

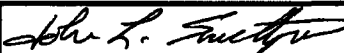
BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name:	John L. Smeltzer		
Address:	227 12th Street SE Washington, DC 20003		
Phone No(s):	(202) 543-1402	E Mail:	johnlsmeltzer@gmail.com
I hereby request to appear and participate as a party in Case No.:		18639	CASE NO. <u>18639</u> EXHIBIT NO. <u>22</u>
Signature:		Date:	September 30, 2013
Will you appear as a(n)	☐ Proponent ☒ Opponent	Will you appear through legal counsel?	☒ Yes ☐ No
If yes, please enter the name and address of such legal counsel			

Name:	John L. Smeltzer (pro se)		
Address:	227 12th Street SE Washington, DC 20003		
Phone No(s):	(202) 543-1402	E Mail:	johnlsmeltzer@gmail.com

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

- 1 A list of witnesses who will testify on the party's behalf,
- 2 A summary of the testimony of each witness (Zoning Commission only),
- 3 An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, the resumes or qualifications of the proposed experts (Zoning Commission only), and
- 4 The total amount of time being requested to present your case (Zoning Commission only).

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

- 1 How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board? *Proposed addition (special exception) will unduly impact light & air.*
- 2 What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) *Owner, with wife (Catherine A. Flanagan) of 227 12th St. SE.*
- 3 What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.) *Adjacent*
- 4 What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied? *Unduly impact light & air.*
- 5 Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied. *Please see attached.*
- 6 Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public. *Please see attached.*

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

CASE NO. 18639
EXHIBIT NO. 22

**District of Columbia
Board of Zoning Adjustment
No. 18639**

Re: 229 12th Street SE, Washington, DC 20003
(Hearing Scheduled for October 22, 2013)

RECEIVED
D.C. OFFICE OF ZONING
2014 SEP 30 PM 2: 03

**Statement of John L. Smeltzer and Catherine A. Flanagan,
In Opposition To Requested Special Exception**

I. Introduction

We, John L. Smelter and Catherine A. Flanagan, are the owners of 227 12th Street SE. Our home is the first house to the north of 229 12th Street SE, the property of the applicant New Visions Property, LLC ("Applicant"). We respectfully ask the Board of Zoning Adjustment to deny the Applicant's request for a special exception on the grounds that the proposed addition will adversely affect the use and enjoyment of our property and unduly affect the light and air available to our property, contrary to 11 D.C.M.R. §§ 223.2(a) and 3104.1 In particular, the proposed application will block eight windows and a full-windowed door that face our rear side court, severely impacting the light and air available to interior spaces of our home. There is sufficient width and depth in the Applicant's rear yard for the Applicant to design and construct a rear addition that would add living space and value to the Applicant's property without unduly impacting our light and air.

II. Context

We have lived on Capitol Hill since the early 1990s and purchased our home (227 12th Street SE) in October 2002. Although the house is deep and narrow, we were attracted to it because of the generous light provided by the windows and door that face onto the open side court at the rear (southwest) corner. Our house is attached to 229 12th Street in the front, but extends beyond 229 12th Street in the rear. The rear extension creates a side court, which is approximately five feet wide and bounded by our exterior wall and a shared privacy fence along the property line.

We have six windows on our south wall that face onto this open court: two in the basement, two on the first floor, and two on the second floor. See

Ex. 1 (side elevations); *see also* Application A0002 (photographs of existing conditions). We have two windows and a full-light basement door that face west onto the court. *See* Ex. 1 (rear elevation) The court is landscaped and provides exterior space for container gardening. *See* Ex. 3 (photos 1-7) The windows and door facing onto the side court provide much of the natural light available to the interior spaces of our house.

III. Adverse Impacts

The Applicant proposes to construct a two-story addition directly on our property line, which would enclose our side court on the south with a solid wall approximately 22 to 23 feet high. *See* Application A00011 (north elevations). This would create a canyon effect within the side court, leaving a narrow path of sky visible above the court and a narrow path of yard visible to the west. *See* Ex. 2 (context views). The addition would be about as tall as the top of our second-story windows and would extend to the rear beyond all of our side windows, thereby impeding the views from, and significantly blocking the daylight and air that can reach, every one of the windows and the door that face onto the court. *Id*

The amount of natural daylight available to the interior spaces of a building depends on various factors, including the number, size, placement, and orientation of window and the extent to which the sky is visible from the windows. *See* Ex. 4 (information from Comfortable Low Energy Architecture “CLEAR” web site). Buildings and other obstructions that block visible sky from windows reduce the amount of and depth to which daylight can reach interior spaces, whether or not the obstruction blocks the sun. The house at 231 12th Street SE, which is directly across the Applicant’s property from ours, is presently the nearest obstruction (due south) in relation to our south-facing windows. *See generally* Application A0002 (photos of existing conditions) (rear west elevation); A0003 (site plan existing). The north wall of 231 12th Street is approximately 28 feet from our south wall. The sky above the roof line of 231 12th Street, SE is presently visible to some extent from all windows that face onto our side court. Our first and second floor windows afford relatively generous sky views. By placing a two-story wall in front of all of these windows, the proposed addition would eliminate or significantly impede existing sky views, significantly reducing the natural daylight that will enter the interior of our house.

By blocking direct sunlight, the proposed addition also would cast large shadows into our side court and across the windows and door that face the court. The attached Sun Study Analysis ("Study"), Ex. 2, shows the advancing shadow that would be cast by the proposed addition at different times of day and during the changing seasons. The Study does not show all light and air impacts. For example, due to the eastward orientation of the morning sun, our west-facing windows are always in shadow (from our own house) until early afternoon. But these windows still receive substantial amounts of morning light from the open sky to the southwest. The proposed addition would block a large segment of the southwest sky now visible from the windows, and would thus impede the penetration of natural light during morning hours, even though the addition would not begin to cast a shadow on the rear of our house until the afternoon. The Study does not illustrate these types of impacts or show the depth or amount of light entering interior spaces. The Study is helpful, however, for illustrating overall impacts. Among other things, the study shows the following.

- On and around the summer solstice (June 21) when the sun tracks east to west almost directly overhead, afternoon sun would continue to reach our first and second-floor windows. However, the addition would cast a shadow on our basement windows at times of day that these windows now receive direct sunlight. Most of our basement is a finished family room. The full-height door and the two basement windows that face the open court bring a fair amount of daylight into the family room and adjoining areas, despite the relatively low position of the windows and the privacy fence along the property line. See Ex. 3 (photos 8-9). Both basement windows now receive full direct sunlight from around 1:00 p.m. to 4:00 p.m. for over half of the year and the basement door receives full or partial direct sunlight for the same period. Ex. 2 at 6-7 (equinox conditions); *id.* at 4-5 (conditions between equinox and summer solstice). If the addition is built, the basement door and windows would be in shadow for most of the year. *Id.*
- After the summer solstice (June 21), the sun begins to track lower in the sky to the south. As the sun lowers, the proposed addition would cast a rising shadow onto our side court and adjoining walls. Around August 7 of each year, the shadow will begin to overtake the first-floor windows, Ex. 2 at 4-5, and by the autumn equinox (September 21), the shadow will be above the top of these windows. *Id.* at 6-7. The first-floor windows will then remain fully or partly in shadow until the

following May, *i.e.*, for approximately two-thirds of the year. *Id.* In contrast, these windows presently receive hours of direct afternoon sunlight year round. *Id.* at 4-7. These windows include our dining room window and kitchen window, which illuminate the most-used spaces in our house

- The dining room window is the largest and most prominent in the house and an important source of light for the dining room and adjacent living room. It presently provides an expansive view of yards and sky to the southwest and is bathed in direct afternoon sunlight for most of the year. Ex. 3 (photos 10-11). If the proposed addition is built, the view from this window (as seen from most interior locations) would be solid wall and the window would be in afternoon shadow most of the year. See Ex. 2 at 4-5 (2:00 to 4:00 p.m.); *id.* at 6-7 (2:00 to 5:00 p.m.).
- The south-facing window in our kitchen (above the sink) is a special bayed “greenhouse” window that projects into the side court. See Ex. 3 (photos 12-14). It presently houses a cactus garden. If the proposed addition is built, the window will move from nearly year-round afternoon sunlight to most-of-the year afternoon shadow, significantly diminishing its utility for growing plants and significantly darkening the kitchen. Ex. 2 at 6-7 (11:00 a.m. to 4:00 p.m.).
- Around the winter solstice, the shadow cast by the proposed addition would encroach upon our second floor windows (upstairs bedrooms and bathroom), leaving the door and all windows in the side court affected by shadow. Ex. 2 at 8-9. Presently, our second-story windows receive direct afternoon sunlight in all seasons, including on the shortest days of the year. *Id.*

In summary, the proposed addition would severely impair the utility of the side court as a means for bringing light and air into the interior spaces of our home, as well as severely impairing its functionahty as usable outdoor space (*e.g.*, for gardening).

