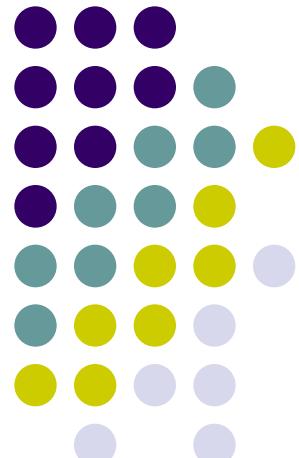


ANC 6C Testimony in Opposition to BZA 21329 (1128 4th St NE)

Mark Eckenwiler

Vice-Chair

Nov. 3, 2025





The Applicant's False Narrative

- The burden-of-proof statement claims
 - that in 2021 the applicant sought a permit that included the illegal porch-top deck and railing
 - that his architect removed the deck & railing from the plans without his knowledge
 - that the approved plans showed a dangerous condition – an upper-story door opening out onto an unprotected porch roof, and
 - that the applicant was effectively compelled to cure this condition lest it endanger his infant daughter



The Truth

- Only the first of those statements is true
- The architect removed the porch-top deck & railing from the plans **because DOB told him in writing they would require zoning relief**

Zoning Review:

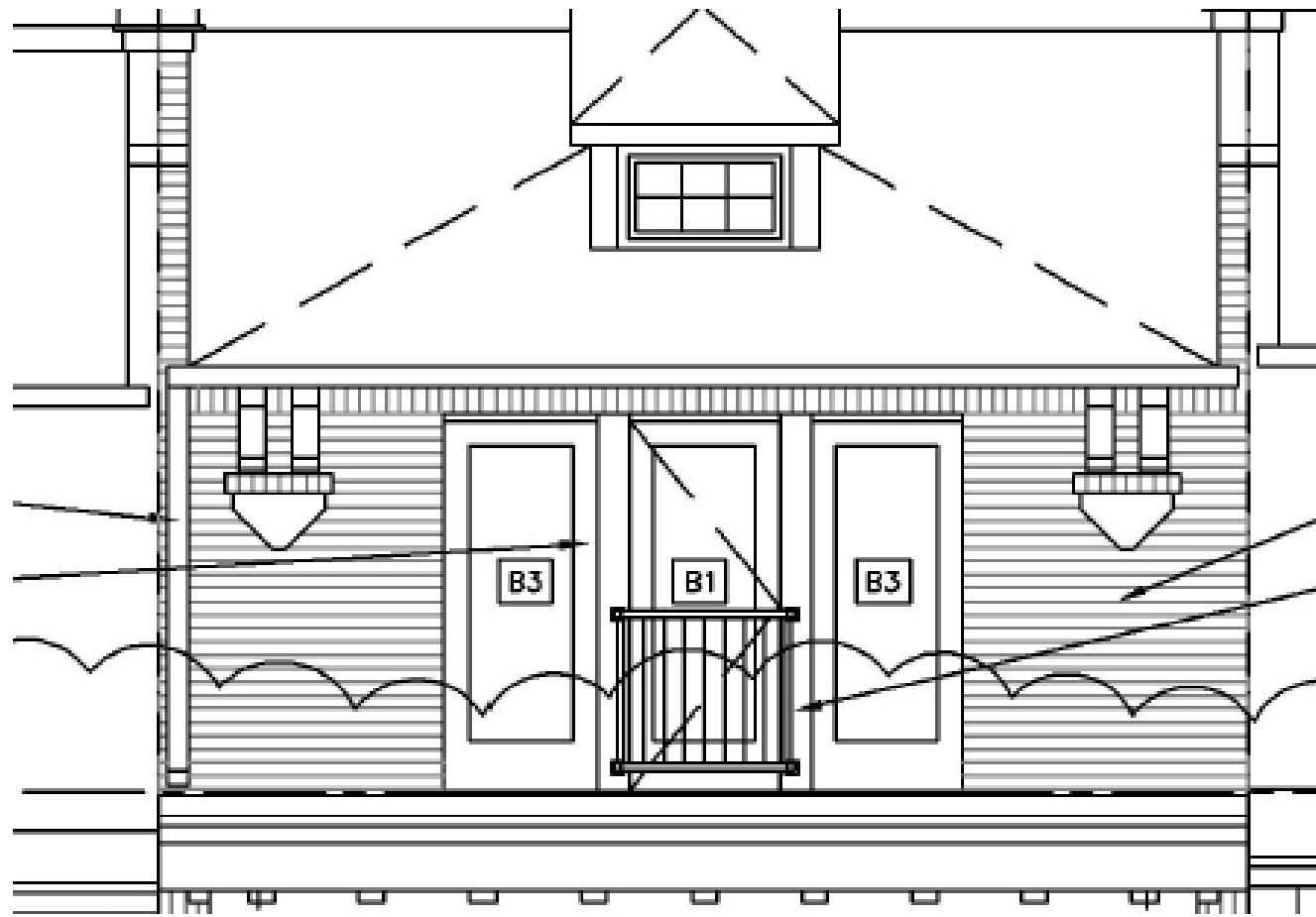
The proposed Balcony over the existing Porch in an RF-1 zone is not permitted without a Special Exception from the Board of Zoning Adjustment (BZA). *Response: Balcony has been removed from scope, and a prefabricated Juliet railing has been added to the exterior of the 2nd floor door. See edits on 03/A200, 04/A300, and 02/A400. Revisions have also been made to the Scope of Work Summary and Proposed Site Plan on sheet 0000, and the Door Schedule on sheet A400. Also, Juliet balcony product information has been added to sheet A300.*



