

Exhibits to the Department of Consumer and Regulatory Affairs (DCRA)'s

Motion to Dismiss

Appeal of Peter & Diana Minshall

BZA Appeal No. 18965

Exhibit Q

Email chain between Appellant (Diana Minshall) and Permit Holder (Sean Glass) and Permit Holder's contractor regarding possible finishes for Appellant's side of Retaining Wall and Fence/Wall – included as part of Appellant's October 26, 2014 FOIA request

Tondro, Maximilian

From: Sean Glass [seanpglass@gmail.com]
Sent: Tuesday, March 31, 2015 11:03 PM
To: Prince, Allison; Tondro, Maximilian
Subject: Fwd: FW: Re: Stucco finish

Wanted to make sure you both had this email chain which is previously shared with Allison. In February of 2014 Diana clearly knew about the wall and design, had previously been ok with it, and was collaborating.

I'm sure we have plenty of other facts on our side but thought this may be useful to point out again.

----- Forwarded message -----

From: Sean Glass <seanpglass@gmail.com>
Date: Wednesday, February 4, 2015
Subject: FW: Re: Stucco finish
To: "Prince, Allison" <aprinced@goulstonstorrs.com>

See below. It was after this exchange that Diana and Peter started down the current path.

----- Forwarded message -----

From: Steven McCaughan <stevecbd@yahoo.com>
Date: Mon, Mar 10, 2014 at 1:42 PM
Subject: FW: Re: Stucco finish
To: Sean Glass <seanpglass@gmail.com>

[Sent from Yahoo Mail for iPad](#)

From: Steven McCaughan <stevecbd@yahoo.com>;
To: seanglass@gmail.com <seanglass@gmail.com>;
Subject: FW: Re: Stucco finish
Sent: Fri, Mar 7, 2014 3:23:13 PM

[Sent from Yahoo Mail for iPad](#)

From: Steven McCaughan <stevecbd@yahoo.com>;
To: dianaminshall@gmail.com <dianaminshall@gmail.com>; Peter Minshall <Pminshall@washcapllc.com>; Sean Glass <seanpglass@gmail.com>; Kellee Glass <kellee.glass@gmail.com>; Robert Gurney <RMG@robertgurneyarchitect.com>; kjohnson543@cox.net <kjohnson543@cox.net>;
Subject: Re: Stucco finish
Sent: Wed, Feb 5, 2014 5:59:42 PM

Hi Diana

Sean and Kellee have an agreement with Peter Minshall to provide a stucco finish on the concrete retaining wall in the color of Mr. Minshall's choice. I have an agreement to provide the work with Sean and Kellee. We are willing to provide that at your convenience and pending weather issues within a weeks notice.

Your email suggests you are interested in alternatives to the agreed finishes. Please provide drawings and specifications as to what you want and I will provide a proposal and work timeline for the completion of the work.

If you decide that you want to proceed with the stucco finish, please provide the acceptable color and we will schedule the work.

Thanks
Steve

[Sent from Yahoo Mail for iPad](#)

From: Diana Minshall <dianaminshall@gmail.com>;
To: Steven McCaughan <stevecbd@yahoo.com>;
Subject: Re: Stucco finish
Sent: Tue, Feb 4, 2014 7:11:09 PM

Hi Steve, the issue is not the color, it is the material. The material is not in keeping with a traditional Georgetown property. I understand that the Glasses have chosen to make their house and property incredibly modern, but that is not right for my property nor is it my choice. I would like to look at the other finish options that could cover the concrete and also the fence that was installed.

On Tue, Feb 4, 2014 at 2:07 PM, Steven McCaughan <stevecbd@yahoo.com> wrote:
We can also match paint colors from Duron or Sherwin Williams if necessary. Please look at their website color charts and let me know.

Thanks
Steve

[Sent from Yahoo Mail for iPad](#)

From: Diana Minshall <dianaminshall@gmail.com>;
To: Steven McCaughan <stevecbd@yahoo.com>;
Subject: Re: Stucco finish
Sent: Tue, Feb 4, 2014 7:01:07 PM

Hi Steve, I have gone over the options that you dropped off, and I was hoping to see alternatives. As you know, my property is not modern at all, and the finishes that are on the sheet you gave me are all going to look quite modern. Would you mind sending me over or letting me know some options that are more in keeping with a traditional Georgetown look? Thanks, Diana

On Mon, Feb 3, 2014 at 9:46 AM, Steven McCaughan <stevecbd@yahoo.com> wrote:
Hi Diana

I recieved the color chart from my stucco installer over the weekend and now have something for you

to look at. If you like, I can simply drop it off at your house today or tomorrow and you and Peter can review at your convenience.