IV. Applicant's Showing

The Applicant bears the burden of showing, among other things, that the proposed addition will not unduly affect the light and air available to our property 11 D.C M.R. § 223.2(a). When addressing this burden, the Applicant relies on a single observation: that the proposed addition will not extend beyond the rear of our house See Applicant's Statement at 3. This ignores all of the side-court impacts just described, as well as other pertinent considerations.

Significantly, the lot at 229 12th Street is considerably shorter than our lot and positioned unlike any other lot on the square. There are two lots directly behind 229 12th Street that front onto Gessford Court. The existing two-story houses on the Gessford Court lots are directly adjacent to the back of our lot and also impact the light and air available to our property. Due to the Gessford Court houses, the several trees in the rear yards of those houses, the trees in the Applicant's rear yard, and the one holly tree in our rear yard, our rear yard is in shadow throughout much of the growing season. Our side court presently receives more direct sun than our rear yard. We have landscaped the side court to beautify the view from our dining room and use the rear yard for container gardening. Because the Applicant's lot is not comparable to our lot, in size or setting, it is not appropriate to assume that comparable use of the Applicant's lot (*i.e.*, construction of an addition of equal or lesser length than our house) will not unduly affect our light and air.

Moreover, the Applicant is not proposing comparable use. Unlike the rear of our house, which is set back from the property line, the Applicant proposes to build an addition directly on the property line. If the Applicant instead were to provide a side court adjacent to ours, there would be a larger open space (from the combined side courts) available to the mutual benefit of both houses. Such a design also would mimic the historic pattern (mirrored side courts) of the two houses immediately to the north of our house (225 12th Street, SE and 223½ 12th Street, SE), which are nearly identical to our house and apparently constructed at the same time. Providing a side court would not eliminate adverse impacts to our light and air, but would begin to minimize those impacts. As presently designed, the addition would place a two-story solid wall as close as possible to our rear south wall and directly in front of all of our windows and doors that face onto the side court. This hardly could be worse in terms of impacts to our light and air.

V. Alternatives

The Applicant's lot is 23-feet wide, wider than most lots on the square (For comparison, our lot is less than 16 feet wide.) The extra width of the Applicant's lot, coupled with the existing depth, gives the Applicant the ability to design and build a variety of potential additions (within the lot coverage permitted by a special exception) that would increase the living space and value of the existing house, but would have significantly fewer adverse impacts on our light and air.

The Applicant purchased the property for renovation and resale. The existing house is a modestly-sized home (1200 square feet), with two good-sized bedrooms, one large bathroom, a spacious open parlor, and an eat-in kitchen. See Application A0005-A0006. The Applicant proposes to demolish interior walls, reconfigure the interior spaces, and add a large two-story rear addition to transform the house into a four-bedroom home with two and half baths and separate dining room, living room, and family room. See Application A0007-A0008. The Applicant reasonably could provide additional living space and value to the existing house, at lower cost, with a proposal that is more modest and more in keeping with the home's historic character; *e.g.*, an addition limited to one floor, limited in rear depth, and/or set back from our property line. If the Applicant were to adopt a more modest objective, there is ample space to enable any number of designs that would not unduly impact our light and air or adversely impact other neighbors.

Moreover, by reorienting the proposed addition on the lot, the Applicant could significantly reduce adverse impacts on our light and air without significantly reducing square footage. For example, if the Applicant were to construct an addition that is 16 feet wide and 23 feet deep on the north property line (as opposed to 23 feet wide and 17½ feet deep on both property lines), the addition would provide nearly the same interior space as the proposed addition, would provide a conforming side court (7 feet) and conforming rear yard (20 feet), and would remain within lot coverage allowed by special exception. The addition also would remain less deep than the house to the south (231 12th Street, SE) and would have no impacts on the light and air available to that property. Potential additional privacy impacts in relation to the Gessford Court houses at the rear could be offset by eliminating the rear patio and reorienting activity to a side-court patio. Providing a side court also would enable the Applicant to add windows and bring light and air to the interior spaces of the remodeled home. (The present

design would significantly darken the interior spaces of the house by adding 17½ feet of windowless space between the existing front windows and the proposed rear windows.)

At bottom, it is not our burden to identify an alternative that would meet all of the Applicant's objectives for the property. If the Applicant cannot reconfigure the addition in a manner that would eliminate undue impacts to our light and air, as well as eliminating undue impacts on other neighbors, it is the Applicant's burden to propose a more modest addition that will meet the zoning requirements. However, the apparent availability of a similarly-sized alternative that would have significantly fewer adverse impacts on neighboring properties only underscores the unreasonableness of the present proposal.

VI. Exhibits and Testimony

In addition to the present statement, we respectfully ask the Board to consider the following:

- (1) Rear and side elevations (227 12th Street, SE) (prepared for earlier project) (Ex. 1)
- (2) Sun Study Analysis of Proposed Addition at 229 12th Street SE (Ex. 2).
- (3) Photographs of our side court and views from windows and the door inside our house that face onto the side court. (Ex. 3).
- (4) Information downloaded from Comfortable Low Energy Architecture ("CLEAR"), a website maintained by the Low Energy Architecture Research Unit of the London Metropolitan University) (http://www.new-learn.info/packages/clear/visual/daylight/analysis/hand/no-sky_line.html) (Ex. 4),
- (5) Possible testimony from the parties in opposition, John L. Smeltzer and/or Catherine A. Flanagan, as necessary or warranted to resolve any factual dispute that might arise concerning the matters in this statement or related issues.

VII. Conclusion

We understand that our home benefits from the open space in the Applicant's rear yard and that the open space exists because the Applicant's lot occupancy is less than that of neighboring houses. The present configuration of the houses and lots, however, has existed since approximately 1919. And the Applicant's lot is being utilized to the maximum extent allowed as of right under the zoning regulations. We purchased our home in this historic and legal context, in reasonable reliance on the zoning regulations. The Applicant purchased 229 12th Street in the same context, and thus on reasonable notice that any construction unduly affecting light and air of neighboring properties would not be allowed.

The proposed addition was designed in disregard of the zoning requirements and impacts to our property and represents a near worst-case scenario in terms of adverse impacts to our light and air. We cannot redesign the back of our house to avoid the adverse impacts from the proposed addition. In contrast, the applicant reasonably can design and build an addition that would acknowledge the importance of the side court for transmitting light and air to our property and avoid undue impacts. We respectfully ask the Board to hold the Applicant to that burden and deny the requested special exception.

Respectfully Submitted,



John L. Smeltzer

(202) 543-1402 (home)

(202) 305-0343 (work)

johnlsmeltzer@gmail.com

Catherine A. Flanagan

(202) 543-1402 (home)

(202) 353-7757 (work)

(202) 329-2915 (mobile)

caflanagan08@gmail.com

227 12th Street SE

Washington, DC 20003

Date: Sept. 30, 2013

**District of Columbia
Board of Zoning Adjustment
No. 18639**

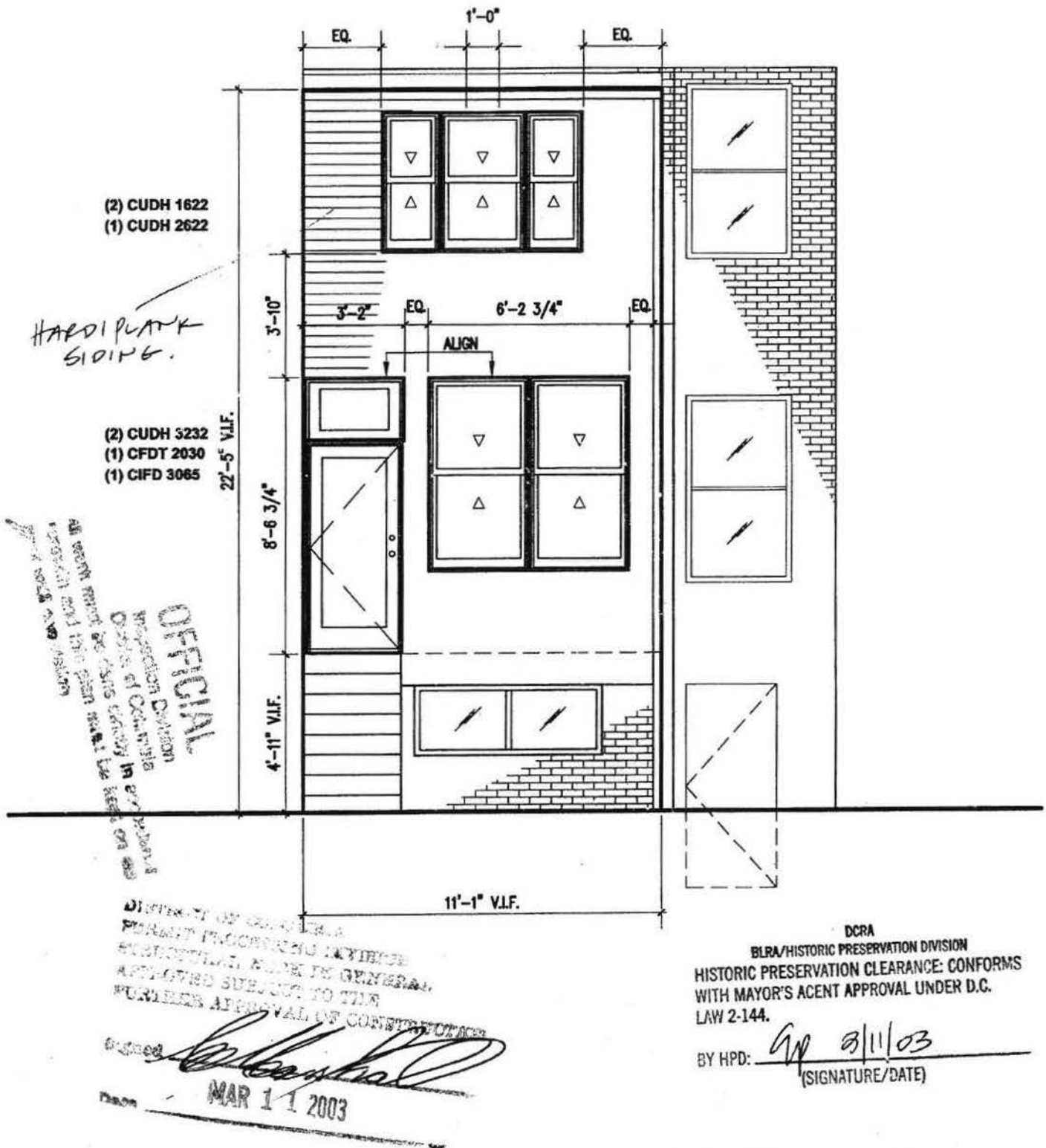
Re: 229 12th Street SE, Washington, DC 20003
(Hearing Scheduled for October 22, 2013)

