

Members, Board of Zoning Adjustment  
Frederick L. Hill, Chairman

RE: BZA Application Number 20258  
1416 15<sup>th</sup> Street, N.W.

Dear Mr. Hill and Board Members:

I am one of the owners of Unit 3, 1414 15<sup>th</sup> Street, N.W. I attended via web the entirety of the hearing yesterday, July 15<sup>th</sup> until our case was called after the lunch break at about 2:45 pm. I registered as a witness, was called by someone at the BZA and confirmed that I was in attendance and expecting to testify and was told that this case would be called next, which it was after the lunch break.

Unfortunately, neither I nor the owner of Unit 1 in our building, Stephanie Demperio, were given an opportunity to speak. I presume that this was an oversight and you did not realize we had registered as witnesses. I am requesting that the case be reopened and my testimony be considered. I understand from Mr. Robert Reid that will be done, but only in this written format.

I object to the proposed addition to 1416. My objections are based on many of the same reasons that I understand Ms. Demperio has set forth in her written correspondence to you. I did not submit anything previously in writing because I thought that I would be able to testify.

I note that in Exhibit 4, the proponent for the special exception states:

The special exception qualifies under 11 DCMR Subtitle F Section 5201 because the lot occupancy does not exceed 70% and the addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwellings or properties.

Our building, 1414 15<sup>th</sup> Street, is an abutting and adjacent dwelling. It appears that the proposed addition would rise to the full second floor of 1416, which would be at the level of my unit on the second floor of 1414. My unit's bedroom is in the rear of the building and the unit's rear windows will look directly at the sidewall of 1416 which, after the addition, will extend out 11 feet from the rear of our building, obscuring a substantial amount of light, air, and privacy to my unit. See the photo included as page 2 of Exhibit 41. One of our two bedroom windows is shown directly above the window and door on the first floor of 1414. Any window in the proposed addition on our side of the building will look directly into the bedroom of our unit. One of the primary attractions to the unit when we purchased was the expansive view and openness out the bedroom windows, unlike so many condominiums where you look out at a wall. If the addition goes forward, we will lose one of the primary incentives for our purchase and a great deal of privacy. This is a substantially adverse effect on the use and enjoyment of our abutting, adjacent dwelling, contrary to the requirements of Section 5201.3:

An application for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly compromised;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

I would also like to challenge the proponent's assertion that the lot occupancy does not exceed 70% of the lot area. The proponent asserts on page 2 of Exhibit 6 that the current dwelling is 67% of the lot area, which already should have required a special exception. However, the addition is extending another 11 feet to the rear of the lot (Exhibit 6 shows the rear yard diminishing from an existing 44.7 feet to 33.7 feet). Exhibit 6 states that the lot area is 2,129 square feet and that the lot width is 21.29 feet. As best I can tell, the architectural drawings submitted as Exhibit 8 set out an exterior width of the building of 21' 2-1/2", or 21.2083 feet. They also set out the interior dimensions related to the addition. I confess that it is very difficult for me to ascertain how wide this addition is intended to be. At a minimum, the drawing on page 6 of Exhibit 8 shows an interior width of the extension at the side of the building abutting our building of 6' 11" plus 17" allotted for walls, which would equal 8' 4" exterior width or 8.33 feet. I have designated this area "A" on a copy of page 6 of Exhibit 8 attached hereto. Thus 11 feet x 8.33 feet = 91.63 minimum additional square feet of the lot being taken up by the dwelling, which constitutes 4.3% of entire 2,129 square feet of the lot. If the current dwelling is 67% of the lot area as stated in Exhibit 6, the new dwelling will be 71.3% of the lot area. This exceeds the limit for a special exception and as I understand it, would instead require a variance.

However, I believe that the drawing is actually intended to propose that the addition extends the entire width of the building, with one area with a width of 6' 11" excluding walls (designated "A" as noted above) and the second with a width of 12' 2" excluding walls (designated "B" on the attached), thus extending across the entire indicated 21' 2-1/2" of the rear of the lot. This would add 21' 2-1/2" x 11' = 21.2' x 11' = 233.2 sq. ft. to the portion of the lot occupied by the dwelling, which constitutes an additional 10.95 % of the square footage of the lot, for a total of 77.95% lot area occupied by the structure, far exceeding the maximum 70% permitted for special exceptions.

Additionally, I note that the smokestack pictured in Exhibit 41 and about which Mr. DelleDonne testified at the hearing is the smokestack venting the utility room containing the heating boiler units for all 5 units at 1414 and it is necessary to the functionality of the heating systems in the building. To the extent that an adjacent structure would require adjustment or movement of the smokestack, this would have a substantial impact on 1414.

Finally, as Ms. Demperio indicates in her communication to the Board, the subject property is listed for sale. It seems particularly inappropriate to impose such substantial impairments to the air, light, and privacy of our adjacent building for applicants who will no longer own or reside at 1416 15<sup>th</sup> St. N.W.

Thank you for your consideration.

Sincerely,

Gail Miller  
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