Thanks

Steve McCaughan
Commonwealth Building & Design
12208 Henderson Road
Clifton, VA 20124
(703) 543-6888 office
(703) 930-3562 cell
stevecbd@yahoo.com email

From: Diana Minshall <dianaminshall@gmail.com>
To: Steven McCaughan <stevecbd@yahoo.com>
Cc: Peter Minshall <Pminshall@washcapllc.com>; Kellee Glass <kellee.glass@gmail.com>
Sent: Friday, January 31, 2014 12:28 PM
Subject: Re: Stucco finish

Hi Steve, just wanted to follow up on scheduling a meeting to discuss the stucco finish. Please let me know what times next week would work for you- our schedule is pretty flexible at the moment.
Thanks, Diana

On Wed, Jan 15, 2014 at 5:08 PM, Diana Minshall <dianaminshall@gmail.com> wrote:
Thanks Steve- I'd like something very neutral and unobtrusive- probably a very light grey or a cream color. Definitely on the lighter side. I think looking at the samples will be helpful. I am pretty open next week, so perhaps we can meet Wednesday or Thursday late morning? Let me know what works for you guys. Thanks so much and looking forward to getting everything wrapped up!

Sent from my iPhone

On Jan 15, 2014, at 4:37 PM, Steven McCaughan <stevecbd@yahoo.com> wrote:

Diana and Peter-

Kellee Glass forwarded your email regarding the wall finish. I would be glad to meet with you sometime next week to provide you with some stucco color samples. It would be helpful if I had an idea in what direction you would like to go (grays, browns, dark, light...etc) and I can get something that might work for you. The stucco work on that wall shouldn't take more than a few days to complete once they start.

Please let me know what days/times work best for you...

Thanks

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Clifton, VA 20124
(703) 543-6888 office
(703) 930-3562 cell

stevecbd@yahoo.com email

--

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--

Sent from Gmail Mobile

Exhibits to the Department of Consumer and Regulatory Affairs (DCRA)'s

Motion to Dismiss

Appeal of Peter & Diana Minshall

BZA Appeal No. 18965

Exhibit R

Email chain between Appellant and HP included as part of Appellant's October 26, 2014 FOIA request

Tondro, Maximilian

From: Peter Minshall [pminshall@washcapllc.com]
Sent: Tuesday, March 18, 2014 12:42 PM
To: Dennee, Timothy (OP)
Cc: Sabbakhan, Rabbiah A. (DCRA)
Subject: RE: Fence pictures

Follow Up Flag: Follow up
Flag Status: Flagged

Please provide the permit numbers. The OGB does not have permits for the separate wall and fence that was constructed

Peter C Minshall
Managing Partner
Washington Capitol Partners
1101 30 th Street suite 210
Washington D C 20007
202-625-5001 phone
202-625-1101 fax
301-346-8618 mobile
[Pminshall@washcapllc.com](mailto:pminshall@washcapllc.com)

From: Dennee, Timothy (OP) [mailto:timothy.dennee@dc.gov]
Sent: Tuesday, March 18, 2014 12:19 PM
To: Peter Minshall
Subject: RE: Fence pictures

rabbiah.sabbakhan@dc.gov

Tim Dennee
District of Columbia Historic Preservation Office
1100 4th Street, SW
Suite E650
Washington, D.C. 20024
202-442-8847
fax 202-442-7638
timothy.dennee@dc.gov
www.planning.dc.gov/hpo

From: Peter Minshall [<mailto:pminshall@washcapllc.com>]
Sent: Tuesday, March 18, 2014 12:16 PM
To: Dennee, Timothy (OP)
Cc: msullivan@sullivanbarros.com
Subject: RE: Fence pictures

Please forward Mr. Sabbakhan's contact email thank you

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Managing Partner
Washington Capitol Partners
1101 30 th Street suite 210
Washington D C 20007

202-625-5001 phone
202-625-1101 fax
301-346-8618 mobile
Pminshall@washcapllc.com

From: Dennee, Timothy (OP) [<mailto:timothy.dennee@dc.gov>]
Sent: Tuesday, March 18, 2014 12:13 PM
To: Peter Minshall
Cc: msullivan@sullivanbarros.com
Subject: RE: Fence pictures

I think you are on the right track with Mr. Gamboa to start.

