

Letter in Opposition from Clayton Chilcoat and Marianne Campano (211 3rd St SE)
BZA Case 19683

Ladies and Gentlemen of the Board of Zoning Adjustment:

We are the owners of 211 3rd Street SE and are grateful for the opportunity to express our concerns and opposition to the plans for construction on the lot adjacent to the western boundary of our property. While we would personally prefer that the lot remain vacant, we completely understand and accept the right of a property owner to develop their property as they desire within the various regulatory requirements established by the government. As you know, these requirements exist to ensure that an individual's actions on his/her property do not negatively affect the value, function, and safety of neighboring properties, public spaces, and the neighborhood as a whole. While we accept that our neighbors may utilize their property within these requirements in ways which we do not prefer, we request that you enforce the existing requirements to protect the value and safety of our property, as well as the value and safety of the entire neighborhood. We are ready to accept a new dwelling on the adjacent lot built within the regulatory requirements, but we do not believe it to be fair or appropriate for exceptions to the requirements to be granted, diminishing our property simply for the sake of our neighbor's investment.

While we oppose all requests by the petitioner for exceptions to requirements as stated above, we are especially opposed to the request for relief from the five foot rear yard requirement. While the Office of Planning states that "granting the special exception for the rear yard on the North should not add significantly to shadow or air impacts beyond what a matter of right development would produce", we vehemently disagree. The mandated rear yard would allow for afternoon light to still illuminate our rear patio and would preserve our current view of the Library of Congress. These features will be greatly reduced if "matter of right development" occurs, but will be completely abolished if the rear yard exception is granted. This exception would also decrease airflow in our rear yard, increasing the existing mosquito issues due to standing water in the dilapidated storm drain system (directly adjacent to and below the proposed construction site). Both the decrease in light and air will negatively impact our existing magnolia tree living in our rear yard (circumference 70 inches at 12 inches above soil surface). The canopy of the tree abuts the lot in question, and the root system lies partly under the location of proposed construction – disruption of these roots would significantly hurt or potentially kill our tree. If construction occurs as requested, there will be only one narrow (3 foot) rear egress to our property. Enforcement of the rear yard requirement will create a second emergency egress path.

While the petitioners are not currently requesting relief from the side yard requirements, they have in the past, and their history of frequent changes makes it possible they will request this relief again. We wish to state our opposition to this potential request, should it arise again in the future, for the same reasons stated above.

We have the following concerns regarding development of this lot in general:

1) The alley is currently not safe, as noted by the petitioners in their previous request to the city for resurfacing. The hazard does not come from the current state of the surface, but rather from the extremely narrow space and virtually impassable angles. Vehicles frequently run into the buildings lining the passageway - there has been visible structural damage to the garage at 215th 3rd Street. Sanitation and maintenance vehicles cannot navigate the passage due to extremely tight turns. Vehicles cannot pass due to the narrow width, requiring oncoming cars to have to back out of the entire passageway or to trespass on private parking spaces. These spaces are typically occupied, and the petitioners themselves have threatened to engage the police to deal with trespassers. The recent naming of the passage will increase the traffic, since drivers will assume that a named street is a useful route, and the increased traffic will subsequently increase the risk to property and pedestrians.

2) The city's antiquated sewer lines lie under the surface of the passage. These lines are

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potentially over 100 years old and likely ceramic and very fragile. Resurfacing operations and the increased traffic may result in significant damage to these lines requiring expensive repairs for the city and sanitation issues for the neighborhood.

3) The storm drains in the alley are not functioning appropriately - there is significant standing water in the drains days after a rain event. The passageway itself does not adequately drain water during rain events and results in flooding properties and 3rd Street. We recommend the city examine and repair the existing storm drains and make any required upgrades before making any decisions on permitting construction.

4) The granting of exceptions on this project will serve as a precedent and will facilitate the construction of new residential units on the passageway. While this committee may not consider this part of its purview, the resultant new dwellings will further increase traffic on the passageway, which will result in decreased safety as stated above. This will also increase the need for street parking on 3rd and C Streets, both of which are currently over-burdened.

We understand the desire of the petitioners to improve their investment, and we support their right to do so under the existing requirements. We also understand the desire of both the city and developers to improve their financial situations by creating more income-generating properties in our neighborhood. But these requirements exist, not to be a burden to developers, but to protect the rights of the neighborhood for everyone involved. If these requirements are purely for show, to be randomly waived for the financial gain of one developer over the good of the neighbors, then why bother having them in place at all. Once the variances are granted and the proposed construction is completed on the petitioners' lot, we might subsequently develop our adjacent property into a six-story Walmart (with the proper variances, of course). Or do these requirements actually have merit and value, despite the imposition they pose to development? When the adjacent property owners request that the existing regulatory requirements be fairly enforced to protect their properties, is it fair to deny them the protections they already have in place?

Thank you for allowing us to express our concerns in this matter, and we truly appreciate your thoughtful deliberation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clayton Chilcoat', with a long horizontal line extending to the right.

Clayton Chilcoat