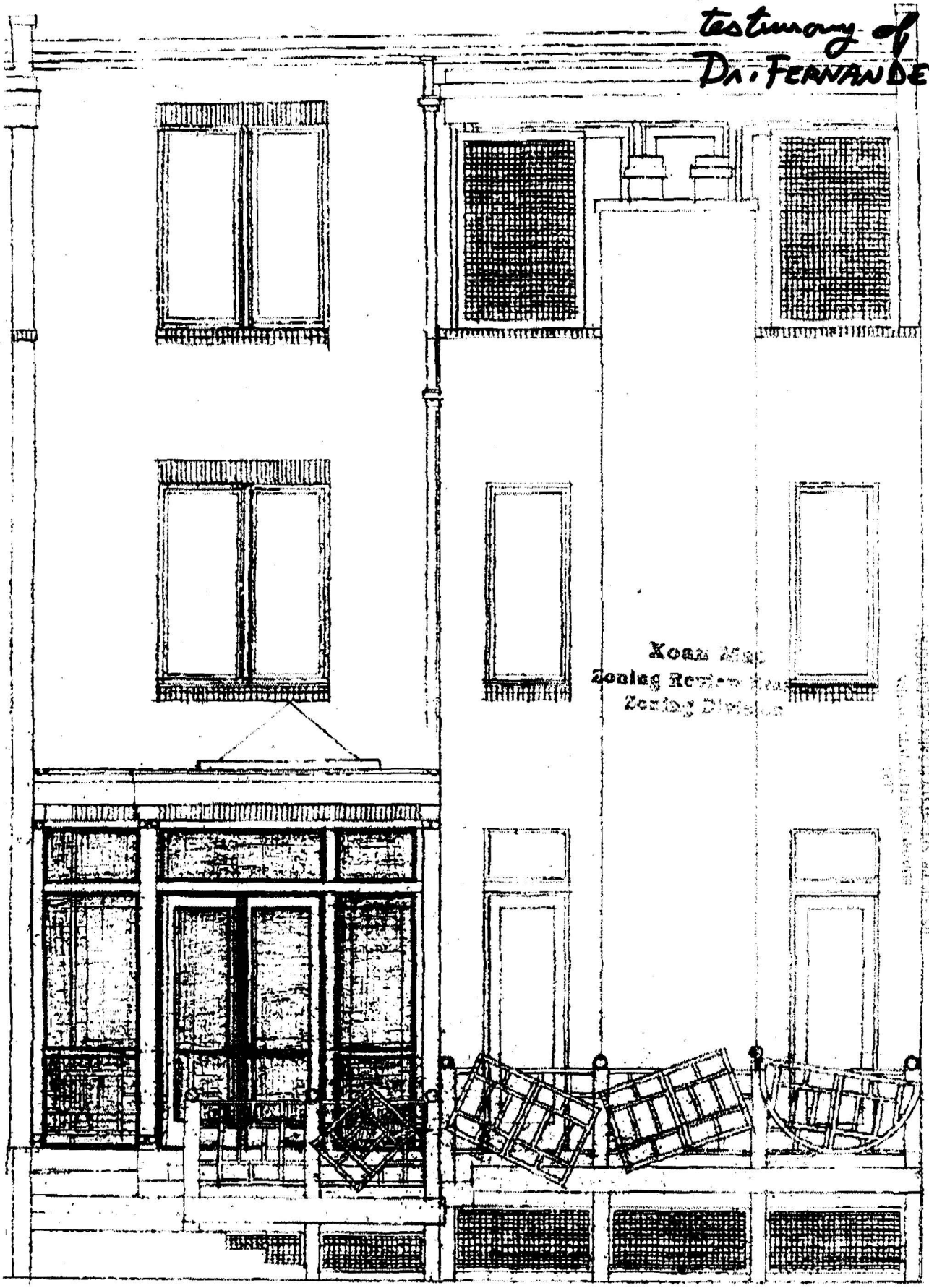
Floor Plans are approximate; some changes have been ma le.

