

Katherine Mitchell
4511 Davenport Street, N.W.
Washington, D.C. 20016
March 28, 2022

Mr. Frederick L. Hill, Chairperson Board of Zoning Adjustment
441 4th Street, N.W. Suite 200-S
Re: BZA Case No. 20661 – Letter in Opposition

Dear Chairperson Hill and Members of the Board:

I wish to express my opposition to the special exception request of Valerie and Nicholas Alten to build a two-level accessory structure, including an accessory dwelling unit (ADU”) on the second floor, with 660 sq ft on each level, in the rear of their property at 4511 Chesapeake Street, N.W. I live exactly one block away, in a house on a similarly sized lot of substandard width (40’ instead of the minimum 50’ required), located in the same position on the Davenport block as the Altens’ home occupies on the Chesapeake block. While I am just outside the 200’ radius, this case is of great concern to me. I have zero opposition to any accessory building with ADU that is 450 sq ft per level or smaller.

Most lots in the immediate vicinity of their and my property are in the substandard 40’ width range. See, for example, figure 1 in the Applicants’ Prehearing Statement. As a result of the narrow lot widths, while there are some two-story ADU’s in the neighborhood, they are often smaller than or equal to the stated legal maximum size of 450 sq ft, and ADU’s such as proposed here at 146.7% of the maximum, are, to my knowledge, nonexistent in the neighborhood. Claims made at the ANC3E meeting that the Alten’s proposed building is “substantially” the same size as accessory buildings nearby at 4518 Davenport and 4519 Chesapeake are incorrect. The 4518 Davenport structure is 493 sq. ft., not even 10% above the current statutory limit and the one at 4519 Chesapeake is under the 450 sq ft limit.

The Application contains no explanation why the Altens need so much more space than normal, and granting approval just because they think they can make it compatible should not be enough reason to allow a 660 sq ft accessory structure to be allowed in this particular neighborhood. He states repeatedly that the proposed structure will be "minimally visible" due to the

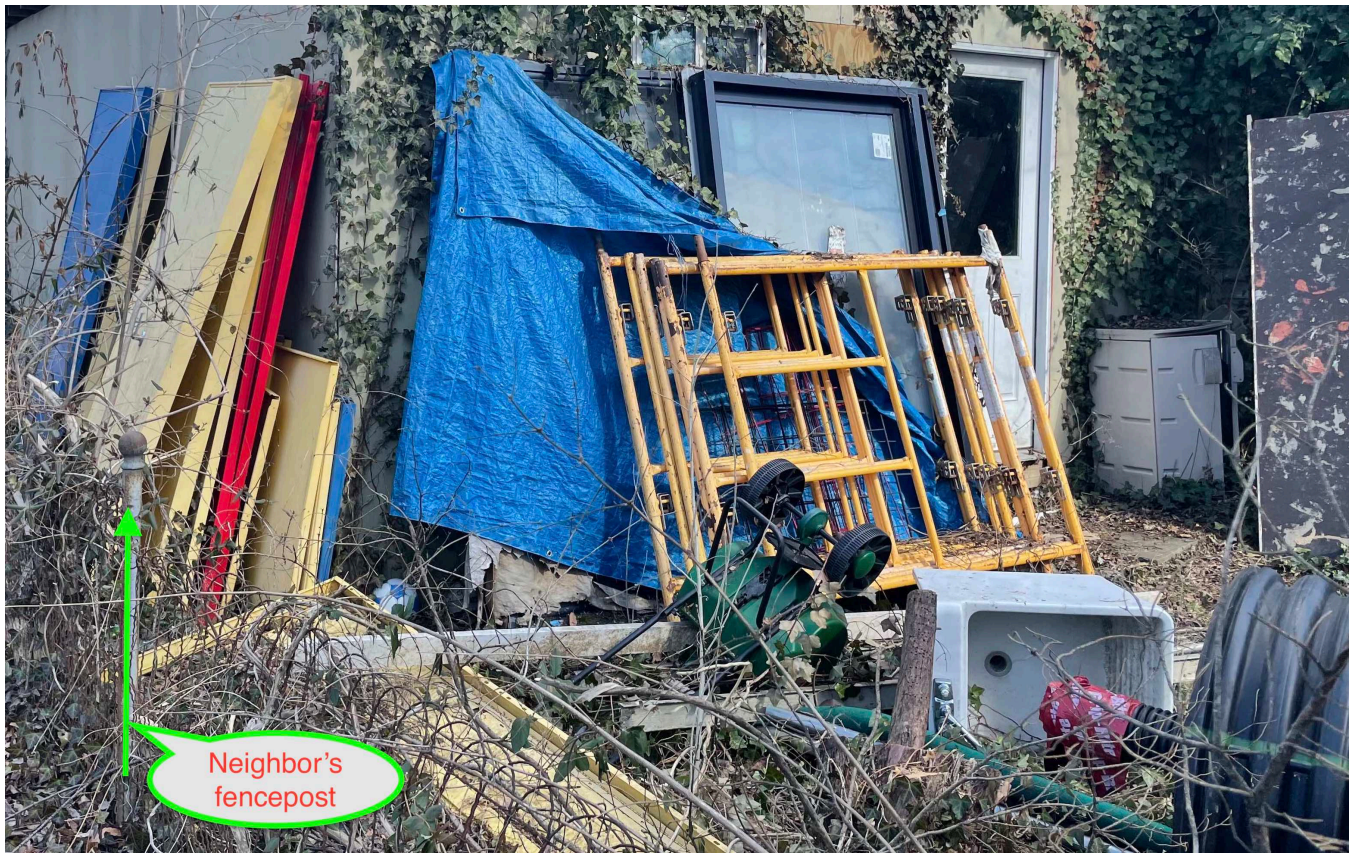
"existing vegetation". Below is a photo of the current existing vegetation along the north and west sides of his property where he proposes the oversized structure:



