

Oct 30, 2024

Board of Zoning Adjustment  
of the District of Columbia  
441 4th Street, NW  
Suite 210-S  
Washington, DC 20001

Re: BZA 21163 (627 A St. NE)

Dear Members of the Board,

I am writing in response to the applicant's submission to the BZA, in response to the BZA's request for changes to mitigate the loss of privacy, light and air to my adjacent home as a result of the proposed expansion of the two-story house that would replace the current one-story garage.

**The applicant has refused to discuss or negotiate with me, or present any meaningful concessions.**

**FOOTPRINT:** Several weeks ago the applicant made an initial offer, asking me to withdraw my party status in return for removing 1' off the height and 3' from the length of the building. This would still leave more than 10' of the house towering over my backyard, blocking most of my light, air and views. I asked them to consider simply building their two-story house as permitted as a matter of right, even though that in itself would have a massive impact on my privacy and light into my backyard, as shown in the applicant's sun study as well as the sun study that I commissioned. Building within the byright would still allow for a comfortable two-story, 2 BR, 2BA home in addition to the units in the main house. **The applicant refused.**

Reducing the footprint, either building within the byright or extending 3' into the backyard, would also mitigate the sharp increase in population density and impact on my privacy that would result from the proposed additional dwelling. The structure as currently proposed could house up to 8 people. As I indicated at the Oct 9 hearing, the applicants have an active Airbnb business so there is also the likelihood that the occupants of the new dwelling would be a revolving group of transient occupants. I have asked the applicants for a copy of their CofO to better understand the current status of the main house, which they indicate has two units, but according to SCOUT it has three kitchens, and previous CsofO listed below indicate a history of three units and no current CofO as required by zoning. So, in addition to privacy, impacts of the proposed expansion also would entail more traffic and trash and a lack of street parking. **The applicant's proposal does not mitigate any of the impacts of the enlarged footprint.**

**PRIVACY:** Commissioner Smith, at the Oct 9 hearing, acknowledged the obvious loss of privacy from the bank of windows on the north side of the proposed structure, looking into the back of my house, and suggested that the applicant frost the windows. The applicant emailed

me to say she would frost only the bottom half of the windows, which still allows unobstructed visibility into the entire back of my house. The revised proposal submitted to IZIS indicates the windows would be fully frosted. I would like confirmation on if the windows will be half or fully frosted. Either way, if the windows are open, I lose privacy. And frosted or not, I would still be impacted by light pollution at night. In fact, the application doesn't even need windows space on the north side of the proposed structure because she can have windows on the south side, and the east. I would prefer *smaller* windows located higher up.

**SAFETY:** The applicant has refused to include my request for industry-grade safety barriers on the west side of the two-car parking lot she has proposed in the middle of her property lot. Cars would turn in from the alley and park facing the fence separating the two backyards, with the front of the car would be inches from my backyard, creating clear risks of bumping or crashing into the fence and my property.

**FENCE:** The applicant has not shown a design of the fence that would divide our backyards, as I requested.

**IN CONCLUSION,** I urge the BZA to *disregard* the letter from ANC60C Commissioner Mark Eckenweiler. From the very first words he spoke at the first ANC hearing on this case, Mr Eckenweiler has shown flagrant advocacy for the applicant. He has dismissed, trivialized and misrepresented the concerns of neighbors. His latest letter to the BZA was written unilaterally, without any input or a vote from other Commissioners, several of whom opposed the applicants petition, with one describing it as "piggish." Commissioner Eckenweiler has not fairly represented the community.

I urge the BZA to note the recommendation of the CHRS, which states:

*"The Capitol Hill Restoration Society (CHRS) opposes the application for zoning relief from the building area requirements of Subtitle E § 5003.1. The applicant proposes a substantial expansion of a nonconforming garage to construct a residential two-story accessory building. The proposed structure would include three bedrooms and a den (approx. 158 sq. ft.), three full baths, a large living area/dining area (approx. 343 sq. ft.), and a kitchen. The proposed construction would increase the existing building's land area coverage from just over 500 sq. ft. to more than 800 sq. ft., creating an imposing structure that would obstruct the light for neighboring properties and diminish the enjoyment of neighboring properties. The new building would be disproportionately large, with a land area coverage more than 66% that of the principal dwelling, and it would surpass the by-right land area coverage for an accessory building in an RF-1 zone by more than 350 sq. ft."*

I am willing to make concessions, and lose much of my light and some privacy, so that the applicant can have a third dwelling on her property. **However, the applicant, who does not live here or interact with the neighbors, has shown no willingness to rein in her proposal to lessen the damage.** I respectfully ask the Board to deny the applicant's request for exception from Subtitle E § 5003.1, until the applicant is able to make *meaningful* changes to

mitigate the loss of light and privacy and other impact caused by the unnecessarily large footprint.

Thank you for your fair consideration,

Jessica Smith  
625 A St NE  
Washington DC 20002  
Party to Case 21163

CofO Records to Date

1. Michael Jack Butzko – Rooming House (1955)
2. Name is not legible —Tenant House (1949)
3. Name is not legible —Tenant House (1951)
4. Louis Munan—Rooming House (1960)
5. Lucyle Hook – Apartment House (1963)
6. Donald L. Wallace Sr – Three unit apartment building (1975)
7. Peter Brook and Maureen King—Apartment building 3 units (1984)