

October 18, 2021

Board of Zoning Adjustment
441 4th Street NW Suite 200S
Washington DC 20001

Re: BZA Case #20537

PARTY WITNESS INFORMATION

I wish to call two witnesses for the hearing of Case 20537 on November 3, 2021:

1. Guillermo Rueda. Mr. Rueda is a District of Columbia Registered Architect with more than 25 years of practice. He is a Principal at MCP Inspections, LLC a DC approved third-party agency for plan review and inspections. Mr. Rueda is an experienced architect in Washington D.C., including in the Zone RF-1 region and well beyond. Mr. Rueda will serve as an expert witness and will testify to the implications of the requested exception requested by the Applicant with respect to the criteria for exception as stated in Title 11, Subtitle D, 5201. He will also confirm some of the issues with the Applicant's proposal ANC 6B noted in their vote to oppose the project.

2. Jessica McGlyn. I am the owner of the adjacent property at 1225 E St. I have lived in my home for over 15 years. I will testify to how I have used and enjoyed my yard, my sunporch and rear part of the house over 15 years, and how my enjoyment will be substantially adversely impacted by this proposal. I will also speak to some of the issues with this proposal ANC 6B noted in their vote to oppose the project. I respectfully request that I be permitted to use a small portion of my time to share the challenges I have experienced navigating this process to defend my property rights and a few ideas to make the process easier to participate in for people like me and my less-advantaged fellow DC citizens.

3. Mr. Rueda will be offered as an expert witness. His resume is attached.

4. I request 45 minutes to present my case.



Jessica McGlyn
1225 E St SE
Washington, DC 20003

October 18, 2021

Board of Zoning Adjustment
441 4th Street NW Suite 200S
Washington DC 20001

Re: BZA Case #20537 – Attachment to Form 140

Members of the BZA Board,

I request party status in the matter of Case #20537, due for hearing on Nov 3, 2021. Please see below the responses to Party Status Criteria in Form 140.

1. How will the property owned by such person be affected by the action requested of the Board?

I own the rowhouse at 1225 E St, (Square 1019, Lot 826). I have lived there for over 15 years. My house is directly adjacent to 1227 E Street SE (Square 1019, Lot 0058), the home owned and occupied by the Applicant. When I moved into my house over 15 years ago, the Applicant did not live at 1227 E St. It was being rented out as a group rental house. The Applicant is seeking relief from Subtitle E § 205.4 from the rear yard extension limitations for a row dwelling in the RF-1 zone to build a two-story rear addition at 1227 E St SE.

The Applicant's existing house has a rear yard extension of 8.9', which will increase to 19.5' with the proposed two-story addition. That is nearly twice the length of what is allowed under Subtitle E § 205.4. The proposal includes an additional 6 feet in length of decks. I do not believe this special exception qualifies under ZR-16 Subtitle E, Chapter 5201 and Subtitle X, Chapter 9, because the proposed addition will have a substantially adverse effect on my use and enjoyment of my dwelling and property.

Specifically, I do not believe the Applicant's proposed project satisfies the requirements of E-5201.4: *An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property...*

If the BZA grants the Applicant's request for special exception, it's **cumulative** impacts will have a substantially adverse effect on my enjoyment of my property. I recognize that no one impact this proposal has is necessarily significant on its own, but the impacts

add up.

Therefore, the Applicant's proposed project does not meet 901 Special Exception Review Standards 901.2 *The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6- 641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgement of the Board of Zoning Adjustment, the special exceptions: b. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.* I will address the criteria for exception below.

I will note that I am quite supportive of the Applicant building a rear extension and am eager to find a compromise that gets the Applicant more livable space with less impact on me. I am opposed to this particular proposal because it's combined height, width and length will significantly impact my enjoyment of my property. The Applicant reached out to me on October 14th, to meet with her and her architect. I and Mr. Rueda have agreed to meet with them on October 20th. My hope is that the Applicant modifies her proposal, so it has less of an impact on me.

I will also note that there were errors I was unaware of in an architect report I commissioned to assess the Applicant's shadow study and submitted to ANC6B. These errors were brought to my attention and discussed extensively at the ANC6B meeting on October 12th, and it was determined the proposed building's shadows would be smaller than what the architect I commissioned suggested. However, based on testimony from the Applicant's architect, there will still be impacts on my property. I have asked Mr. Rueda to assess the Applicant's shadow study to explain how I will be impacted. I will submit that for the Nov. 3rd hearing. I contend that shadow study does not tell the whole story of how my enjoyment will be impacted.