**Statement of John L. Smeltzer and Catherine A. Flanagan,
In Opposition To Requested Special Exception**

EXHIBIT ONE

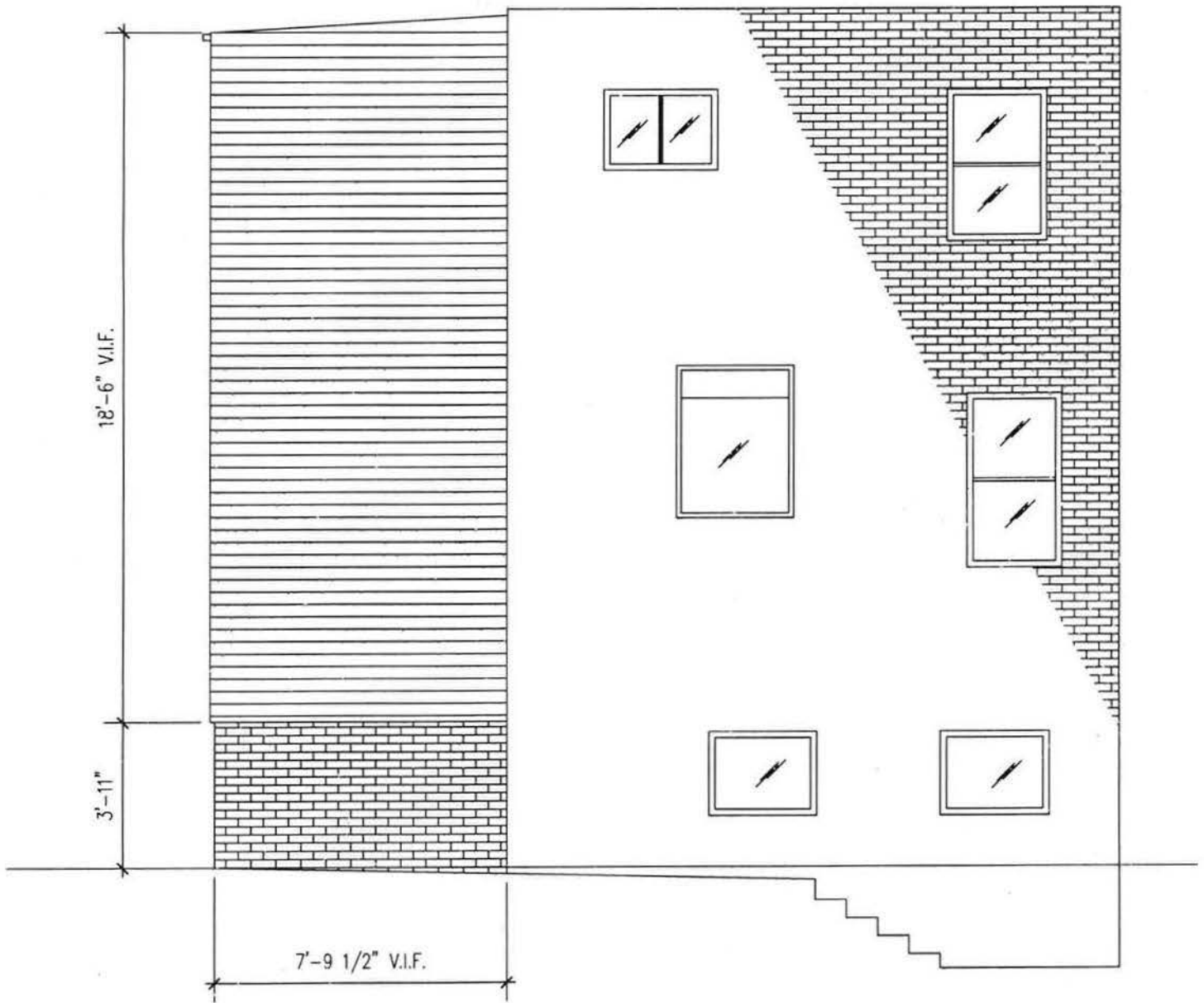
[Rear and Side Elevations – 227 12th Street, SE]

ALL WINDOWS TO BE EITHER WOOD OR
CLAD WOOD, 1/1, DOUBLE HUNG SASH.



227 12th Street, SE
Washington, DC 20003

Back Elevation - Option 2
Scale :: 1/4" = 1'-0"



**227 12th Street, SE
Washington, DC 20003**

**Side Elevation
Scale :: 1/4" = 1'-0"**

**District of Columbia
Board of Zoning Adjustment
No. 18639**

Re: 229 12th Street SE, Washington, DC 20003
(Hearing Scheduled for October 22, 2013)

**Statement of John L. Smeltzer and Catherine A. Flanagan,
In Opposition To Requested Special Exception**

EXHIBIT TWO

[Sun Study Analysis]

**District of Columbia
Board of Zoning Adjustment
No. 18639**

Re: 229 12th Street SE, Washington, DC 20003
(Hearing Scheduled for October 22, 2013)

Affidavit of Karl A. Smeltzer
In Support of John L. Smeltzer and Catherine A. Flanagan,
Parties in Opposition

I, Karl A. Smeltzer, do swear or affirm that:

1. I am a graduate of Carnegie Mellon University with a Bachelor of Architecture degree. I am a Senior Associate at Gensler's Washington office and have been with Gensler for 16 years. A copy of my curriculum vitae is attached.
2. In the course of my work, I have prepared many sun/shadow studies to model the impact a proposed building or addition would have on neighboring properties in terms of altered sunlight and shadow. I ordinarily work on commercial projects. However, the techniques and principles used to perform a sun/shadow study are also applicable to residential projects
3. I am the brother of John L. Smeltzer, and brother-in-law of Catherine A. Flanagan, who are the owners of 227 12th Street SE. My brother and sister-in-law asked me to assist them in assessing the impacts on

their house of a proposed addition to be built at 229 12th Street SE, which is presently before the BZA on application for special exception. I prepared the attached Sun Study Analysis (“Study”) on my own time as a favor to my brother and sister-and-law and not as part of my official duties at Gensler.

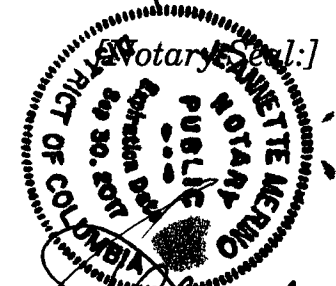
4. I completed the Study utilizing Autodesk’s Revit Architecture 2013 software. The software enables the user to create a three dimensional model of existing and proposed structures and generate images of the shadow that will be cast by the structures at any hour of the day on any day of the year. The software automatically calculates the shadow using known data on the course and orientation of the sun and input from the user on the geographic location and orientation of the construction.
5. To assess the sun/shadow impacts of the proposed addition, I created a model of the existing and proposed structures on the lots at 227 12th Street SE; 229 12th Street SE, 231 12th Street SE, and the two lots behind 229 12th Street SE that front onto Gessford Court. The model shows the massing of all structures and the windows and door on the south (side) and west (rear) elevations of 227 12th Street SE, the area of potential impact.

