Olivia Jones
Testimony before the Board of Zoning Adjustment
BZA Case No. 16854

Good morning Chairman Griffis and members of the Board. My name is Olivia Jones and I am appearing before the Board in opposition to BZA Application No. 16854. Also with me this morning is my husband, James Jones. For your convenience, I have submitted copies of my written statement, along with some additional exhibits. My husband and I reside at 317 East Capitol Street, which is located across the public alley from the subject Property. If you turn to Exhibit D1, our house is the gray, two-story house on the left side of the alley.

We have owned our house since 1973. We lived at 317 East Capitol Street until 1978, at which time we purchased another property in the Square, 325 East Capitol Street. From 1978 to some time in 1989, we resided at 325 East Capitol Street and rented out 317 East Capitol Street. In 1989, we moved to New York and subsequently to Mexico, returning to Capitol Hill in 1998. Since 1998, we have lived at 317 East Capitol Street and rented out 325 East Capitol Street.

Having owned property on Capitol Hill for 29 years, we are very familiar with the nature of properties on the Hill. It is our understanding that the Applicant has supported his request zoning relief based on an claimed hardship resulting from his narrow lot, and that the narrowness of his lot is a unique condition. In support of the uniqueness of his Property, the Applicant points out that no other Lots in Square 767 which front East Capitol Street are as narrow has his Property. However, basing his argument for "uniqueness" on this comparison is misleading. Contrary to the Applicant's claim that a sixteen foot Lot width is unique on Capitol Hill, Lot widths of under the required eighteen feet are quite common in the area. If you turn to Exhibit A of our March 26, 2002 submission, you will see that Lot 28 in Square 767 has a Lot width of sixteen feet. Additionally, Lot 17 in Square 817, which is located across 4th Street, S.E., has a Lot width of fifteen feet. Exhibit B further illustrates the commonality of narrow Lot widths on Capitol Hill.

The Applicant also argues that the depth of his Lot creates a "unique" hardship. Contrary to this claim, the deeper Lot is an advantage, as it allows for a larger foot print for improvements to the site. Moreover, as illustrated in Exhibit B, narrow, deep Lots are not uncommon on Capitol Hill.

BZA
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Exhibit No. 49

Board of Zoning Adjustment
District of Columbia
CASE NO.16854
EXHIBIT NO.49

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We are grateful for the opportunity to testify to the Board today, as we did not have a similar opportunity before the Historic Preservation Review Board. As a bit of background, prior to his closing on the purchase of the subject Property, my husband and I advised the Applicant that the variance obtained by the previous owner had expired and that we, as well as the community, would oppose any new application for variances. I have submitted a copy of the letter which was forwarded to the Applicant. It is our understanding that the Applicant paid a reduced price for the Property based on the risk that he might not obtain variances in order to develop the Property.

It may seem peculiar that we are in opposition to the current proposal when we had submitted a statement of support to the application of the Scheuers in BZA Application No. 15476. However, as I mentioned earlier, we were not residing on Capitol Hill at the time that application was submitted. The Scheuers, who were tenants of ours, had sent us a draft letter of support for us to sign and submit to the BZA. Unfortunately, we were not provided with plans for the proposed building. In addition to being unaware of the magnitude of the proposed building, we were willing to support that application for several reasons. Most notably, there had been several fires at the Property and the Property was a general eyesore to the neighborhood. We welcomed the improvement of the Property and the additional safety it would bring to the neighborhood. However, since 1993, Jim Warlick, who resides at 315 East Capitol Street, has looked after the Property and reversed its unsightly condition.

Despite his knowledge that the variances for the Property had expired, the Applicant managed to secure building permits and, in July 2001, commenced construction activities at the Property. Concerned that they had not received any notification of hearings relating to historic preservation or zoning, our neighbors contacted District officials and, as a result, were subsequently informed that a stop-work order was issued to the Applicant. Around this time, the Applicant met with us and indicated that he was reworking his plans and that he wanted to share his new plans for the development of the Property with his future neighbors. Unfortunately, this has not occurred.

Sadly, the Applicant made no attempt to work with the immediate community before submitting completed plans to this Board and to other governmental agencies. He did, however, attempt to obtain advance approval and support from other more distant neighbors who were far less impacted. When immediate neighbors asked to see the plans that had been distributed

elsewhere, they were told they were unfinished and not available. In fact, plans were not made available to any of us until we received notice of this BZA hearing. In a repeat of this procedure, we did not learn that the Applicant had changed the plans that are now before this board until an attorney reviewed the BZA file for this matter. The Applicant did not show these revised plans to us until Saturday, March 30, 2002.

As indicated in our March submission, we are greatly troubled by the proposed building for the Property, as it will have a negative impact on the light and air to surrounding properties, including our own. The negative impact of the proposed building results from the building's incompatibility with the surrounding neighborhood. The proposed building, even at its reduced height, is too high. If you turn again to the first three photographs submitted today, you will note that the proposed building towers over the alley and our Property. As pointed out by the Crenshaw's in their submission, the previous improvements to the Property were much shorter and, along with our residence, created "bookends" to the alley. The size of the previous improvements to the Property is illustrated in Exhibits C1 and C2 to our March submission. Exhibit C1 shows the outline of the previous structure and Exhibit C2 is a computer generated graphic illustrating the streetscape of the block with a structure the size of the previous improvements. To be compatible with the neighborhood and so as to avoid any negative affect to the light and air available to the surrounding properties, any improvements to the Property should step down from 313 East Capitol Street. This will create a transition to the taller buildings in the block and continuity along the street front. As illustrated by the first three photographs submitted today, if the proposed building is constructed, it will tower over our residence, and look directly into our bedroom. With regard to the building height, I would like to point out that the Applicant's plans are disingenuous at best. For example, on page A-3 of the plans, the Applicant indicates that the height of the building at 311 East Capitol Street is 137.60', or the same as the height of 313 East Capitol. However, as clearly illustrated by Exhibit C, 311 East Capitol is much shorter than 313. I believe Mr. Warlick found it to be 9 feet lower.

Although the Applicant has revised his plans, the revised plans do not respond to the community concerns. The building is still too tall. Additionally, the proposed building still blocks windows to 313 East Capitol Street.

In closing, we are do not believe the Applicant has met his burden of proving the "uniqueness" of his Property or that there is any undue hardship. Additionally, the proposed

building is not compatible with the surrounding neighborhood and would adversely effect the light and air available to the surrounding properties. Any development to the Property should be no more than two stories high and no more than thirty-two feet deep. For these reasons, we request that the Board deny the requested variance.