

BZA Hearing Oct 9

Testimony of Jessica Smith, Party to Case 21163

My name is Jessica Smith, I am the owner resident at 625 A St NE, immediate neighbor to 627 I moved in in January 2014. I am a single parent and raised two boys, one just went off to college, and I am still raising my 12 year old here at home. This home is my oasis, I bought it because of the light in the back patio and the kitchen. There is almost no light in the front of the house. I oppose the applicants request for four zoning exceptions.

This principal dwelling is already very large house, record shows there are 10 rooms – five of them bedrooms – with three kitchens, and three HVAC units.

- They want to convert the garage to another dwelling unit. I don't oppose that but I am opposed to an expansion of the footprint because - contrary to what the applicants architect would tell you and has described in her burden of proof - this project has a HUGE impact on my property in terms of loss of light, and privacy, and sense of openness of my back patio.
- As for privacy - the current design has a bank of windows on the north side and a juliet balcony - another bump out in the facade – which overlooks my property - right into my patio, kitchen and 2nd floor bedroom, so in addition to invasion of privacy and there would be light pollution at night from the windows if the lights are on and whoever is in the 2nd story bedroom wants to sleep.
- Also on our side of the alley the single story garages allow for an openness. This, and the light in the kitchen and backyard, is the #1 reason I bought this property. Here is my backyard now. (SHOW PHOTO 1)
- And here is what it would look like if the applicant is granted her exceptions (PHOTO 2)
- I constructed a temporary wall so you can see with your own eyes how much the structure would enclose my backyard and essentially create a dark dead zone in the mornings. My patio would be permanently enclosed by this wall.
- SUN STUDY - SUN STUDY
- I don't see a fence on their plan. Are they planning one? How high will it be? I would want a new fence, and I would like to be designed in conjunction with me
- I am asking for safety barriers adjacent to the dividing fences, to guard against cars parked perpendicular to my patio from accidentally ramming into the fence or my backyard.

The petitioners mother, mentioned at an ANC meeting, that she just wanted parity with everyone else in the alley who has a carriage house or structure over their garage. Not only are there no structures over garages on the north side of the alley, but the structures on the other side are carriage houses, with parking underneath. This is NOT a carriage house! And it doesn't fit with the current pattern of above-garage structures in the alley

What has been upsetting about this whole process is the way it's happened behind closed doors, and without a fair process. The applicant sent her sister to show me the design, and I

opposed it because of the impact it would have on my backyard. In April, the applicant sent me a sun study drawn by her architect, which didn't seem accurate so I commissioned my own which shows more significant light loss. After that, there was no communication. We got NO notice of any hearings - ANC, BZA or otherwise. IN August I reached out to my ANC rep and he emailed me about the first ANC hearing. And at that point I realized how much I need to do, and started speaking to neighbors, and found out that one neighbor who had signed a letter of support back in January had been told by the applicatn that the project was an "update to the garage" - so she trustingly signed it, but has since withdrawn her support. Another elderly neighbor said she was told it was a carriage house and also did not look at the drawings, but was upset when I told her the details. The application gained at least two letters of support through deception. And one letter came from a renter, who I am not sure even lives there any more. Another is from an apartment complex owner on East Capitol. As forthe lack of notification, I called the BZA and told them no one had gotter noticed, and Mr Reid quickly sent out the notices. On Sept - neigbros received the letter about the BZA hearing on Oct 9. Because of the lack of notice, we were hoping for a postponement so we could have due process, but when we brought that up, OZ and the ANC started making things up, insisting that the letters had been sent out - but the fact is, NO ONE received notification. To me, this stinks. Our request was quickly denied, even though applicants architect Jennifer Fowler has gotten two postponements. In addition, we never received notice when Ms Fowler submitted a MAJOR CHANGE to the petition – she changed on of the exceptions. Again, no notification. The applicant and her architect are conducting this process secretly, and the Zoning Board doesn't appear to be protecting neighbors rights to notice, so we can present our concerns. The applicant and her architect have had three years to sell their story and lobby all the officials involved to go their way, and I have had one month. I find the opaqueness and under the table process nfuriating, and I think damages trust in the process.

I also want to bring up the ANC meeting. It was appalling. I thought - at least it says on the website - that the ANC exists to hear and represent the community's views. Not this ANC. It was clear they had already been sold a story, and had made up their decision. They waived off every concern of the more than 20 neoghbors jumped on the hearing after hearing about it through word of mouth – again, no notice, and were actively advocating and HELPING the petitioner. They sounded more like the petitioner's lawyers than ANC Commissioners. . It was shocking. They almost got silly, even obnoxious, with one Commissioner saying "Oh you love your alley so much, you'll have more people living there to enjoy it!) The first hearing 4 voted to approve the request to break the zoning laws, 2 denied it, with one calling it, rightly so – piggish, and having a lot of asks. The following week another ANC meeting - was presented out concerns more fully, more calmly – but the ANC did not budge in their bias, and the vote was (CHECK). At one point, an ANC representative was so upset by the obvious bias he rose his virtual hand and reminded his colleagues that their JOB is to represent the views of the community. He did vote against it.

Basically a house of this size is NOT warranted. The applicant can achieve her goal of building an accessory dwelling by building a 1000 Sq ft house within the byright.

As for the argument, that this is adding housing to DC – its NOT. The family runs an AirBnB business, and this structure is designed to be a lucrative AirBnB that can accommodate up to 8 people - its 3BR and a Den - in addition to a huge entertaining area bigger than most houses on the Hill. Put a sofa bed in, and that's 2 more people. When I bought this up at one of the ANC meetings, Dia said she couldn't add more properties on the license she has - although theoretically she could swap out a more lucrative one for a less lucrative one. My point is that the argument that this adds to housing stock in DC doesn't hold water. AirBnBs reduces housing stock and drives up rents, because the short term rentals are much more lucrative, and they take long term rentals off the market. Also - the idea that I - and other immediate neighbors - will be living next to people coming and going, not invested in the neighborhood, staring into my house is really unsettling and upsetting. Then there is the congestion, added traffic and garbage. There are already 8 garbage bins outside the garage – where are they going to put eight more garbage bins?

As I stated earlier, I am not opposed to the applicant redeveloping the garage. I don't have a problem with a second story - that is a matter of right – but I have a big problem with them expanding the footprint of this building, because it has a MASSIVE impact on my privacy and light. And would reduce my property value significantly. And impact the neighborhood with more congestion. A smaller footprint – one within the byright – would still negatively impact me and other neighbors, but not as much.

I should add that the applicant did email me with an offer - she said if I withdrew my party status she would lower the height by one inch, and remove 3 inches of the length. I didn't find that a reasonable offer. I responded on Sunday, proposing that they stay within the byright, and build no higher than 16', which would make it level with my garage. And we could both have solar panels!

My request to you, Honorable Chairman, and other member of on the Board - to please postpone a decision on the case and work with me and the applicant to address my concerns and continue negotiating a solution.

Thank you.