The Prudential
Preferred Properties

The Prudential and the Prudential Insurance Company of America
An Independently Owned and Operated Member of The Prudential Real Estate Affiliates, Inc.

ATTACHMENT 3
Exhibit E
D.C. FERNANDEZ MIRANDA

ATTACHMENT 4
testimony of
DR. FERNANDEZ MIRAND



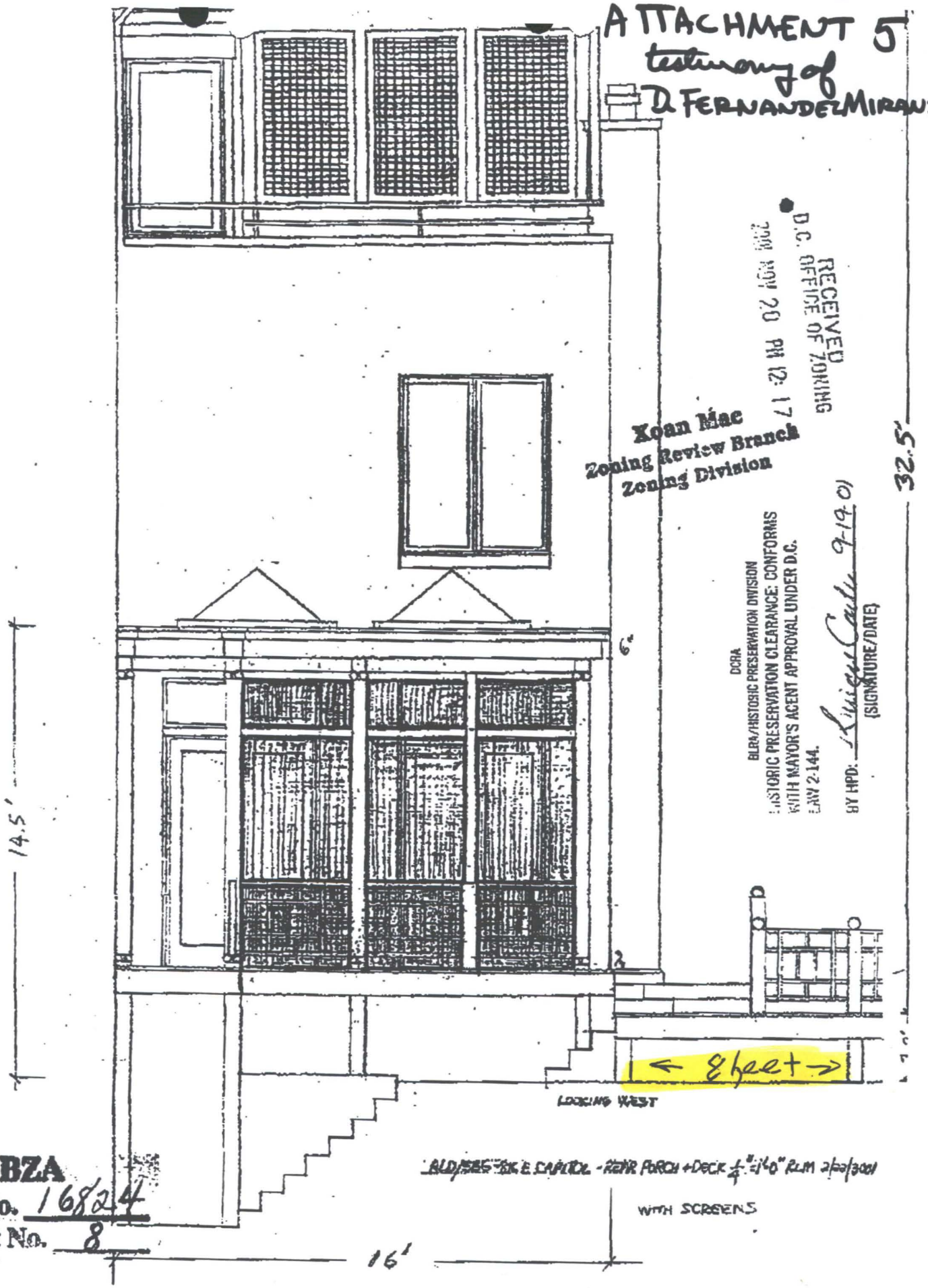
RLD/SBG = BLDG. CAPITOL TREPPE FOR CHLDS KING - 5/16" RLDM 11/29/2001