I will also note that the Applicant presented a slightly modified project proposal at the ANC6B Monthly Meeting on October 12th from what they originally submitted to BZA. The effect of this modified plan on my property will be specifically addressed at the Nov. 3 hearing.

Finally, I would like to note how challenging this process of defending my property rights has been for me, who is neither an architect nor a lawyer, to navigate. I mention this out of concern for my less-advantaged fellow DC citizens, who may not have the resources to defend their property against similar proposals. If BZA finds this acceptable, I would like to use a small portion of my testimony time to share some of the challenges I have faced and ideas to improve the process for those with less means.

Following are the general impacts on me of the Applicant's proposal, in line with the section E- 5201.4:

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

The Applicant's proposal would have several general impacts to my enjoyment of my property. I love the unique character, look, and feel of the backyard and rear of the house. It is a key reason I bought this property.

My house is relatively small at 1250 square feet. It is smaller than the Applicant's house by several hundred square feet. My house is shorter than the houses on either side of me. I don't have a basement. My den and kitchen are narrow. My washer and dryer are in my narrow kitchen. The house feels a bit cramped.

But the layout of the yard and views from the sunporch and back of my house are very special. The yard is quite deep, without any buildings adjacent to it along the fence line on all three sides. This provides an aesthetic of openness, spaciousness, and airiness. I have always enjoyed this open, airy aesthetic of my backyard.

I like to see greenery and I like to see sky. From my sunporch, I can see the landscapes of my neighbors' yards along the block. I can see trees. I can see sky. I can watch birds. From a chair by my kitchen or from my sunporch, I can drink coffee and watch the sun come up. I value the aesthetic of this space as I garden, read, relax, and entertain in my yard. This special space inspires me as I write and paint. Living in the city, sitting in this peaceful space with these views, openness, and greenery, are precious to me.

Because of the unique character, look and feel of the rear of my house and yard, I spend a great deal of my at-home time there. I use the space to meditate, paint, write, garden, bird watch, read, sunbathe, work, relax, cook, and entertain.

The Applicant's proposal would ruin this aesthetic, look, and feel for a large portion of my yard to the east. Where I have enjoyed open space and air around my sunporch for over 15 years, I will now have the Applicant's 24-foot wall, right up against me. Where I now have a privacy fence with nothing but open space above it, I will have a two-story building. Losing this spaciousness and airiness impacts my enjoyment.

The Applicant's two-story building will also block views of sky and trees that I love from

my yard, sunporch, and den. Please see Exhibit A for a visual representation of what I have now and what I would lose. My enjoyment will be substantially impacted by losing these views and gaining views of the Applicant's wall, not only from my sunporch, but for a good portion of my yard to the east.

I have a Masters in Forest Science and know that building up to my property line will damage and likely kill my cherry tree (see Exhibit A); the soil will be impacted within the tree's critical root zone. This tree was here before I moved in, and I have a strong sentimental attachment to it. This tree flowers consistently, bringing pollinators like bees and butterflies to my yard. This tree also provides a home to bird nests almost every spring. This year, baby catbirds fledged from a nest in this tree. I watch the birds, bees, and butterflies from my sunporch and backyard. I will be extremely sad if this tree is killed.

I am also concerned with the precedent this might set of granting a special exception to this Applicant. The Applicant's proposal would fundamentally and permanently change aspects of my property that I have enjoyed for years. If my neighbor on the other side to my west decides to build a rear extension with the same dimensions as the Applicant, the impacts will be even more severe.

Had the Applicant's proposed extension been in place prior to me buying my house, I likely would not have bought this house because of the aesthetics, open air, spaciousness, look, and feel as stated above.

Below I address the specific criteria in E 5201.4 that are relevant in this case:

- a) *The light and air available to neighboring properties shall not be unduly affected;*
I will permanently lose some light on a portion of my yard where I have a vegetable garden, flowers, shrubbery, and trees. I will permanently lose some light to the rear of my house including my sunporch. And I will permanently lose some light on my solar panels. The hours and degree of impact will vary throughout the year. In general, the impact on my light will occur between sunrise and noon. The loss of light will be most pronounced in winter when light is precious. As I stated, I have asked Mr. Rueda to evaluate the specific impacts to me for the Nov. 3rd hearing.

The Applicant proposes to fill in the dog leg between our houses but leave a small lightwell near the rear of our houses. The proposed lightwell would be situated in an area where I do not have windows. It is unclear in what way this would provide relief to my loss of light.

