Testimony of Kenan Jarboe
ANC 6B
DC Board of Zoning Adjustment
BZA Case #17203
September 14, 2004

Mr. Chairman and Members of the Board,

My name is Kenan Jarboe, ANC Commissioner for 6B05. The property in the case before you is within the boundaries of ANC 6B and within my SMD.

At a properly noticed special meeting on July 13, 2004 with a quorum present, ANC 6B voted 6-0, with one abstention to support the request for special exceptions by Robin Snyder and Bruce Louie for an addition at 925 North Carolina Ave. SE. – BZA Case #17203. This was considered a special meeting since the ANC does not have a regularly schedule meeting in July.

You should have received our letter on this case. I understand that the letter is relatively short, so I welcome the opportunity to explain the ANC's decision in this case.

I would also like to note that the one abstention was a Commissioner who came in late to the meeting and missed much of the presentation and discussion.

At the meeting, the ANC heard from neighbors in support of the special exceptions, including the neighbor directly to the south and those across the street. The ANC also heard opposition from the neighbor directly to the west.

The applicant is asking for two special exceptions concerning lot occupancy (section 403) and rear yard set back (section 404).

It should be noted that the lot occupancy issue essentially only arises since this is a detached house. The addition will extend the house to 62% lot occupancy. If this building was in anyway connected to another house, the applicant would be allowed 60% as a matter of right. And 2% is within the discretion of the Zoning Administrator. As a matter of policy ANC 6B has always believed that houses on Capitol Hill in residential zones should be treated as if 60% lot occupancy is the standard.

The test for a special exception in this case, under section 223, is essentially threefold:

- the light and air available to neighboring properties shall not be unduly affected;
- the privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- the addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street frontage.

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Let me take them somewhat out of order, beginning with privacy. The only neighbor where this issue might arise concerns the house to the west at 923 North Carolina Ave, SE. We understand that the windows in the addition are either not directly across from existing windows in the house to the west or, in one case, are across from a hallway window. The statements by the neighbors to the west, Mr. and Mrs. Teuton, raised concerns of their looking out – not about other looking in. Therefore, the ANC did not find any evidence that privacy would be unduly compromised.

Concerning whether the proposal is in keeping with the visual character of the neighborhood, let me set a little context. This is a corner lot. I realize that I could easily touch off an extended architectural debate over whether corner houses should or should not completely wrap around the corner. Suffice it to say that on Capitol Hill it is very common to see corner houses that either completely wrap-around the corner or have very little break between houses. 20 foot setback for rear yards on corner lots are as uncommon as they are common in the neighborhood. We have generally continuous façades from corner to corner – as typifies a rowhouse neighborhood. The overwhelming visual feature is the that of a continuous view of buildings accented not by large open spaces between buildings but by the differences in the designs of the facades.

The addition under consideration draws out the house along the street and therefore ends up visually presenting a more continuous look to the block. Thus, the addition is very much in keeping with "the character, scale and pattern of houses along the street frontage."

The issue comes down to the first test: air and light. At the ANC meeting, the neighbors to the west objected to the proposal on the grounds that the view from 4 windows would be significantly obstructed by the addition and that the view from two others would be reduced to looking over the roof of the new addition.

The ANC found that, contrary to the objections, the addition does not unduly affect the neighbor's air and light. First, only 4 windows are affected, two of which are on a party wall. Had the applicants build the addition to the party wall as they could as a matter of right, these windows would be totally blocked. The two remaining windows are set at an angle and recessed in a small set back. As such, they already receive obstructed air and light – a condition which the addition will not substantially aggravate.

Second, the addition is over a floor shorter that the existing building to the west. The neighbor's house will continues to tower over the applicants' house – not the other way around as is the concern with many additions. The view from the neighbor's two top floor windows may not be as nice, but the addition will not affect their air and light.

Third, the neighbors have no back yard—in fact they have very little in the way of a rear yard set back. Thus, the possibility of affecting the air and light of the neighbor's outdoor space, which is often a problem with rear additions, is not an issue. In any event, the proposed addition only comes back as far as the end of the neighbor's house, so the

addition does not substantially block of the air and light to the small rear space behind the houses on North Carolina Avenue.

Finally, the addition maintains the 8 foot separation between the buildings. This is the standard set by the zoning regulations concerning side yards. The ANC believes that an 8 foot space between buildings is more than sufficient to maintain adequate air and light.

The neighbors to the west also raised a concern about the visual impact of the addition and suggested, that should the proposal be allowed to go forth, some sort of landscaping be done to enhance the view. They also raised an ongoing concern over water run off – where rain water from the applicants' house is dumped into the area between the buildings.

To accommodate these two concerns, the ANC recommends that the BZA, under its authority under section 223.4, require that the area between the houses be landscaped with appropriate plants and shrubs and that the design of the house clearly incorporate a gutter and downspout system to drain the water to the 10th Street side of the property.

Thank you for your attention.

I would be happy to answer any question you might have.