Statement by Owners of 1018 Constitution Avenue, NE
Philip Sedlak and Kathleen Peoples
Case 16811

The present hearing concerns construction done to renovate our home at 1018 Constitution Avenue, NE. After having hired and discussed design with a reputable firm, Wentworth-Levine (W/L), we provided our surrounding neighbors with written notification of our plan to seek a permit for the work, and with contact information for W/L, although we were not legally required to do so. W/L let us know that Ms. Pritchard had contacted them to ask questions, but she never contacted us directly. When the request for the permit was filed in June, 2001, W/L discovered that Ms. Pritchard had lodged a protest about the proposed project. W/L met again with the Zoning Administrator, and submitted additional pictures, etc., as requested. I should add here that W/L also submitted the plans to the Capital Hill Restoration Society, and the D.C. Historical Preservation Office. Some changes were requested and the plans were approved.

The building permit was granted on July 5th, 2001.

W/L advised us to contact Ms. Pritchard to inform her that we now had a permit, and to discuss the construction plans with her, most notably plans for parging the new wall that would face her property, as workmen would need her permission to access her property to do a neat job Ms. Pritchard acknowledged that it would be in her best interest to have the wall parged if it were to be built, however she said that this would not be necessary, because she was determined to have the project stopped. She declined to meet with us and did not return calls from W/L about other arrangements. Please note that, in the pictures she has submitted that show our wall facing her property, the finish is of a much lower standard of work than the wall that can be observed on our west property line, where the neighbors did permit access for pargeing. W/L was not able to parge the Prichard side of the wall in a similar fashion.

W/L began to prepare the site for building. Ms. Pritchard wrote to the Zoning office requesting that a stop work order be issued. In a letter dated August 20th (on file), Mr. Michael Johnson explained that there were no grounds on which to base a stop work order. When excavation began on August 5th, Ms. Pritchard called me at work, suggesting that I return home immediately to avoid ending up with "just a big hole in my yard" since she would halt the construction.

Subsequent to this, I received more calls, some of them at work, with Ms. Pritchard threatening to call the police for what she called "vandalism." She indicated that someone from the Restoration Society had been on vacation and was "appalled" at the decision made by his board about this project. In fact, the approval of the Capital Hill Restoration Society (CHRS) was withheld for two weeks so that all parties not present when the project was presented could review the details. Thus, there is reason to doubt the supposed grievance of this member. Additionally a Ms. Gattis (sp?), who lives in the neighborhood became interested in the construction at our home, and on several occasions stood outside in the alley, making comments and asking questions to harass on-site workers, saying that their work and perhaps they themselves were illegal. W/L sent a letter to Ms. Pritchard, asking that this person refrain from interfering with progress on the worksite*.

* This letter was found to be misdirected, see paragraph 5 on page 2.

BZA
Case No. 16811
Exhibit No. 30
Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO.30

During this time, construction continued because we had a binding contract for scheduled construction work.

In October, I received a phone call from Ms. Gattis, who said that there would be an ANC subcommittee meeting "about our property." She advised us to attend and to bring our architect. Because of the short notice (one day), my husband and I couldn't appear. The Pritchards appeared alone, and the matter was referred to the full ANC meeting in November, although the Pritchards indicated at that time that they would not be able to appear on that date.

I called Mr. Farrell, the ANC-6A commissioner for zoning issues, who, after actively discouraging our participation, finally agreed that we could present our side of the matter. My husband and I duly prepared for the November ANC meeting. Three days before that meeting however, we received a copy of a request submitted to the ANC by the Pritchards, asking that the matter be postponed until the December meeting so that all parties could be present. It should be remembered that her concern that both parties be represented was not expressed when the Pritchards alone appeared at the October ANC-6A sub-committee meeting.

As the work progressed during the fall, we received copies of letters sent by the appellant to various city officials, citing various complaints about the construction. Our neighbors were also contacted and told variously that the building would prevent escape in case of fire, that it prevented a historical right to access to the alley, and that we were being unfair in not "talking with the Pritchards", etc. In response, we sent a letter to the Zoning Administration, expressing our concern about this matter and presenting our facts. In November, we received a letter from the Zoning Administration saying that they stood behind their decision to grant the permit.

In the December ANC-6A meeting, Ms. Pritchard gave misleading information about several issues. First, by stating that the new construction occupied more than the legal amount of the property (she quoted 62% in the meeting, although her documents said 52%). She further complained that "her" retaining wall had been removed without contacting her or obtaining her permission. In fact, a legal survey (also included in the file) shows that the retaining wall was on our property. We thus had no need to ask her permission to remove a wall on our property, and since Ms. Pritchard was unwilling to meet about the project, we could not inform her. Ms. Pritchard further complained that we continued construction though we knew that she was protesting. I pointed out that my husband and I had hired a reputable firm, we had a legal permit and a binding construction contract. Based, we believe, on these emotional misrepresentations, the ANC decided to support Ms. Pritchard.

In summary, my husband and I have followed the appropriate channels, and done more than was required in notifying our neighbors about the project. We have reached an amicable agreement with the neighbors at 1016 whose deck impinged slightly on our property line and had to be corrected. We have done our best to reduce confrontation, and other than polite inquiry of other 11th street neighbors about their position on the situation, we have made no wide-ranging campaigns. At the request of Ms. Pritchard, I investigated the initial impression that it was she who had disturbed workers at the construction site, and discovered that it was instead someone who could fit the description of Ms. Gattis who, as I mentioned, has taken an active interest in this matter. Further, W/L has competently sought all applicable reviews and inspections. In addition, we have paid almost $6,000 extra dollars for the project in order to comply with the Historical

Preservation Society's request that a specific mortar style and process be used to match older brickwork.

I submit that my husband and I have acted throughout in good faith. It should be clear we would suffer severe financial and personal hardship if the permit that has granted work for the past 8 months were to be stopped or altered. Until this past week, the house has had neither functioning bathrooms nor a functioning kitchen. There is currently one toilet, and there is still no kitchen and running water is only available from the basement washtub. Although my husband has been out of the country for most of January and February, I have lived with a relative.

By contrast, Ms. Pritchard has claimed a variety of false harms from the construction now underway:

- She has complained about lack of access to the alley behind our property (although she had no gate leading out of her back fence before building started, and would have had to cross our yard and exit our locked fence and could not enter the yard without our consent).
- She has claimed a problem with emergency access, although escape routes are not planned through private property and the fences of other properties north and south on 11th street are equally obstructive to her exit from the rear of her house in case of an emergency.
- She has quoted various unfounded measurements in efforts to claim that the current construction occupies more than the legal proportion of the lot.

In point of fact, her complaints principally concern her view, even though her house is 20 feet from the property line and no part of her real property is abridged by our renovation.

We have confidence that we have followed proper procedures and hope for relief from what has amounted to harassment in the prompt settlement of this matter.