FOR OUR FILE
CASE # 16260

DAVID M. FURCHGOTT & FETNEH ASKARI FLEISCHMANN
3223 KLINGLE ROAD, N.W.
WASHINGTON, D.C. 20008 U.S.A.

1 October 1998

Jack and Karen Turton
3225 Klingle Road, N.W.
Washington, D.C. 20008

Registered

DISTRICT OF COLUMBIA
OFFICE OF ZONING
'97 NOV 12 P2:31

Dear Mr. and Mrs. Turton,

We have provided you with an open offer to meet with us for the past two weeks, and you have not been willing to do so. You've rejected all specific dates and times we've suggested, and you also refused to meet with our architect this past Monday. You have not once offered alternative times or dates for meetings, and (like similar offers to meet which we made prior to the last BZA and ANC meetings) your procrastination, continues to work to our disfavor. Despite this we have tried to be patient and courteous with you.

The facts remain:

1. There is no expert proof that your claims regarding concerns about rain and snow run-off, or your concerns about blockage of air, light or view have any basis in fact, with regard to our original design. Experts (architect, engineer, contractor, and roofing specialist) that we have contacted, have now all stated your claims are exaggerated and spurious
2. Despite this, several weeks ago we made serious offers of compromise regarding these drainage issues (based upon expert advice) through your attorney, as a neighborly gesture, and have had no response to these at all.
3. (1) Given the nearly three foot clearance between your closed, completely louvered dormer and our wall, and (2) given your completely unobstructed and open northern view from your roof, and finally (3) given the fact that a 4 ½ foot high wall had existed as a border between the houses for the past 20 years without your complaint, your response about blockage of light, air and view are completely unfounded and without fact.
4. Nonetheless we informed your attorney and you last week that we are willing to make a major design concession, lessening our proposed dormer addition by 1/4, to accommodate your claims. We have had no response to our offer from you -- no comments, no willingness to meet at any fixed date, and no willingness to talk directly.

We are now certain that all our offers are falling on deaf ears, and that there are no logical nor factual nor expert basis to your claims. You have ignored the mandate of the BZA and the ANC to try to work this out with us. You have done nothing, in fact, to actually even slightly move toward developing a mutually acceptable solution. Previously each time that we've courteously waited on you for involvement or response, it's been to no avail. Our courtesy has hurt our own case. We don't believe that your wanting things simply "the way they were" is sufficient cause alone for our variance to be denied, especially when it is universally agreed by all other surrounding neighbors that the house is in dire need of repair and re-design. All others who are in direct view of the proposed addition and renovation agree that the repairs and additions are beneficial to both the house and to the neighborhood.

With no willingness on your part to "come to the table", and with half the time now wasted since the original BZA hearing, we have only short time to complete our statement and any alternative plan, which you've chosen (by default) not to comment on. We can no longer wait on you and still have sufficient time to respond in a timely manner, as requested by the BZA, in mid-October.

Sincerely,

David M. Furchgott

BZA
CASE No. 16260
EXHIBIT No. 36

11/17/97

cc: Mr. Jenny, ANC, BZA

WE WOULD WELCOME ANY BOARD MEMBERS OR STAFF OF THE B.Z.A. TO COME SEE THE ROOF AND DORMER QUESTION FIRST HAND. PLEASE CALL ~ 333-5256 or work 338-0680

Board of Zoning Adjustment
District of Columbia
CASE NO.16260
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