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John Lemoine and Martha Maiden
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September 9, 2008

VIA HAND-DELIVERY

Ms. Ruthanne G. Miller
Chairperson
Board of Zoning Adjustment
441 Fourth St. NW
Room 210
Washington, DC 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17747

EXHIBIT NO. 62

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Regarding the Appeal of Stephanie Wallace
BZA appeal No. 17747

Dear Chairperson Miller,

Thank you for allowing us the opportunity to state our case in opposition to this Appeal. This has been an extremely difficult and drawn out process. We are not lawyers, but we've done our best to present our side. We appreciate your patience and understanding. We respectfully submit what we find as facts:

1. As we have stated in filings and testimony, It was abundantly clear that the Appellant intended to use the original house's non-conforming side yards to build the largest possible house on this narrow lot, then, due to structural failings which were obvious at the time of purchase, completely remove the Original House.
2. ANC 3E thoroughly addressed the issues of this Appeal in several scheduled meetings. These meetings were attended by neighboring property owners along with the Appellant and her attorney. On April 5, 2008, ANC3E convened a meeting between the

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Appellant and the neighbors (now Intervenors) to give the parties an opportunity to find compromise. When asked by ANC commissioner Lucy Eldridge if she would consider making changes to the structure to relieve its affect on the neighbors, the Appellant stated that she would not change anything, but would rather "see what happens at the Hearing". We were willing to work towards compromise in April of 2008, and we remain so.

In its monthly meeting on April 10, 2008, ANC 3E passed a resolution in strong opposition to this Appeal.

3. Although they claim to have acted in good faith and just followed DCRA's instructions, the Appellant and her Contractor were anything but responsible developers. They have treated the adjoining neighbors with incredible contempt. Through poor planning, shoddy work, and negligence they have caused severe damage to adjoining properties, doing upwards of \$50,000 of uncompensated damage to our property. They have trespassed on the neighboring properties. They have continually created dangerous conditions on the construction site and left the property an attractive nuisance over a period of nearly four years.

The Appellant violated every Permit she sought and obtained. She ignored her duty to investigate the Original House and never took steps to protect or preserve it. She willfully ignored the fully apparent, decrepit condition of the Original House until the new addition was under roof and, in the application for the Fourth Permit, could erroneously be called "existing" with its non-conforming side yards.

4. The Appellant claims to have been prejudiced by DCRA's actions regarding the Fourth

Permit. But in application for the Fourth Permit, the Appellant and her Contractor were vague and misleading in their plans and presentation to DCRA construction advisors. As a consequence, the application was not sent to zoning for review. The Appellant continued to be misleading in her presentations to the Board: specifically, claiming in her sworn affidavit that part of original structure remained when in fact nothing did. This most significant issue goes to the heart of the zoning matter and the affidavit was part of the Appellant's Motion for Summary Judgement.

It cannot be reasonably argued that the Appellant comes before the Board with "clean hands". Any consideration of equities must weigh the severely negative impact this non-conforming structure, if it is not altered, will have on the surrounding neighbors.

5. In its decision, the Board must measure the difference between what the Appellant might secure through a variance process and what she would get if she prevails in this appeal. If the Appellant were to prevail in this appeal, she would be granted the right to build an all new house benefiting from the grandfather provisions of 11 DCMR 405.8 without preserving any portion of the Original House. The Original House had a low, one-story, bay window which was 5 feet from our property line, creating the non-conforming side yard. The new house would extend that bay window into an unrelenting 25 foot high wall, 5 feet from our property line and extending 14 feet beyond the back of our house. Our house is one side of a duplex and has a conforming 8 foot side yard on the north side, adjacent to 5013. The new structure would greatly detract from the enjoyment of our property [See our opposition statement (BZA Exhibit 24) exhibit L-2, second photo] . The new structure will have a significant negative impact on the value of our property.

The intent of the Appellant, if she had been successful, would have been to build an entirely new house which came within less than 1 % of the allowed space usage of the small yard and would be more than 3 times the size of the original historic farmhouse, without any of the DC laws and regulations, safeguards and hearings that the normal process would have involved. The normal process, to seek a variance for the new structure, to work with the ANC and with the neighbors, was eschewed by the Appellant. The neighborhood resistance you see today was initiated and bred by the intent of the Appellant to gain an unlawful structure while totally disregarding the lawful measures of neighborhood zoning.

In conclusion, If the Appellant is denied this appeal, she will remain entitled, as she always has been, to put together a revised plan and submit it to the Board for consideration under a variance process. We cannot abide the proposed development as it stands because it seriously infringes on our rights. If the Board upholds the Zoning Administrator, we stand ready to work in good faith with the Appellant, DCRA, and the ANC, towards a variance that could allow for the development of the property that does not unduly interfere with our rights of enjoyment and the value of our property.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lemoine". The signature is written in a cursive, flowing style.

John Lemoine

CERTIFICATE OF SERVICE

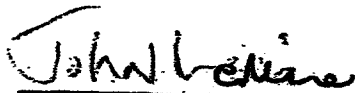
I Hereby certify that a copy of the foregoing letter to Chairperson Miller were served electronically and via first class postage this 9th day of September, 2008, to the following:

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