BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: **Appeal of George R. Clark, Esq. and Mary Clark, Stuart Sloame and Mary Seeherman, James D. and Emily Baker**

BZA Appeal No. 16533
Public Hearing: 2/2/2000, 2/23/00
ANC 3F

OFFICE OF ZONING
DISTRICT OF COLUMBIA
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INTERVENOR'S RESPONSE TO APPELLANTS' SITE PHOTOGRAPHS

Forest Hills, LLC (the "Intervenor") is the owner of 4512 28th Street, N.W. (Square 2251, Lot 29)(the "Property").

On March 13, 2000, both the Intervenor and Appellants submitted site photographs to the Board. In response to the photographs submitted by the Appellants, Intervenor respectfully provides the following comments:

1. The Intervenor's project at the Property was issued building permits and constructed as a matter-of-right under the Zoning Regulations. The Board's decision in this appeal involves an examination of the project's compliance with the Zoning Regulations, NOT the relationship between the adjoining properties. Specifically, the impact, if any, on the Appellants is not relevant to the Board's deliberations in this appeal.

2. Upon closer examination, at least several of the photographs submitted by Appellants appear to have used a zoom lens to create a distorted or exaggerated view of actual site conditions. See Appellants' Exhibit 49, 50, 53, and 55. Additionally, Appellants' Exhibits 56 and 57 were taken at another time and are clearly beyond the limited scope authorized by the Board.

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3. The photographs provided by both parties show that the views of the other property are substantially obscured by the existing landscaping. Further, given the winter season, additional landscaping and foliage is not currently is bloom.

4. Comparison of the photographs clearly shows that more is visible from the Sloame house looking toward the Property, than vice versa. This phenomena may result from the different elevations of the adjoining properties, the resulting viewing angles, and the existing landscaping. Most of the Intervenor's photographs taken from seven (7) different locations on the Property show very little of the Sloame property, except the photographs taken by both parties from the second-story rear bedroom windows (Location F) at the Property. Photographs submitted by both the parties show by looking diagonally or side-ways out of the rear bedroom windows, the Sloame patio is visible. From the photographs, it is apparent that this view can only be achieved by assuming an awkward angle, not the typical straight-ahead view out the windows.

Although the concerns raised by the Appellants at the hearing (and in their photographs) are clearly not relevant to the Board's decision in this appeal, the Intervenor has not attempted to ignore these issues. Specifically, the Intervenor is prepared to take steps to directly respond to the issues raised by the Appellants. First, if the Appellants are amenable, Fritz & Gignoux, Landscape Architects will be asked to create a new and comprehensive Landscaping and Buffering Plan which will go beyond the landscaping of the Property itself. This Landscaping and Buffering Plan would be created with the direct participation of the Appellants and would include at least the following critical elements:

1. Landscaping on either and/or both sides of the Sloame property line to increase the existing buffer between the houses.

2. In conjunction with the landscaping on the property line, a privacy fence along the property line would provide additional buffering and privacy for the Sloame patio and the Property.

3. Additional specific landscaping would be installed on 28th Street to provide a new three (3) (or four (4)) tiered buffer zone, including: (a) landscaping on the Property; (b) new street trees in public space on both sides of 28th Street subject to approval by the Department of Public Works; and (c) possible new landscaping installed on the properties owned by the Bakers and the Clarks.

4. Other reasonable actions to respond to the issues raised by the Appellants.

Although, this project is permitted as a matter-of-right, the Intervenor is willing to take these steps, although not required to do so, and is prepared to commit the substantial financial resources to respond to the issues of concern. Obviously, the Appellants' participation in planning these steps is required.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

John Patrick Brown, Jr.

Jeannine Rustad

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Attorneys for Intervenor

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Intervenor's Response To Appellants' Site Photographs was sent by hand-delivery this 20th day of March, 2000 to:

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