6. To obtain measurements and data points necessary for accurately representing the existing and proposed massing and the spacing and location of potentially affected windows, I referred to the Applicant's permit set, the zoning plat map, existing drawings of the rear and south side elevations of 227 12th Street (which I had prepared for a previous window-replacement project), ground measurements, and ground and aerial photographs of the various properties
7. For the attached Study, I generated images of the existing conditions and existing conditions with the proposed addition, on the longest day of the year (June 21), the shortest day of the year (December 21), the equinox (March 21/September 21), and the date between the summer solstice and equinox (May 7/August 7).
8. Although the images in the Study lack the precision of construction drawings, the Study is sufficient, in my professional judgment, to accurately represent existing sun/shadow conditions at the subject property (227 12th Street, SE) and conditions that would exist if the proposed addition were constructed.

I swear or affirm that the foregoing is true and correct to the best of my information, belief, and knowledge.

Karl A. Smeltzer
Karl A. Smeltzer
4408 Garrison Street, NW
Washington, DC 20016

Subscribed and sworn to before me, this 30th day of
September, 2013.



Jannette Merino
[signature of Notary]

Jannette Merino
[printed name of Notary]

NOTARY PUBLIC

My commission expires: 9/30, 2017.



Karl Smeltzer

Assoc. AIA, LEED® AP

Senior Associate

Project Designer

Joined Gensler 1997

16 years experience

Karl is an extremely versatile designer with a wide range of experience from working on numerous project types. His projects include both domestic and international base building design and master planning efforts, as well as airports and retail centers.

Karl's major focus has been commercial office buildings, including the re-skin of One Indiana Square in Indianapolis, Indiana. Significant to this project was the ability to remain occupied during the process. During his tenure at Gensler, Karl has become one of the firm's leading experts in digital technology and digital presentation techniques through a wide range of mediums.

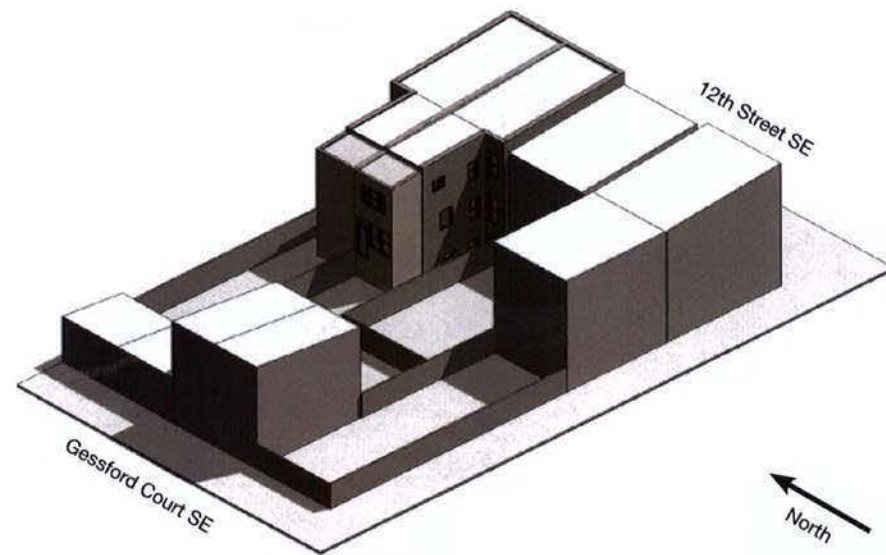
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Bachelor of Architecture, Carnegie Mellon University

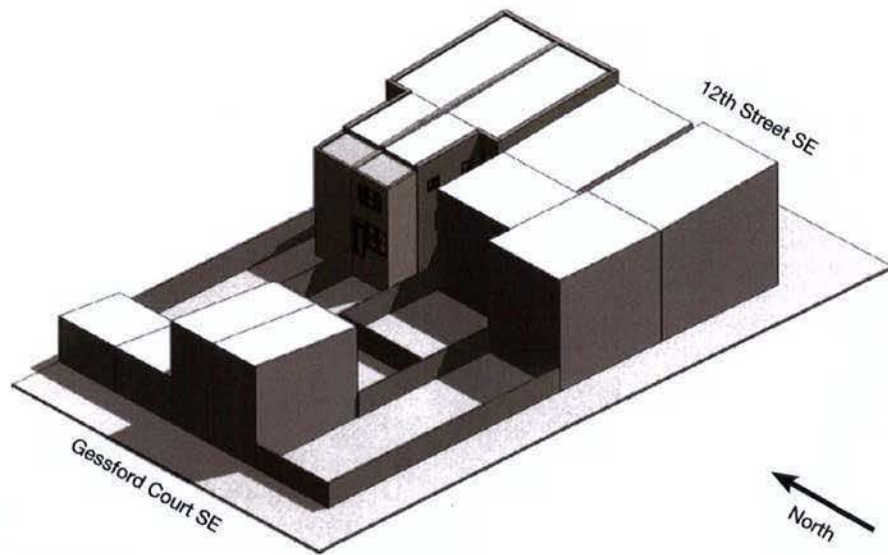
USGBC LEED®-Accredited Professional

Selected project experience	size (sf)
LiUNA Building Renovation & Addition, Washington, DC	140,000
U.S. Department of Health and Human Services	
Parklawn Building renovation, Rockville, MD	
LEED® CS and LEED® CI seeking Silver	940,000
The Cato Institute, Washington, DC	48,000
Tysons Tower, 7940 Jones Branch Drive, Fairfax, VA	
LEED® NC, pursuing Gold	575,000
The Huntley Group, One Indiana Square (reskin / renovation)	
Indianapolis, IN	860,000
Cityplace (935-965 Market Street), San Francisco, CA	550,000
BP Helios Plaza, Houston, TX	350,000
108 North State Street/Block 37, The Mills Corporation	
Chicago, Illinois	400,000
Gaylord National Resort & Convention Center	
Prince George's County, MD	2,000 keys/2,500,000
Dubai International Financial Centre (DIFC), Dubai, UAE	
Master plan	8,000,000
Darb Al Khalil Redevelopment, Makkah, Saudi Arabia	
Master Plan	10,000,000 sm
Mecca Northern Gateway Master Plan, Makkah, Saudi Arabia	130 ha
Aqaba Regional, Master Plan, Aqaba, Jordan	27 km
Vasilievskiy Island, St Petersburg, Russia	
Port City Master Plan	1,000 acres
OPUS-Metro Place, Merrifield, VA	
Lobbies/public spaces	45,000
USX, Executive Floors, Pittsburgh, PA	40,000
Hotel InterContinental, Seoul, Korea	650,000
Korea World Trade Center Summit Conference Center	
Seoul, Korea	40,000
Long Island Islip MacArthur Airport, Islip, NY	
Terminal Expansion	8 gates/90,000 sf

