CONCERNS OF 1521 P STREET OWNERS/RESIDENTS REGARDING PROPOSED ADDITION TO 1519 P ST NW, BZA APPLICATION NO. 17172[1]

- We respectfully request that the BZA deny the application submitted by the occupants of 1519 P St., or, in the alternative, delay consideration of this matter. The applicants have modified their application on at least two occasions, necessitating more time to adequately review and respond to their proposal and arguments in support thereof. The OP report, which was just released last week and clarified one day before this hearing, warrants further study.

- Moreover, following the June 9, 2004 ANC vote against the application, constructive discussions between the applicants and the neighbors have begun, but there has been insufficient time to explore a potential resolution in detail. We believe it may be possible to achieve a mutually agreeable solution to this matter given additional time.

- On the merits, we believe that the applicants have failed to demonstrate compliance with sections 223.2 (a), (b), and (c), as required by section 223.2 (d). Specifically, the applicants are required to provide plans, photos, or drawings sufficient to demonstrate the relationship of the proposed addition to adjacent buildings and views from public ways. As noted in the OP report to the BZA, the application is inadequate in this respect. We therefore request that the BZA deny the application or delay any decision until such time as applicants have submitted information necessary to ascertain their compliance with Section 223.2 (a), (b) and (c).

- We believe that the application on file with the BZA contains erroneous and incomplete information regarding the impact of the project on 1521 P St. to the west. The initial statement by applicant's architect states that there are only 1.5 feet between 1521 and 1519 P Street, when in fact there are approximately 7 feet between the properties, which area forms the side deck and garden of 1521 P. The subsequent application continues to misrepresent the nature of the side yard at 1521 P, claiming there is only a 3-foot side yard at 1521 P.

- The proposed project will unduly affect the air and light of the property to the west at 1521 P in violation of Section 223.2. Applicant's state that "[o]ur proposed work will be almost invisible" to 1521 P, "adjacent only to [the] parking lot." This is simply wrong. The proposed addition will visibly intrude upon the rear and side deck areas and 4 different rooms inside 1521 P--the kitchen, living room/dining room, upstairs den, and upstairs office. The tree canopy and open space currently enjoyed from these areas will be replaced by a two-story wall. Thus, we believe that the property at 1521 P should also be included in the light and shadow study recommended by OP.

- In addition, we believe that the proposed addition will substantially visually intrude upon the character, scale, and pattern of houses along P St, in violation of Section 223.2. It will be plainly visible from the street, blocking what is now green and open space.

[1] We concur in the comments of the residents of 1517 P St.

BZA
Case No. 17172
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO. 17172
EXHIBIT NO. 33

Concerns of 1521 P St Owners/Residents With BZA Application # 17172 (cont.)

- Despite initially requesting an exception from side yard requirements, the applicants now claim that they do not need a special exception for their side yard addition on the east side of their property adjacent to 1517 P. They assert that the addition will turn their semi-detached home into a row house, which they claim is allowed as a matter of right. This argument is without merit, directly contrary to previous decisions of this board, and should be rejected.

- The BZA's decision in the Pritchard case unequivocally establishes that "[a] property owner seeking to construct an addition that will convert a semi-detached dwelling to a row dwelling under circumstances where it is not possible to construct a common division wall" must apply to the Board for a special exception or a variance from side yard requirements. (Appeal No. 16811, June 4, 2002, p. 10)

- In Pritchard, the BZA stated that "[r]ead together, [sections] 405.3 and 405.8 preclude the conversion of a semi-detached dwelling to a row dwelling, unless the addition to the semi-detached dwelling will share, on what would otherwise be its free-standing side, a common division wall with an existing building or a building being constructed together with the addition." Id. at p. 9. Since the applicant's house will not share a common division wall with either 1521 or 1517 P St., the applicants must obtain a special exception for their side yard addition.

- We understand the applicant's concern with the current one story rear addition and with the need to improve the internal staircase. The proposed addition, however, would more than double the size of the current house, adding approximately 1000 square ft, which is much larger than necessary to address the problems with the current structure. In so doing, the proposed addition would substantially adversely impact the adjacent neighbors at 1517 and 1521 P St, in violation of Section 223.2 It would also substantially visually intrude upon the character, scale, and pattern of houses along P St, also in violation of Section 223.2.

- If the BZA decides to approve the application or to adopt OP recommended modifications to the application, the BZA should require that the applicants mitigate the loss of green space caused by their addition, both respect to 1521 and 1519 P St residents as well as to the surrounding community.