Rabbiah Sabbakhan is the chief building official.

Tim Dennee
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From: Peter Minshall [<mailto:pminshall@washcapllc.com>]
Sent: Tuesday, March 18, 2014 12:12 PM
To: Dennee, Timothy (OP)
Cc: msullivan@sullivanbarros.com
Subject: RE: Fence pictures

Please advise us of the individual within the DC Government responsible for compliance with codes. We reviewed all files and saw no permits for this specific construction

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301-346-8618 mobile
Pminshall@washcapllc.com

From: Dennee, Timothy (OP) [<mailto:timothy.dennee@dc.gov>]
Sent: Tuesday, March 18, 2014 12:08 PM
To: Peter Minshall
Subject: RE: Fence pictures

Mr. Minshall,

You are welcome to take up the issue of compliance with the code official. I can say only that it appears to have a permit.

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From: Peter Minshall [<mailto:pminshall@washcapllc.com>]
Sent: Tuesday, March 18, 2014 12:06 PM
To: Dennee, Timothy (OP); Diana Minshall
Subject: RE: Fence pictures

Mr. Dennee:

The wall is in numerous violations of the DC Code for fencing. This is not a matter of finishing the surface, it is a matter of a 10 foot high concrete barrier that was constructed without the appropriate permits or agreements from the neighboring property owner.

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From: Dennee, Timothy (OP) [<mailto:timothy.dennee@dc.gov>]
Sent: Tuesday, March 18, 2014 11:52 AM
To: Diana Minshall
Cc: Peter Minshall
Subject: RE: Fence pictures

I had suggested earlier to both you and your neighbor about coordinating to finish the wall, as had been discussed in late 2012, but I understand that you have not permitted them to do so.

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From: Diana Minshall [<mailto:dianaminshall@gmail.com>]
Sent: Tuesday, March 18, 2014 11:50 AM
To: Dennee, Timothy (OP)
Cc: Dad
Subject: Re: Fence pictures

Tim, according to Eve Barsoum at the OGB, they do NOT have permits for the fence and wall. If they do have permits, I'd like to see them.

In addition, there is now an unfinished concrete wall on my property that negatively affects our property value that I don't want to see there. How can we resolve the issue of the concrete wall?

On Tue, Mar 18, 2014 at 11:38 AM, Dennee, Timothy (OP) <timothy.dennee@dc.gov> wrote:

Miss Minshall,

Thank you for your email.

As far as I can tell, the wall was permitted. I had not known, or had forgotten, that there was a separate permit, associated with the pool, that contained the fence and wall along the property line. They did not have those plans on site (the working set was purportedly destroyed by water), which led to the stop-work order.

However, presenting a copy, and the city having its own copy, led to the lifting of the stop-work order, as I understand it.

The construction looks pretty close to what is in that set. Your neighbor's yard grade is significantly higher than yours, and fences and walls are allowed to be measured from the higher of two grades.

Tim Dennee

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From: Diana Minshall [<mailto:dianaminshall@gmail.com>]

Sent: Tuesday, March 18, 2014 10:56 AM
To: Dennee, Timothy (OP)
Cc: Dad
Subject: Re: Fence pictures

Hi Tim,

Ferdinand Gamboa from DCRA sent me an email saying that 3333 Q and 3329 Q had approved permits and that the hearing was dismissed. They do not have approved permits for the fence and wall that they constructed. How can we proceed so that the situation gets resolved?

On Thu, Feb 27, 2014 at 5:31 PM, Diana Minshall <dianaminshall@gmail.com> wrote:

Thanks- when they come I'd like to make sure that they see the wall and fence with regard to how it affects my property.