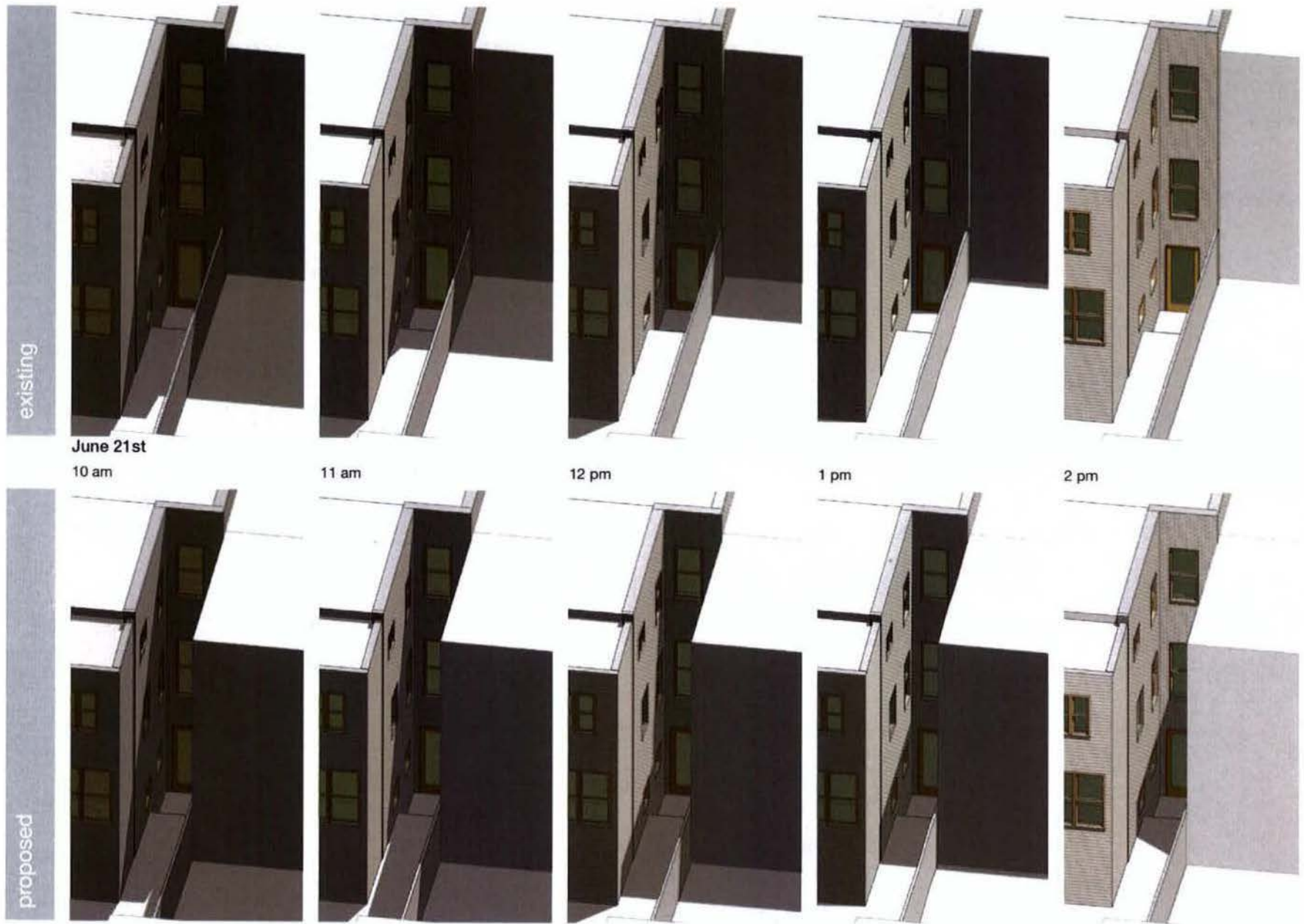
Context Views of Model

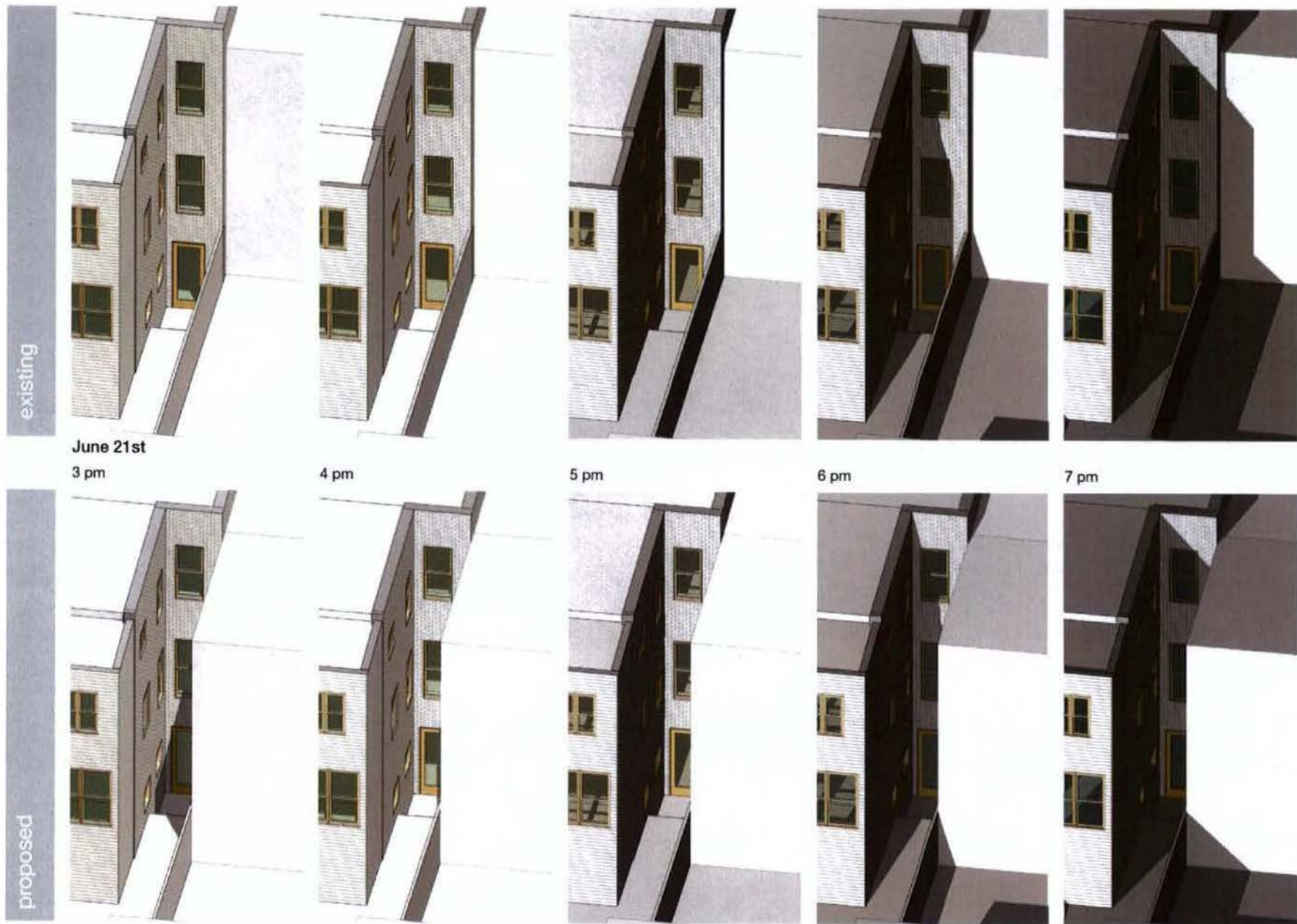


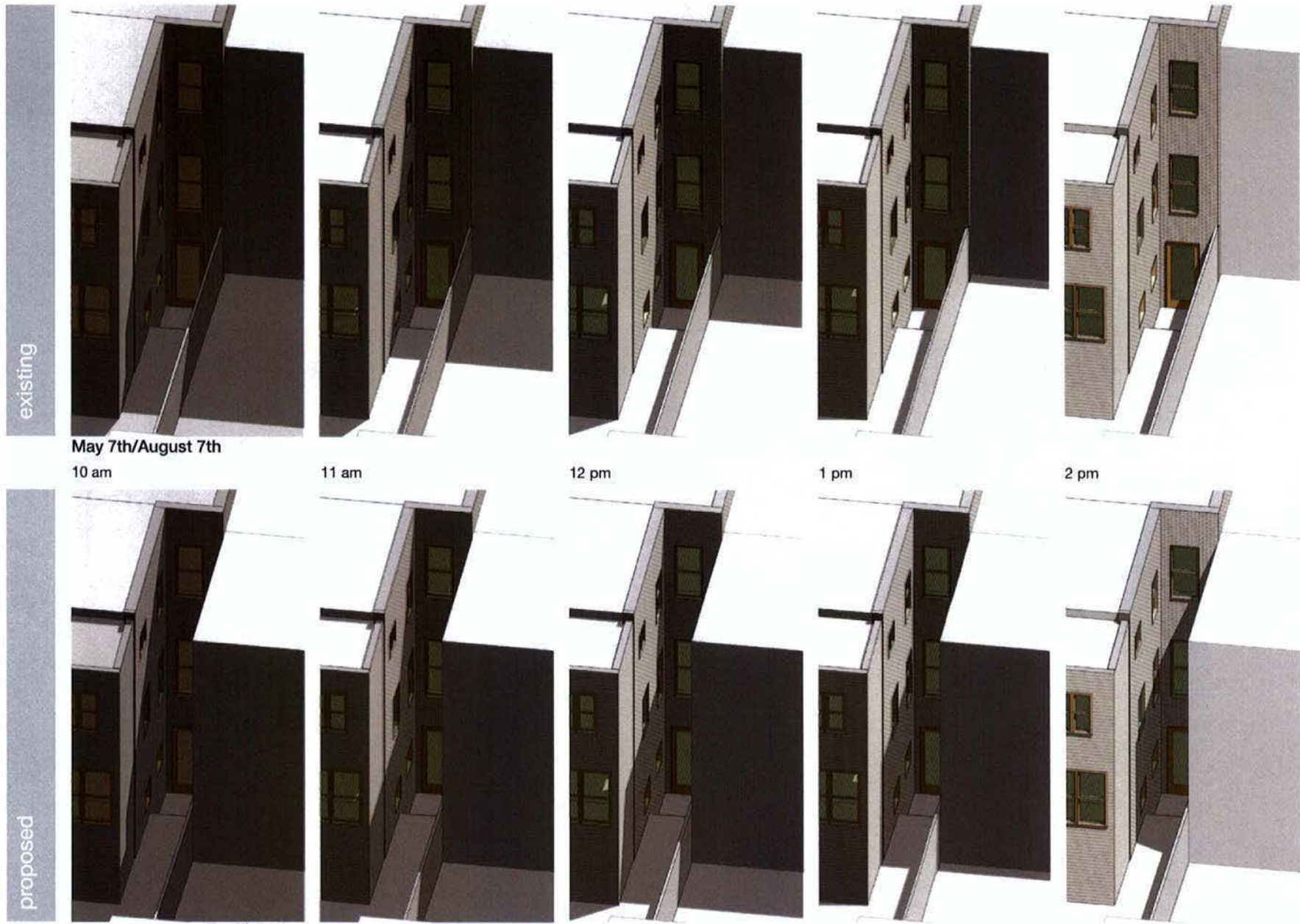
Existing Conditions

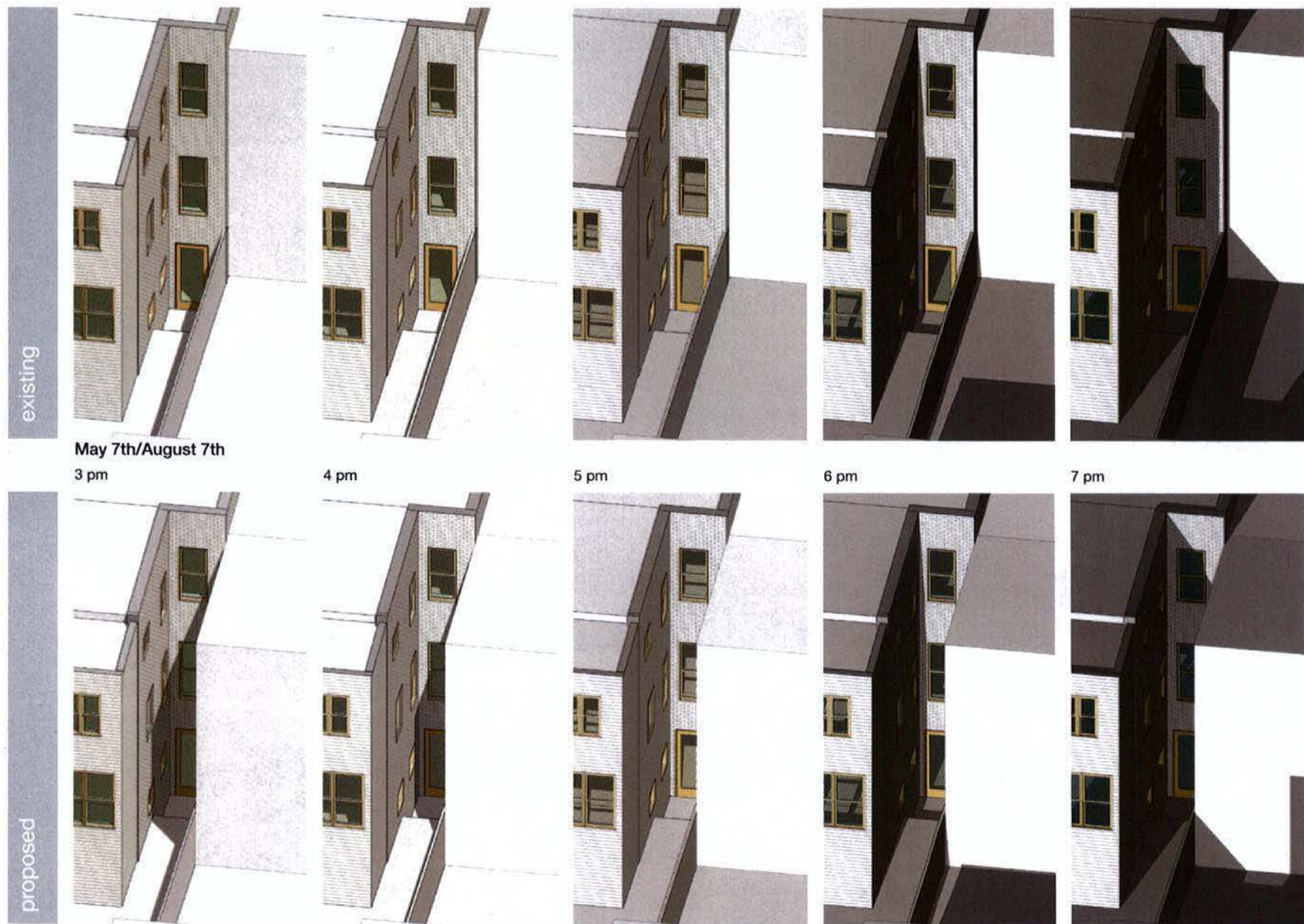


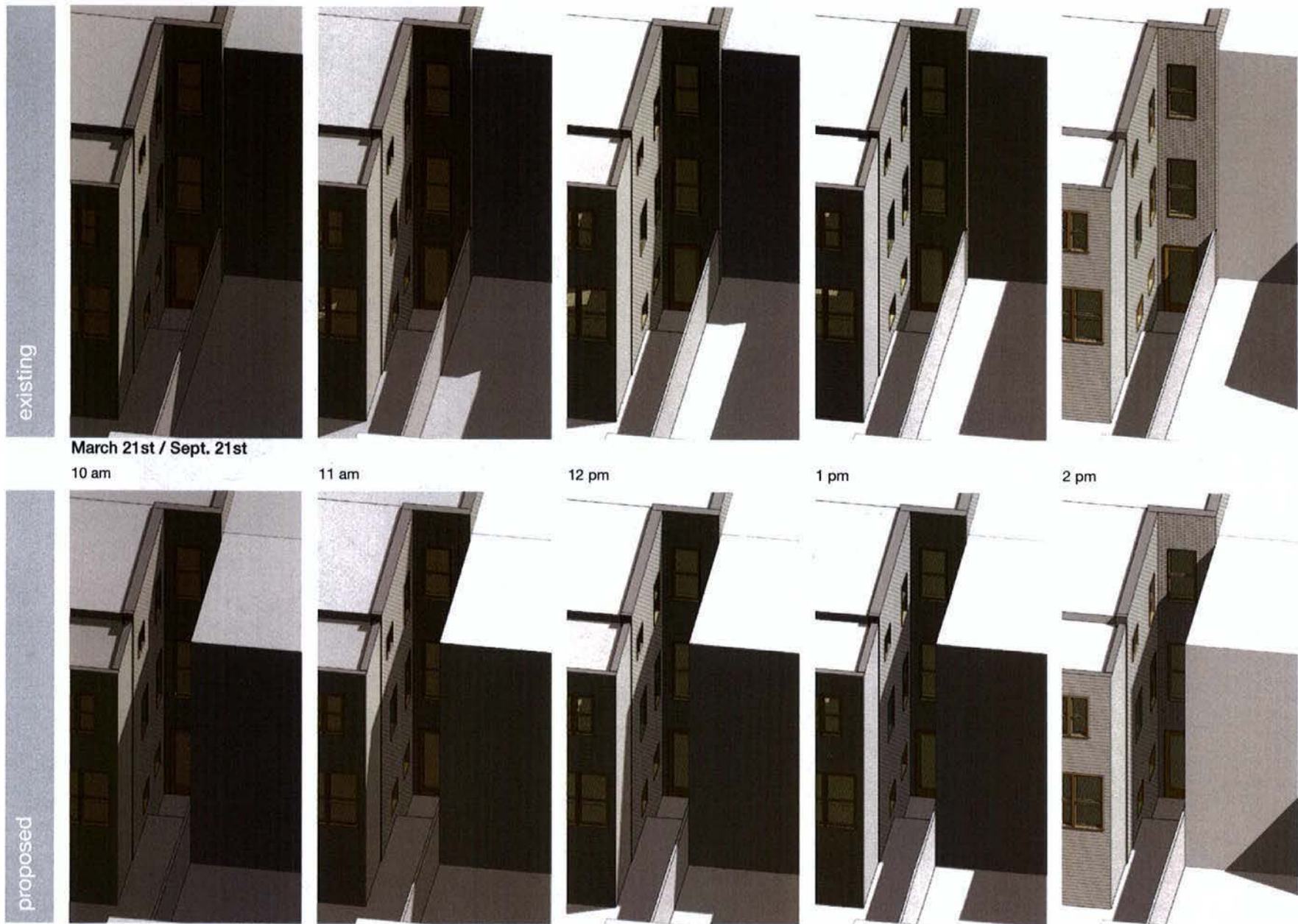
Proposed

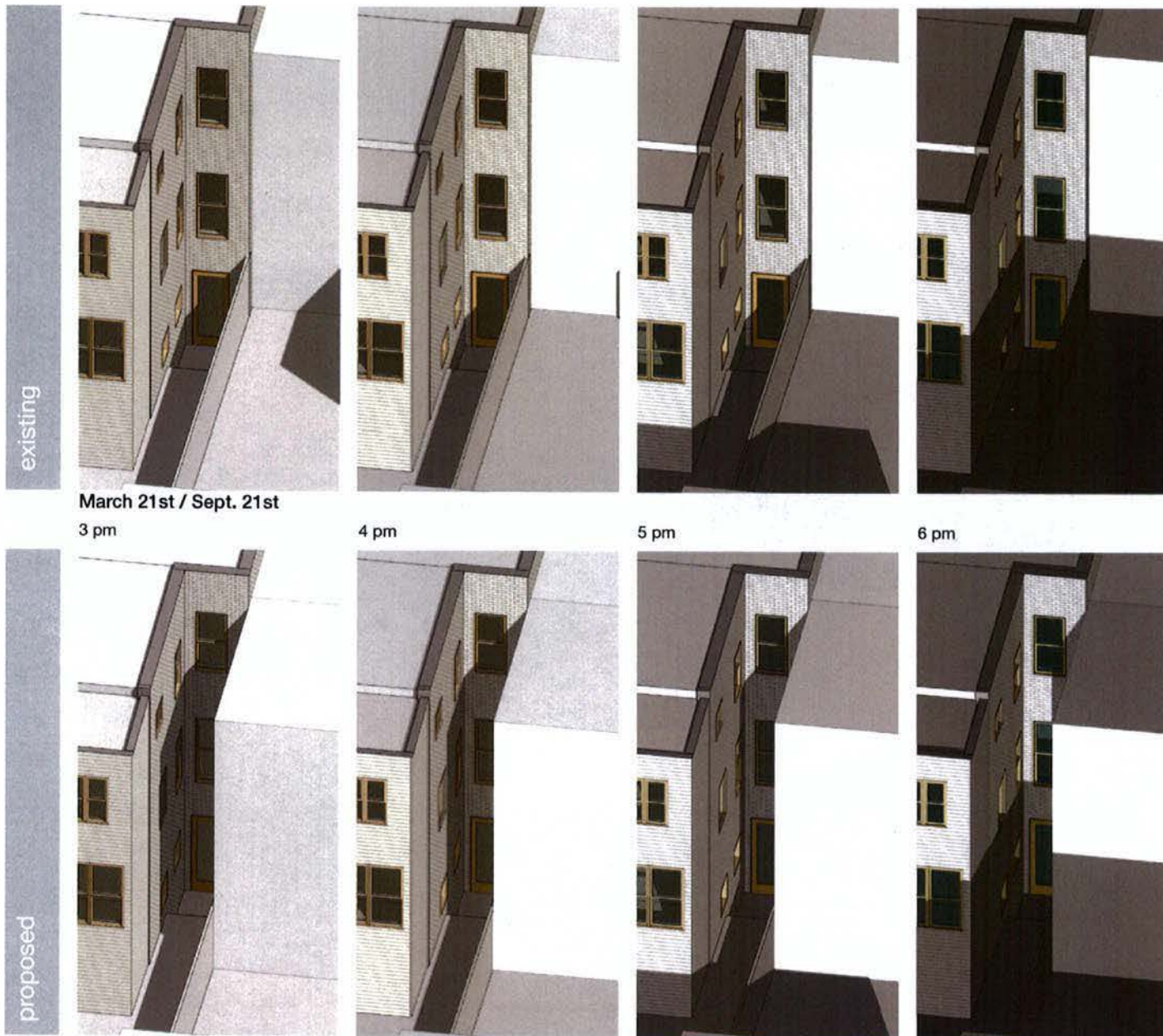


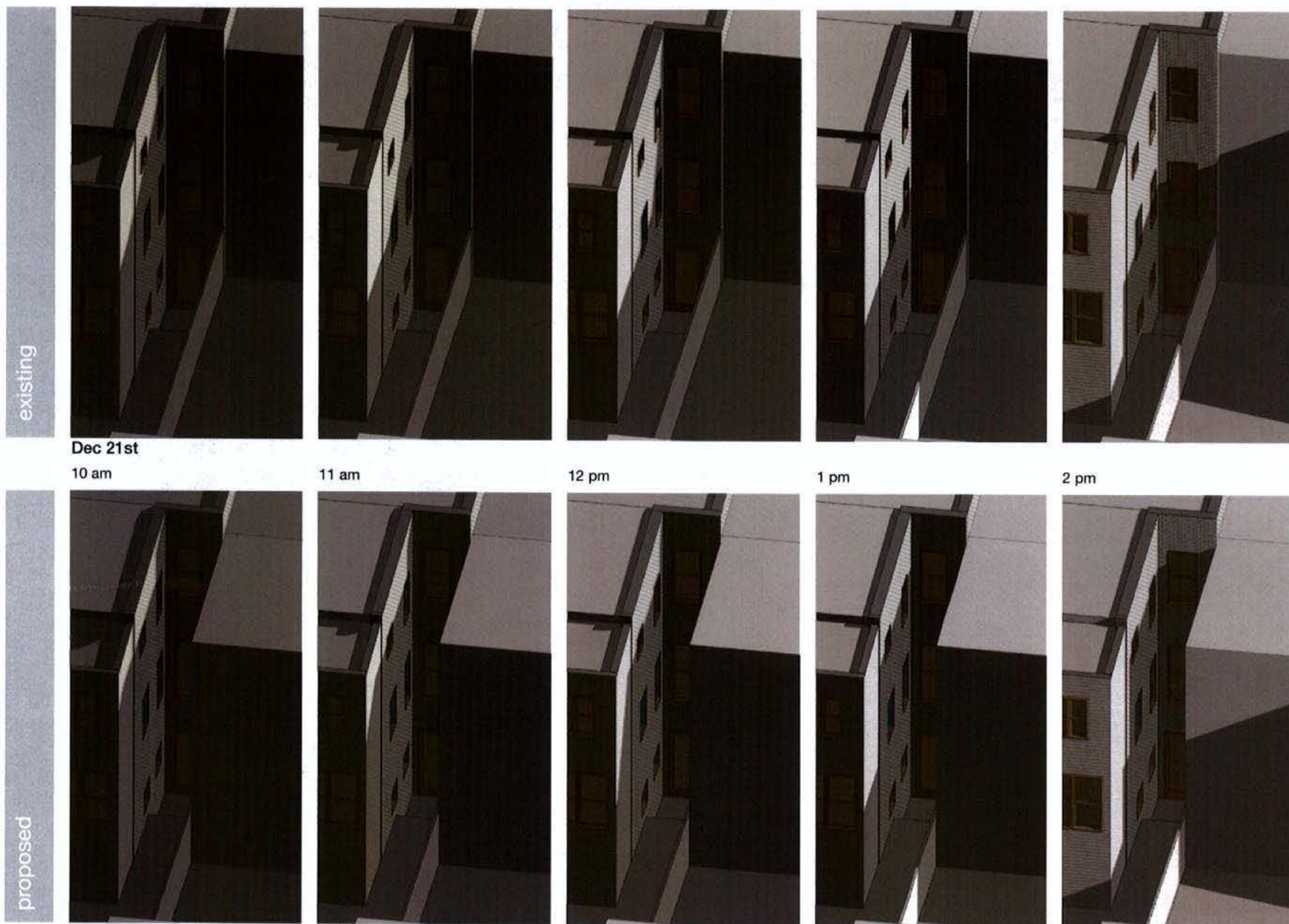


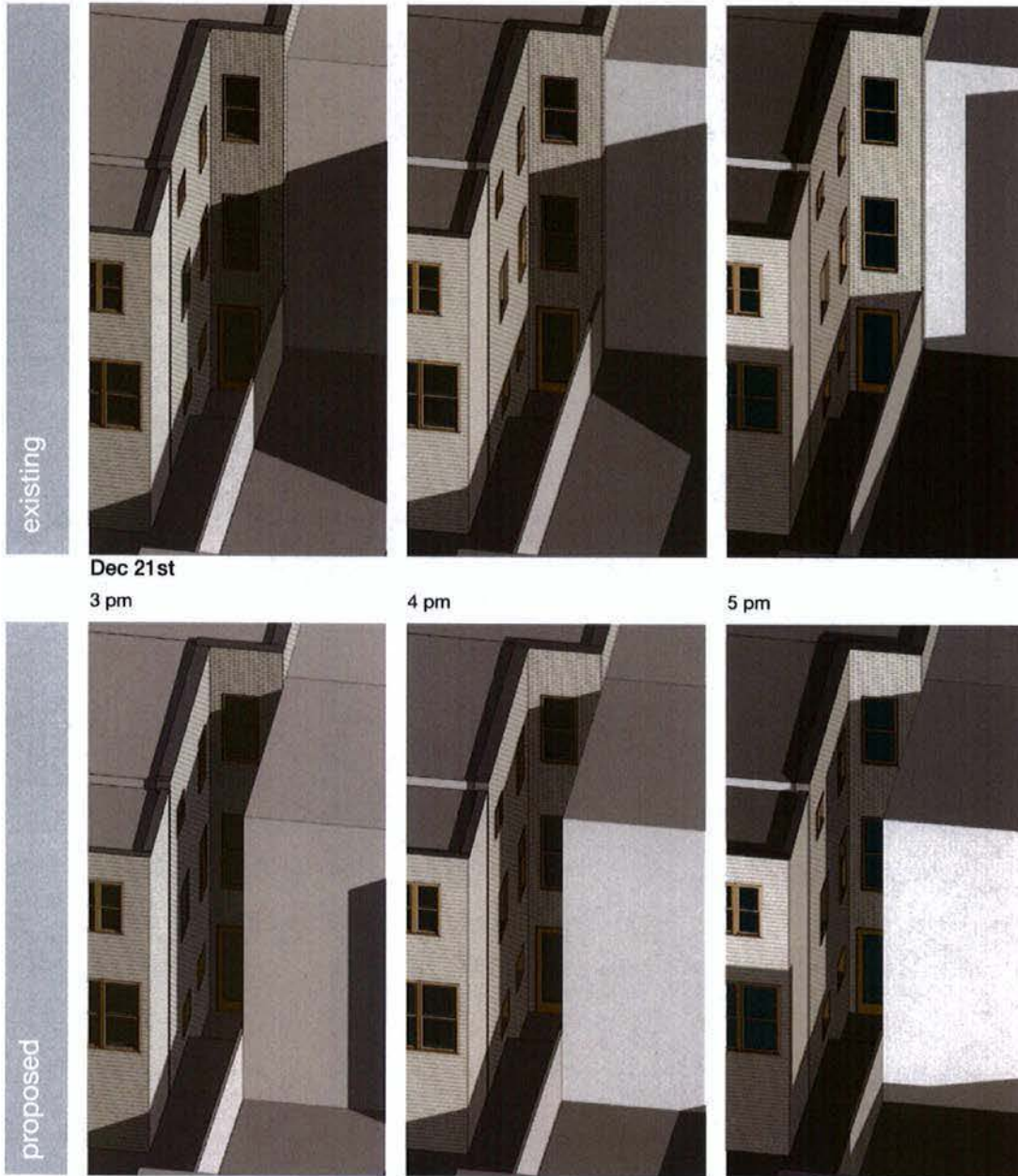












**District of Columbia
Board of Zoning Adjustment
No. 18639**

Re: 229 12th Street SE, Washington, DC 20003
(Hearing Scheduled for October 22, 2013)

**Statement of John L. Smeltzer and Catherine A. Flanagan,
In Opposition To Requested Special Exception**

EXHIBIT THREE

[Photographs]



(1) Side Court (August 13, 2013, approx. 8:00 a.m.)



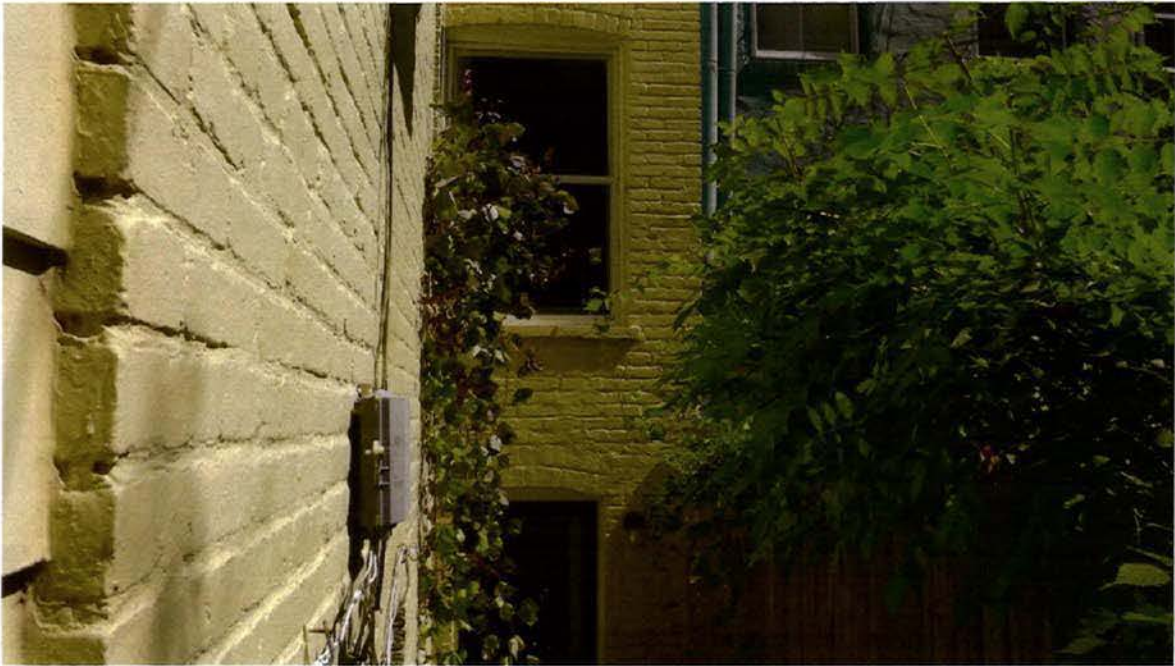
(2) Side Court (August 22, 2013, approx. 2:40 p.m.)