I live in a small rowhouse. I enjoy the natural light and southern exposure at the rear of my house. The front of my house, which is northern facing, has beautiful, dense landscaping of trees and shrubs in front of my living room window. This landscaping was in place prior to me moving into the house over 15 years ago. (I confess I and some arborist friends planted a horse chestnut in a tree box in front of my house.) The landscaping draws in different species of birds. I am a sustainability and environmental professional and do not want to remove the existing greenery and bird and pollinator habitat if it can be avoided. Unlike a building, trees, vines, and plants absorb carbon and other air pollutants and breathe out oxygen. Trees and plant life are important from an environmental and climate perspective. Even in a city, environment, climate, and biodiversity matter. So, I have made a compromise with nature and have settled for less light coming through the front of my house.

I note that I have greenery in my yard as well, for the same reasons. For example, I have a Japanese Maple near the rear of my house that was there before I moved into the house. It usually drops its leaves in winter. I have a pergola towards the back end of my yard (well out of the zone of the Applicant's proposal) that has traditionally had wisteria growing on it. This provides bird and pollinator habitat. I contend that the temporary and scattered blocking of light by life-giving trees and vines with leaves that grow and fall off in no way suggests I do not value light. And the blocking of light by tree leaves that fall off and vines and tree branches that can be cut back (and I do cut them back and pull them off as needed) differs from the permanent blocking of light and air by an impenetrable two-story building that will run a good portion of length of my yard to the east.

The Applicant's proposal will fill in the 5 ½ foot dogleg between our houses and then build a two-story house along our property line for 19.5 feet. This 24-foot wall will permanently block the open air that I have enjoyed for 15 years. The lightwell the Applicant proposes will not mitigate my loss of air as it is set back from my sunporch and enclosed.

If the Applicant receives this special exception, I am also concerned about the precedent this might set. If the neighbor adjacent west of me decides to do a rear extension of similar dimensions, my loss of light and air will be even greater. I am concerned the standard of comparison that neighbor would use to assess impact to me would not be what I have now, but what exists with respect to the Applicant's proposed project.

b) *The proposed addition or accessory structure, together with the original building, or*

the new principal 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 or alley frontage;

The proposed addition will be visible from the alley behind our homes and from my house and the neighbors' houses along the alley frontage. The addition, given the length of the building plus the 6 additional feet of covered decks, will stick out farther than all seven houses to its west and it will stick out farther than five houses to the east (see 1227 E St Architectural Plans submitted by the Applicant). To sum that up, the house will stick out farther than 12 of the 14 houses on my block. From my deck, looking to the east, the trees block views to the two houses that stick out far (see exhibit A). From my perspective, this building visually intrudes on the character along our alley frontage. We live in the Capitol Hill historic district, where character matters.

If the BZA grants the Applicant's request for special exception, it is likely that more rear extensions of such dimension will occur in our historic neighborhood, fundamentally changing the character of the neighborhood.

2. What legal interest does the person have in the property?

I own the property where I live, at 1225 E St SE. The purchase was made over 15 years ago.

3. What is the distance between the person's property and the property that is the subject of the application before the Board?

I live in a rowhouse directly adjacent to 1227 E Street SE. Our homes are attached.

4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the board is approved?

As stated above, if BZA grants the Applicant's request for special exception, my immediate environment will be impacted with respect to open air, light, spaciousness, character, aesthetics, and views that I enjoy. My cherry tree will be damaged and likely killed, which will impact the wildlife using the tree.

As stated previously, I believe that granting the Applicant a special exception for this house will encourage others to do the same. If my neighbor to my west decides to build an extension of similar dimensions, I will lose even more light, open air, spaciousness,

character, and wildlife.

I am also concerned about how this proposal will impact the relative value of my property. As stated earlier, if the Applicant's proposed project had been built prior to me buying this house, I would likely not have bought this house. I am concerned that the addition along my property line will impact what future buyers are willing to pay. I am an independent contractor. My sole source of income comes from contracts which could run out. I will likely be supporting my mother in a few years. A lot of my assets and future financial security are tied up in my house. Any loss of potential property value resulting from the Applicant's proposed project would be an impact on me.

5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved?

On October 12th, ANC6B voted to oppose the Applicant's proposed project. Among other things, the testimony before the ANC demonstrated that the Applicant's rear extension impacted on me without adequately considering less intrusive designs. I and Mr. Rueda will address this point and the other points made by ANC6B in their opposition to the Applicant's proposed project in my testimony to be submitted by Nov 2.

6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public,

My house is directly adjacent to the Applicant's proposed project. My house is set back approximately nine feet from the Applicant's rear wall. The reason the Applicant's proposal requires a special exception is because the rear of my house is so far set back from theirs. My house is smaller and shorter than the Applicant's. My house and property will be distinctively and uniquely impacted in character and kind by the Applicant's proposal than a member of the general public.



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