Sent from my iPhone

On Feb 27, 2014, at 5:29 PM, "Dennee, Timothy (OP)" <timothy.dennee@dc.gov> wrote:

I apologize, as I have no idea, truly. We don't have copies of their permits. Until this morning, I had only the drawings for their main permit, because we are in the enforcement case on the wall.

I suppose that, even if whatever it is (pool equipment) is shown on those drawings, I couldn't say if it is the source. On the flip side, some types of equipment can be permitted without being drawn.

I understand that a DCRA inspector is going to make an inspection of the property tomorrow.

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From: Diana Minshall [<mailto:dianaminshall@gmail.com>]

Sent: Thursday, February 27, 2014 5:25 PM

To: Dennee, Timothy (OP)

Cc: Dad

Subject: Re: Fence pictures

Thanks Tim. The DC police said that it was actually between the property owners and the city, and falls outside of their jurisdiction. Like, most of their other outdoor work, I did not see any plans, permits, or approvals for a very noisy water feature in their backyard. Can you please confirm?

On Thu, Feb 27, 2014 at 5:19 PM, Dennee, Timothy (OP) <timothy.dennee@dc.gov> wrote:

Miss Minshall,

For a noise violation, I think you did the right thing in calling the police. Such matters fall outside our jurisdiction.

Tim Dennee

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Which school will your child call My School? For this coming school year (2014-15), DCPS and participating DC public charter schools will have a single application and lottery. Learn more and apply now at www.MySchoolDC.org. **March 3** is the deadline to apply for PK3 through 8th grade. More info about applying for grades 9-12 [here](#).

Have questions about your new Supercan, trash can or larger recycling bin? Check out this helpful [FAQ](#) from the Department of Public Works.

From: Diana Minshall [mailto:dianaminshall@gmail.com]
Sent: Wednesday, February 26, 2014 11:35 PM

To: Dennee, Timothy (OP)
Cc: Dad
Subject: Re: Fence pictures

Tim: in addition to the disruption the Glass construction has caused to my property, there is now a rushing water sound coming so loudly from their property that I have called the police for a noise violation. Do they have a permit to run some sort of very loud water pump all night long? Their construction has caused nothing but headaches for myself and my neighbors. Please advise.

Sent from my iPhone

On Feb 21, 2014, at 10:17 PM, Diana Minshall <dianaminshall@gmail.com> wrote:

Timothy,

Again, thank you for your attention to the resolution of this matter. My property is in keeping with the very traditional Georgetown style. The fence and wall that they installed detracts from the aesthetics of my house and especially my yard, which is the major draw for my property, thus decreasing its value greatly. In addition, I should not have to be subjected to their modern taste in a neighborhood that is anything but. Regardless of the condition you thought the previous fence was in, there is no excuse for tearing it down without my permission, OGB approval, or permits, and replacing it with a structure that belongs in a Tahitian prison- all while I was out of town and could do nothing about it.

You also mentioned the unattractiveness of treated lumber, which is what they have installed to comprise half of what they replaced my stone retaining wall and traditional fence with. I'd like to make sure that that is included in this discussion as it is not only unfinished, but unsightly and cheap looking in general. It should be replaced with a stone retaining wall that is in kind with what they illegally removed.

In addition, as a result of their illegal construction, the raised beds that are in my backyard on the property line are now collapsing outward.

ANYTHING that faces or touches my yard, or that is on my property line, directly affects my life and my property value, and should have my approval. I look forward to resolving this matter by ensuring that they agree to complete the following:

Remove all lumber used in replacement retaining wall and replace it with a material of my choice;

Re-face all fencing on my side with a fence of my choice;

Remove the concrete wall or replace it with a material of my choice on my side of the wall;

Lower any part of the wall and fence that exceeds 7 feet- the fact that you can see their ten foot high fence and concrete wall from the street as it relates to my property is entirely unacceptable. Under no circumstances should these structures exceed 7 feet in any area.

Restructure the raised beds that their illegal construction has caused to collapse outward.

Please let me know what our next steps are.

On Fri, Feb 21, 2014 at 6:39 PM, Dennee, Timothy (OP)
<timothy.dennee@dc.gov> wrote:

We're not going to go after them because their fence is horizontal. That's nothing prohibiting some modern elements in a historic district. In my opinion, aesthetically it's perfectly fine and of pretty modest size. I think it's preferable, for instance, to more pressure-treated lumber retaining walls.