The Truth

- Even if the architect failed to inform the applicant about the change at the time, the applicant claims (Exh. 12 p. 1) to be familiar with the final approved plans
- Those approved plans do not depict a door opening onto an unprotected porch roof
- On the contrary, consistent with the architect's response to DOB zoning review, the approved drawings show a juliet railing blocking the second-story doorway

The Truth: The Approved Permit Drawings





The Truth

- The applicant's decision to construct the illegal deck & railings was not prompted by any ambiguity or dangerous omission in the permit drawings
- Instead, the construction of the illegal deck & railings was done with willful disregard for the approved permit's terms



The Special Exception Criteria

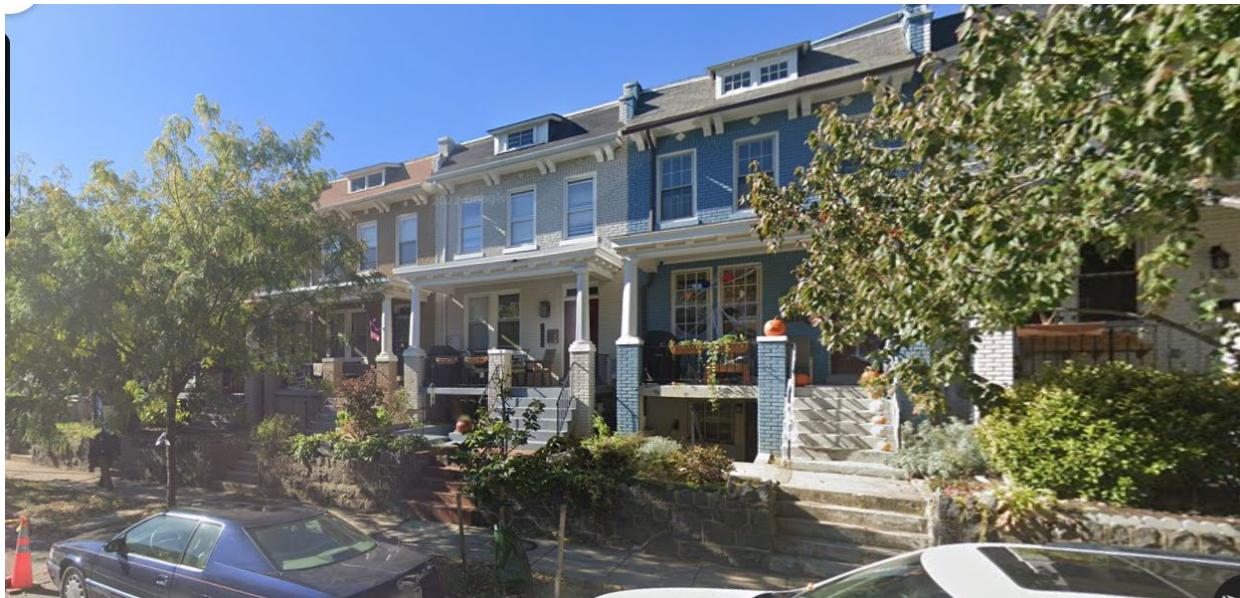
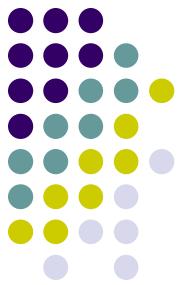
- Relief here turns on section E-204.4
- As with other special exceptions in the RF zones, that standard requires no material adverse impacts on
 - the character, scale, and pattern of houses along the street
 - the privacy of use and enjoyment of neighboring properties



The Applicant Fails to Satisfy the Special Exception Criteria

- This block was built by a single developer from 1922 to 1923 using the same basic template
- 31 houses from number 1102 to 1162 have the same basic two-story porchfront style
- Except for the subject property, **none** of these houses has a porch-top deck or railings

Views of the Consistent Character/Scale/Pattern



The Applicant Fails to Meet the Special Exception Standards



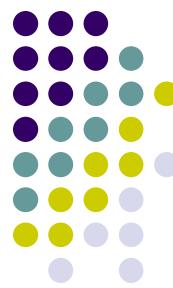
- The applicant's illegally constructed porch-top deck & railings “substantially visually intrude upon the character, scale, and pattern of houses along the street”
- Intrusive porch-top decks on other streets in a radius of 3-4 blocks are totally irrelevant
 - the test is the impact on **this block's** character, scale, and pattern

Adverse Impacts on Adjacent Properties' Privacy



- Substantial visual intrusion on the block's character/scale/pattern by itself is fatal to the application
- In addition, the illegal deck offers point-blank views into the second-story bedroom windows of both next-door properties
 - the Board need not rely on this additional harm

Denying This Application Will Not Deny the Applicant All Outdoor Recreation Space



- In pending ZC 25-12, the Zoning Commission is considering OP's proposal to exclude decks up to 200sf from "building area"
- Remarks at the Nov. 3 hearing indicate the ZC favors an exemption in some form
- The applicant (and others) will likely be able to build legal outdoor decks at the rear of their properties
- Denial here will not foreclose outdoor recreation space elsewhere on the lot