ATTACHMENT 5
testimony of
D. FERNANDEZ MIRANDA

RECEIVED
D.C. OFFICE OF ZONING
2001 NOV 20 PM 12:17

Xoan Mac
Zoning Review Branch
Zoning Division

DCRA
HLRA/HISTORIC PRESERVATION DIVISION
HISTORIC PRESERVATION CLEARANCE: CONFORMS
WITH MAYOR'S AGENT APPROVAL UNDER D.C.
LAW 2-144.
BY HPO: Luiza Cantu 9-19-01
(SIGNATURE/DATE)



ADJACENT TO 636 E. CAPITOL - REAR PORCH + DECK 1/4"=1'-0" PLAN 2/20/2001

WITH SCREENS

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ATTACHMENT C
testimony of
Ph. FERNANDEZ/MIRANDA

ROOF PLAN 1/4"=1'-0" RLL/SPG

Testimony of
Dr. FERNANDEZ MIRANDA

Attachment 7

The two photographs show that anyone on thee porch stairs or the porch itself can see directly into my dining/kitchen area, my deck and my garden. The screened porch will greatly limit the light and air flow to our deck and a good portion of our garden,





Testimony of
Dr. FERNANDEZ MIRANDA

Attachment 8

This photograph is taken looking eastward from the backyard of 812 East Capitol Street and shows the area the enclosed porch will cover. It will be higher than the top edge of the photograph.

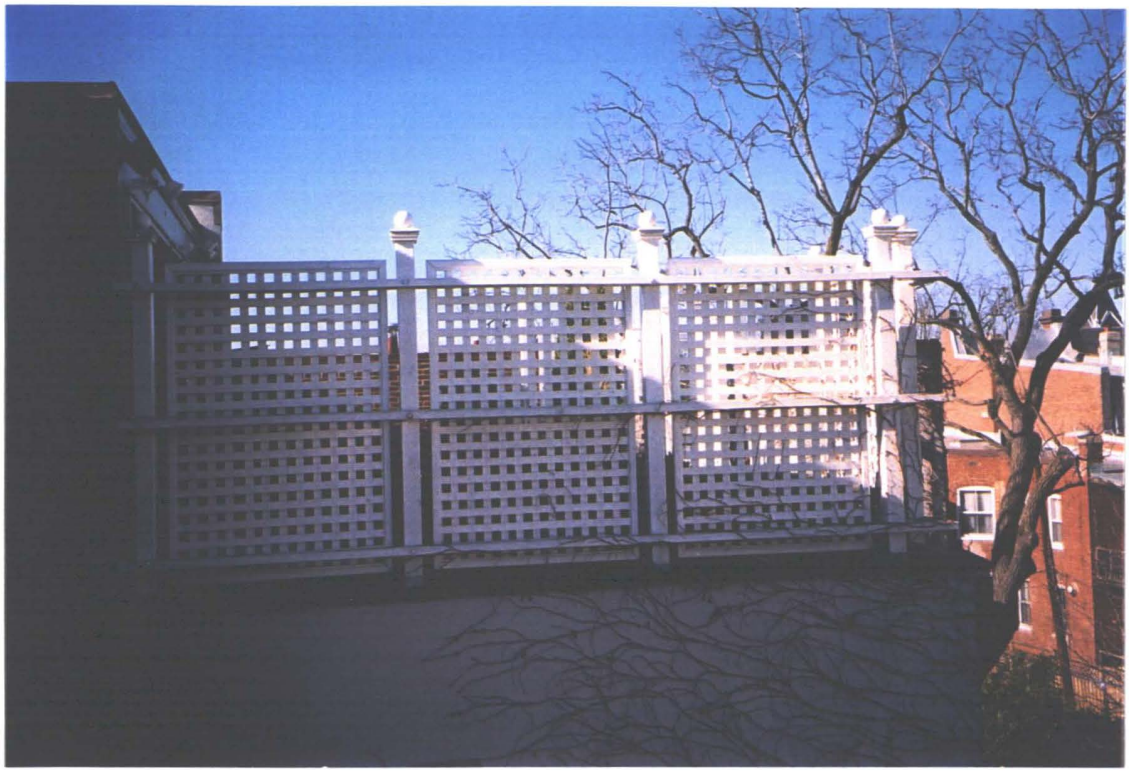
THE PROPOSED SCREENED PORCH WILL COME TO THIS POINT