As far as the height, I'm going to leave that to the code official. I have advised the property owner to seek an appeal of the stop-work order if they wish to argue the merits of it.

The code allows seven feet from grade without having to seek a neighbor's consent, and the measurement can be made on either side of the fence/wall. I don't believe our inspector measured from the other side, but comparing the present photos to the older photo you furnished, the wall looks only a little taller than the beat-up stockade fence that, in my opinion, is better done away with. But I do wish to see this wall finished in an appropriate manner, and I think that would make an enormous difference, as poured concrete without any color or large aggregate is pretty cold looking.

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From: Diana Minshall [mailto:dianaminshall@gmail.com]

Sent: Friday, February 21, 2014 5:07 PM

To: Dennee, Timothy (OP)

Cc: Dad

Subject: Re: Fence pictures

Thank you. My concern is that there is now a 10ft high concrete wall with an extremely modern fence on my side of the property. When I purchased the property, I did so with the understanding that I would have a backyard that had a 2 ft high stone retaining wall and a traditional fence. There is absolutely no need for a 10 foot high concrete wall, and I never agreed to it nor do I want it there. The only material I would want on a wall like that is traditional stone, which is what was there before they removed it without my consent and replaced it with concrete. I also would like them to put fencing of my choice on my side of the property so that their modern fence does not face my house. I am not sure how someone can rip out a traditional stone retaining wall and replace it with a concrete wall that is five times the height of the original wall.

On Fri, Feb 21, 2014 at 4:34 PM, Dennee, Timothy (OP)
<timothy.dennee@dc.gov> wrote:

Well, I have told them to contact you. But I d be interested in what material you would prefer, and I could convey it to them as well.

I might have my own opinions, but such walls are usually faced with brick or parged with stucco. In their case, they faced their side with stone. Another alternative is some kind of trellis arrangement.

Of course, when pouring the wall, they failed to insert ties on your side of the wall, which makes facing with masonry more difficult.

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From: Diana Minshall [mailto:dianaminshall@gmail.com]

Sent: Friday, February 21, 2014 4:27 PM

To: Dennee, Timothy (OP)

Cc: Dad

Subject: Re: Fence pictures

Thank Timothy. I know that the typical height is 7 feet, but their fence is higher than that. If we cannot get them to lower the height, I would at least like to have them face both the fence and wall with materials of our choosing. Let me know what our next steps should be.

Sent from my iPhone

On Feb 21, 2014, at 3:31 PM, "Dennee, Timothy (OP)"

<timothy.dennee@dc.gov> wrote:

Mrs. Minshall,

Thank you for your email.

On the subject of height, I'd say that we could not reasonably require lower, as they have built to the typical limit, a height that has been approved hundreds of times, in historic districts and out. A garden wall is not bad per se, but the material is important.

On that subject, I would be interested in thoughts or preferences you might have for the finishing of your side of the wall. I have asked your neighbor and his architects to confer with you on that subject.

We would definitely like to resolve this matter as soon as possible.

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From: Diana Minshall [<mailto:dianaminshall@gmail.com>]

Sent: Friday, February 21, 2014 3:21 PM

To: Dennee, Timothy (OP)

Cc: Dad

Subject: Re: Fence pictures

Thank you so much for your response. My concern is that the unfinished concrete wall and modern fence that they installed on our side is so high that we would not even be able to construct a facade high enough to mask it on our side. Would it be possible to have them lower the height of both the fence and the wall, as well as face the concrete wall with the facing of my choice, and to put a fence on our side that is our choice? Let me know and thank you again for all of your help with resolving the matter.

We would prefer to have the retaining wall and fence replaced with a structure that looked like the original 2 ft high stone wall with a traditional fence on top of it.

Sent from my iPhone

On Feb 21, 2014, at 2:49 PM, "Dennee, Timothy (OP)"
<timothy.dennee@dc.gov> wrote:

Mrs. Minshall,

I just wanted to follow up on the wall issue.

I looked at the plans, and they don't clearly show that a wall is proposed there, but they show...something, at

least in the structurals, that suggest at least a retaining wall. But they failed to specify anything about any freestanding wall.

