

March 23, 2015

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001
bzasubmissions@dc.gov

Re: BZA Special Exception Application No. 18960; 2807 Sherman Avenue, NW

Dear Chairman Jordan and Members of the Board,

I am writing this letter to express my opposition for BZA Application No. 18960. I own the upper unit located at 2809 Sherman Avenue, NW, immediately to the north of 2807 Sherman. This letter serves as a supplement to my application for party status (Form 140) filed on March 18, 2015.

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?

If the Applicant receives the special exceptions and variance, it will impair my property's light, air and privacy. The Applicant seeks to eliminate the minimum set-back requirement for the side yard that separates our properties. The nearness and height of his structure negatively encroaches on our privacy and light. If the application is granted, it will adversely affect the use of our property.

2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

I am the owner of 2809 Sherman Ave NW Unit 2, Washington DC 20001.

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.)

I own the property directly adjacent on the north side of the Applicant's property.

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?

If the application is granted, it will result in a loss of privacy and enjoyment of our property.

This infringement is not merely hypothetical, since in this case the Applicant has already exceeded the minimum side yard setback requirement by large structures with windows that jut out to the very limit of, if not over, his property line. These large structures or bays jut out so closely to my kitchen windows, and obstruct the light. It is quite a change from the original structure, and feels very claustrophobic in an already close, urban living space.

The Applicant's proposal also puts our safety at risk. There have been two devastating fires at the Applicant's property in the last 3 years. Due to the minimum side yard setback requirement, our property was largely unharmed in both of these incidents. Allowing a special exception to this requirement will further erode the safety and privacy considerations that underlie the side yard setback requirement. Moreover, the Applicant proposes to build an outdoor staircase outside the master bedroom of my property that would violate the side yard setback requirement. It would allow a potential means of unlawful access to our property. It is also a concern from a noise perspective, and we question the need for it as it is not a fire escape. There is already an internal staircase.

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.

See Response to #4.

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.

As the next-door-neighbor to the north, the Applicant's building has the potential to greatly overshadow and infringe upon the privacy, enjoyment, and safety of our property. The Applicant has not provided any reasons why the special exceptions are necessary for the enjoyment of his property, or why the current zoning regulations are not sufficient in this case.

Sincerely,

Justine Sarver

cc: ANC 1B