The standard pattern in the neighborhood is for accessory structures to be clearly subordinate in size to the main home. In this instance, however, the house will just barely be larger in area and bulk than the main home, and will even include more second floor area than the main home. The established balance in the neighborhood between the smaller accessory building and the larger home would be upset by approval of the application. Further, allowing an ADU that is 146.7% of the statutory maximum size is inequitable: many other neighbors built size-compliant ADUs. In the future, given that a 660 sq ft ADU will rent for substantially more than a 450 sq ft one, others in the neighborhood are certainly likely to seek similar approval, i.e., equal treatment, especially since the Altens have not even attempted to justify their

need for the extra space. The existing size limit is a sensible one and it should be fairly and uniformly complied with absent a compelling need for more space and only where there is no adverse impact on the neighborhood.

Mr. Alten made clear to the ANC that he runs his construction business, BetterSpace, LLC, from his home. I understand he has a permit for an **office** for a home improvement contractor BUSINESS. That means a business office, not a place for storage of equipment and materials used in the home improvement process itself, and the office must not occupy more than 25% of the floor area of the home, or about 507 sq ft. The application characterizes concerns about the operation of this home occupation as irrelevant here, but they are not. For years, the Altens' yard has been littered with unsightly materials and equipment used offsite in the construction activity:





As the above photographs, taken in early February, 2022 of the condition of the Altens' yard before they were obliged to clean it up, clearly show, he has ignored ***Subtitle U Section 251.3 (f) No operations related to the home occupation shall be conducted outside a structure, nor shall any storage or other unsightly condition be permitted outside a structure.***

while using his **home office permit** to store and load construction materials in his garage, yard, and porch (outside storage on front porch, in side yard at rear home bump-out, and on yard at east side of existing garage are shown in photos in opposition letter by Dawn and Marten Leijon, 2 doors down from the Altens within the 200' radius, Exhibit 23, pages 2-4). It appears from Mr. Alten's testimony at the March 9, 2022 ANC3E meeting that his ultimate "solution" will be to store these materials within the first floor of their proposed ADU. But taking Mr. Alten at his word, despite his past history of littering his rear yard with construction equipment and materials, granting the special

exception means this will facilitate just another violation of DC regulations by him. Specifically, the first floor of an accessory building with an ADU on the second floor can only be used for garage parking, an artist studio, or storage for the home, not storage for a home improvement/construction business. His cargo van used by his construction/remodeling business is so large it cannot even fit in his existing or proposed garage, and will instead be parked on his proposed 10' x 34.5' long concrete pad adjacent to the proposed accessory structure, with 6' wide double doors on the side of the building facing the cargo van parking pad, in addition to the 16' wide garage door at the front of the garage. It is disingenuous to claim this oversized structure is not oversized because of his desire to store and load construction materials on his residential lot. From page 4, BZA file Exhibit 52, Office of Planning Report:

Subtitle E § 5201:5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

Applicant's response: The continued use of the property as a single-household dwelling is permitted in the zone. The construction of an accessory building is anticipated in this zone, and not meeting the maximum building area limitation is permitted by special exception, which the Applicant has requested.

As I understand 5201.6, a Special Exception cannot be allowed to introduce or expand a nonconforming use. It is clear from numerous opposition letters and submitted photos that Mr. Alten has used his home office for a nonconforming use; it cannot be allowable for him to build an oversized accessory structure to expand a nonconforming use.

Finally, a clear path on the alley behind the Altens' house is particularly important to me; as a disabled senior citizen, I often drive that way to and from my home or walk my dogs in the alleys. On more than one occasion, that drive path has been obstructed by the loading and unloading of construction equipment and materials by Mr. Alten to or from his large van.

See photo below of just one instance when Mr. Alten blocked the alley with his cargo van:



The obstructed car had to back out to Davenport Street to find an alternate route. On another occasion, Mr. Alten dismissed my request to move his van closer to one side of the alley so I could pass by. I had to wait as various construction materials, including, as best I recall, windows, doors, lumber, and drywall/plywood/pressboard sheets were loaded from his existing garage to his large cargo van. After at least 5 minutes of continued loading, I gave up and had to back out of a public alley, across a sidewalk, and blindly into Chesapeake Street so I could get to my own property. Our residential alleys are not for commercial businesses to use as a loading zone—an incompatible

use that is likely to become even more of a problem if Mr. Alten's business is allowed to intensify by using an oversized accessory structure as a commercial warehouse and loading dock.

Thank you for taking my views into account as you consider the special exception request. I urge you to deny it.

Sincerely,
/Katherine Mitchell/