Testimony of
Dr FERNANDEZ MIRANDA

Attachment 9

This photograph is of the rear third floor deck at 816 East Capitol Street. This deck is approx 14.6 X 16 feet and with direct access to air flow and light. The white lattice privacy panels are high enough to afford complete privacy.

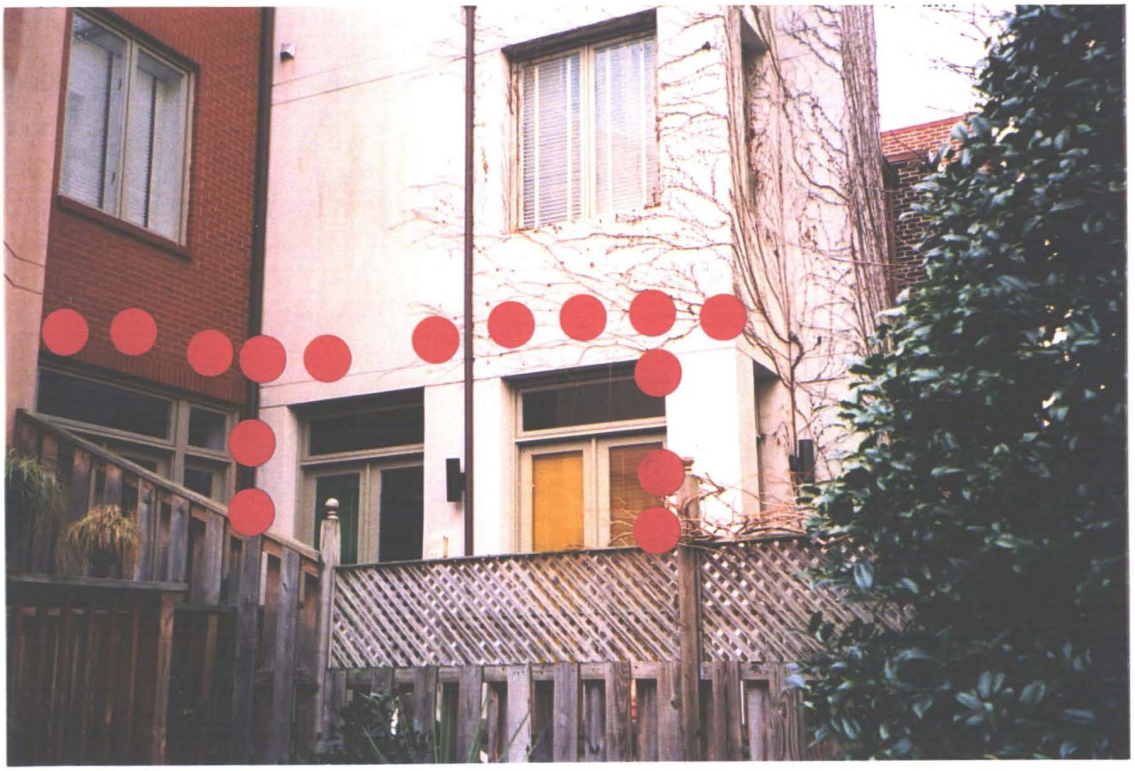




testimony of
Dr. FERNANDEZMIRANDA

Attachment 10

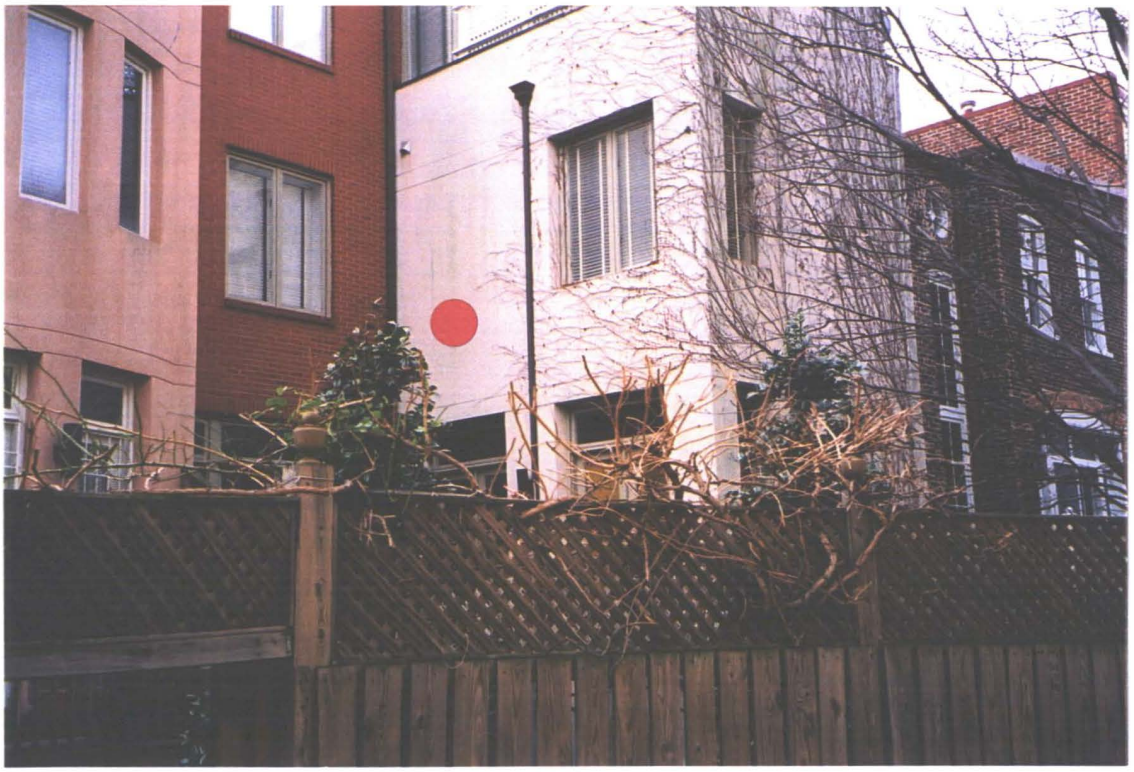
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testimony of
Dr. FERNANDEZ MIRANDA

Attachment 11

These 2 photographs taken from the alley show how clearly visible the proposed porch will be from public space, contrary to their statement in their request to the Zoning Board.





Testimony of
Dr. Fernandez Miranda

Attachment 12

These 2 photographs taken from the door of my dining/kitchen area at the back of our house, show the view we will lose if the proposed enclosed porch is constructed. Except in winter months, the trees will cut off all of the remaining view.

