Issues and Concerns of the Property Owners at 1517 P Street NW
Regarding BZA Application No. 17172 requesting a special exception

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We are opposed to the addition as proposed in application no. 17172. However, we are sympathetic to the desire of the owners of 1519 P Street to expand their small house and do not oppose a rear addition that extends the existing footprint of the brick house back.

Specifically, we are opposed to the side addition as proposed in the application. By building to the property line, it would eliminate the side yard on the east side of 1519 P Street, significantly reducing the light and air between our two buildings and the enjoyment and use of the side garden and side deck of units 1 and 2 respectively at 1517 P Street. This is also reflected in the Office of Planning report on BZA Application No. 17172 of 16 June 2004, which states that "the availability of light and air to neighboring properties will be affected". It further states that the proposed addition will "reduce the sense of openness and light now enjoyed" by unit 1 of our building and "the openness of the view from the second floor windows" of unit 2.

We believe the decision in the Pritchard case (Appeal No. 16811, decided on 2 April and 4 June 2002) clearly states 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 BZA for a special exception or a variance from side yard requirements. The key sections of the DC zoning regulations cited are 405.3 and 405.8.

It has been difficult to address Application No. 17172 because it has been a moving target. First, the original filing by the architect of 29 March requests a special exception regarding both the side yard (section 405) and court (section 406) requirements of the DC zoning regulations. A subsequent filing on 7 June requests relief only from the court requirement. As stated earlier, we believe the side yard requirement does apply.

The history and placement of these two houses clearly indicate that the side yards of both 1519 P Street and 1517 P Street were intentional, designed to provide air, light and green space between the two buildings – an arrangement that has held for over 100 years. Eliminating one-half of the open space between the two buildings would alter radically the pattern of houses along P Street.

Second, we received yesterday evening from our ANC Commissioner a copy of a purported 'light and shadow' study of the effect of the proposed addition on units at 1517 P Street, presumably in response to the OP condition that the applicant submit such a study. It shows an effect at one time of day (4 p.m.) at the front and back of the buildings with no indication of effects on the full length of the open corridor of approximately 5 feet alongside our building nor any indication of the effects on ambient lighting in the corridor between the buildings. In our view, it is well short of meeting the applicant's burden of proof requirements.

BZA
Case No. 17172
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO. 17172
EXHIBIT NO. 34

We are also concerned that the letters submitted on behalf of Application No. 17172 are somewhat misleading. While 1517 P Street is indeed a much larger building than 1519 P Street, there are three separate homes (condominium units) at 1517 P Street. Unit 1 is a front-to-back ground floor apartment. Unit 2 a front-to-back unit on the second floor, and unit 3 takes up the third and fourth floors. Contrary to what is stated in the letters, the main recreational amenities for units 1 and 2 are the side garden and side deck noted above. Units 1 and 2 are approximately 55% and 61%, respectively, of the size of the proposed new home at 1519 P Street (1816 sq.ft.).

With respect to meetings with the community, the only proposals to address our primary concern -- the effects of the proposed side addition on light, air, use and enjoyment of units 1 and 2 of 1517 P Street -- came at the last minute when some of the owners at 1517 P Street were out of town.

We remain ready to consider compromise proposals from the applicants that address these issues. However, the current proposal, in our view, is inconsistent with the DC zoning regulations and should be rejected.