(3) Side Court and Rear Yard of 229 12th Street, SE
(from roof of 227 12th Street, SE) (Aug. 24, 2013, approx. 2:15 p.m.)



(4) Side Court (August 31, 2013, approx. 6:40 p.m.)



(5) Side Court (September 24, 2013, approx. 1:30 p.m.)



(6) Side Court (September 24, 2013, approx. 1:30 p.m.)



(7) Privacy Fence (View to Southwest) (Aug. 31, 2013, approx. 1:00 p.m.)



(8) Basement Family Room (August 22, 2013, approx. 3:00 p.m.)



(9) Basement Family Room (Sept. 24, 2013, approx. 1:30 p.m. EDT)



(10) Dining Room Window (Aug. 22, 2013, approx. 2:45 p.m.)



(11) Dining Room Window (Aug. 22, 2013, approx. 2:45 p.m.)



(12) Kitchen Window (September 24, 2013, approx. 1:30 EDT)



(13) Kitchen Window (Aug. 22, 2013, approx. 2:30 p.m.)



(14) Kitchen Window – Top Panel (view from middle of kitchen)
(Approx. 7:00 p.m., September 26, 2013)



(15) First Floor Powder Room (September 24, 2013, approx. 1:30 EDT)

**District of Columbia
Board of Zoning Adjustment
No. 18639**

Re: 229 12th Street SE, Washington, DC 20003
(Hearing Scheduled for October 22, 2013)

**Statement of John L. Smeltzer and Catherine A. Flanagan,
In Opposition To Requested Special Exception**

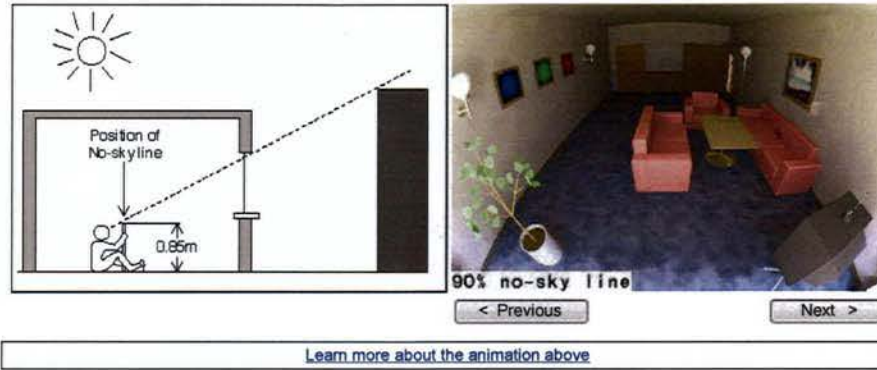
EXHIBIT FOUR

[Information from Comfortable Low Energy Architecture ("CLEAR"), a website maintained by the Low Energy Architecture Research Unit of the London Metropolitan University]

http://www.new-learn.info/packages/clear/visual/daylight/analysis/hand/no-sky_line.html

CLEAR Comfortable Low Energy ARchitecture[CLEAR Home](#)[Visual Comfort](#)[Daylight](#)[Daylight analysis](#)[Hand calculations](#)[TNO Device](#)[Sunpath Diagram](#)[Daylight factor](#)[DF for Atriums](#)[Lumen method](#)[No-sky line](#)[Shadow angles](#)**The No-sky Line**

The no-sky line is a divider between the part of the working plane from which a part of the sky can be seen directly and the part from which it can't. In the cases below, it is given as a percentage indicating the area from which the sky can not be seen, compared to the total room area.



The images clearly demonstrate that the deeper the no-sky line penetrates the room, the brighter the scene appears. The 0.2% sky factor contour which is close to the no-sky line is used in the UK to work out whether a proposed new building will affect the 'Rights of Light' of an existing building. A room will appear gloomy if more than 50% of the working plane area is beyond the no-sky line.

Areas of the room from which there is no direct view of the sky have a low level of daylight.