They have a plat that indicates a stone wall to be built, and that plat may have been reviewed by zoning, but it is not included in the record set. We certainly have no objection to a wall or fence at seven feet, as that is typical because it is also the maximum allowed. But they have not built a stone wall, but a concrete one. Now, there's little aesthetic difference between a stone wall and a concrete wall that is faced with stone, as long as the stone is laid up properly. But they have only faced their own side with stone, so it obviously looks like a straight concrete wall on your side.

So, I recommended that they work with you to come to an understanding about how the wall would be finished on your side.

Tim Dennee

D.C. Historic Preservation Office

From: Diana Minshall [dianaminshall@gmail.com]
Sent: Wednesday, February 19, 2014 10:51 AM
To: Cherry, Toni (OP)
Cc: Lambert, Keith (OP); georgetown@cfa.gov; Dennee, Timothy (OP)
Subject: Re: Fence pictures

There is no rear alley, Keith will have to access the area through my driveway and fence. Keith, let me know when it is convenient for you to come by and I will make sure I am here to let you in. I work from home, so I am very flexible.

Sent from my iPhone

On Feb 19, 2014, at 10:32 AM, "Cherry, Toni (OP)" <toni.cherry@dc.gov> wrote:

Good morning Ms. Minshall:

Inspector Keith Lambert, Inspector, 442-8837, investigated this property in October 2013, and will be investigating this new request regarding the unpermitted rear wall and fence. If there is no public alley, he may need rear access from your property. Please follow-up with him directly.

Thank you for bringing this matter to our attention.

Best regards,

Toni Cherry

Senior Enforcement Officer

D.C. Office of Planning ♦ Historic Preservation

State Historic Preservation Program

1100 4th Street, S.W. - Suite E650

(Green Line ♦ Waterfront SEU)

Washington, D.C. 20024

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Toni.Cherry@dc.gov

www.planning.dc.gov

**Visit us on Facebook and follow us on
Twitter @OPinDC**

From: Diana Minshall
[mailto:dianaminshall@gmail.com]
Sent: Tuesday, February 18, 2014 3:01 PM
To: Cherry, Toni (OP);
ebarsoum@cfa.gov
Subject: Fwd: Fence pictures

Hi Toni,

I was put in touch with you by Eve Barsoum at the Old Georgetown Board (she is copied).

I was hoping you could help me with an issue I am having with my neighbors' construction project at 3329/3333 Q Street NW. They have done a massive renovation and addition of the two properties adjacent to my property at 3327 Q, and in the process have taken down my stone retaining wall and wooden fence, and replaced them with a concrete wall, unfinished wooden beams, and a different fence. Unfortunately I do not have a very good picture of the original wall and fence, because I didn't know they were removing them, but I have attached pictures of the new structures as well as one of the backyard where you can get an idea of what the fence looked like before they removed it.

I went down to the Building Museum and reviewed all of the files pertaining to their construction plans, and saw nothing about the retaining wall and new fence. Do you know if I have any recourse against this new concrete wall and horizontal slat fence? It is not only not in keeping

with the look of my property, but it is not in keeping with the traditional Georgetown style of the neighborhood. I am concerned that it depreciates the value of my property, does not allow air to pass through (especially important in the hot summer months), and is unattractive to look at. Their new properties are not in keeping with the traditional Georgetown theme, but I think I should have had a right to decide if I wanted a concrete wall and fence like this on my property.

Let me know what your thoughts are, and thank you so much for your help.

Diana

--

Diana C. Minshall
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Look out for the homeless this winter. When the actual or forecasted temperature or wind chill is 32 degrees F or below, the District issues a Hypothermia Alert. To

request support for persons who are
homeless and on the street now,
contact the Shelter Hotline at [1-800-535-7252](tel:1-800-535-7252) or 311 or email
uposh@upo.org.

<photo 1.JPG>

<photo 2.JPG>

<photo 3.JPG>

<Backyard.jpg>

Look out for the homeless this winter. When the
actual or forecasted temperature or wind chill is
32°F or below, the District issues a Hypothermia
Alert. To request support for DC residents who are
homeless and on the street now, contact the Shelter
Hotline at [1-800-535-7252](tel:1-800-535-7252) or 311 or email
uposh@upo.org.

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