Joseph R. Price
1016 Constitution Ave., N.E.
Washington, D.C. 20002

May 20, 2003

Via Facsimile

Mr. Richard Nero
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: Application Number 17007 - Written Testimony in support of Application of Kathleen Peoples and Philip Sedlak for Special Exception

Dear BZA Members:

My home is located at 1016 Constitution Ave., NE, immediately adjacent to the home of Kathleen Peoples and Philip Sedlak at 1018 Constitution Ave., N.E. I write to express my strong belief that the circumstances of this case warrant granting Ms. Peoples and Mr. Sedlak a special exception pursuant to section 3104.1.

As a threshold matter, as a D.C. resident, taxpayer and property owner, I was surprised to learn that a granted building permit, which was reviewed on at least two occasions by the Zoning Administrator, could be overturned after a structure, built pursuant to the permit, has been completed. This is a shocking and unfortunate affair. Ms. Peoples and Mr. Sedlak, having complied with the proper regulations and laws of the District, now find themselves in the unenviable position of having to spend thousands of dollars to defend the Zoning Administrator's decision and to protect the several hundred thousand dollar investment they made in a project which has done nothing but increase the property values of surrounding homeowners, including the property of Janet and David Pritchard, at 204 11th Street, N.E., who oppose the special exception. Surely, this is a situation that warrants the granting of a special exception.

Putting aside the impropriety of penalizing property owners who properly complied with all governing DC regulations and laws, the special exception is also clearly warranted under the provisions of section 3104.1. Specifically, the addition to Ms. Peoples and Mr. Sedlak's home, although apparently built too close to the property line of the Pritchards' according to the Board, (but not the Zoning Administrator), does not interfere with the Pritchards' use and enjoyment of their property, or significantly impact the air, light and view of the Pritchards' property.

My opinion in this matter is based on the fact that like the Pritchards' property, my home, which is adjacent to Ms. Peoples and Mr. Sedlak's property, has a rear yard that was originally open on three sides. The addition to 1018 is now adjacent to my rear yard and as a result, the wall of the addition blocks one side of my yard. The Pritchards' property is similarly situated, it had a rear yard open on three sides and the wall of the addition now blocks one side of the yard (the back side instead of the side of the yard as in my case). In the case of my home, the wall of the

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addition is actually built right on the property line so that the addition is much closer to my yard than to that of the Pritchards.

While the Pritchards subjectively assert that the addition dramatically interferes with their property, my own assessment, as a property owner similarly affected by the addition is quite different. The addition is in proportion to the home and the lot, it is attractively constructed and while it blocks some light on both the Pritchards' property and my property, it does not do so in an excessive fashion, nor does it block so much light that it interferes with use of the either space. I have observed that the Pritchards have grass in their backyard (I have plants in mine) and that the addition does not interfere with either their or my ability to have such plantings. In fact it is clear from observing the addition and the surrounding yards--including the Pritchards that at most, the addition causing some additional shading for a limited part of each day (depending on the season). This is a frankly trivial impact and one that is to be expected in a dense urban residential environment like Capitol Hill.

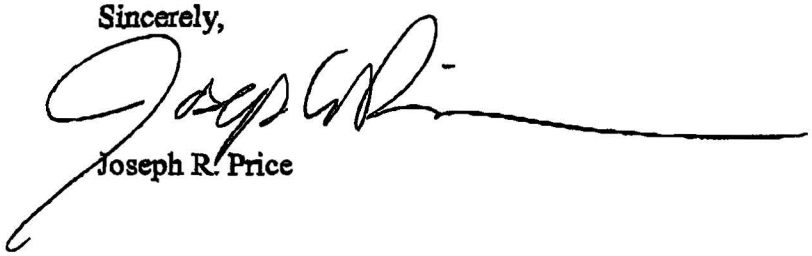
The Pritchards' arguments that their view has been ruined by the addition is likewise disingenuous. Prior to construction of the addition, the Pritchards' "view" was of an alley and the backs of some very poorly maintained garages. In fact, their rear view would probably be considered undesirable, which is probably why they had a privacy fence. Their current view is now of an the side of an attractive and well constructed addition--the design and presentation are notable, as the property was designed by the well known architecture firm of Wentworth-Levine. My own "view," which was of the backs of the homes that face 11th street (including the Pritchards' home) was likewise changed by the construction of the addition. I view the addition as a much more desirable view than that of the rear of the other homes and it adds, rather than detracts from the privacy of my property.

In sum, I view the construction of the addition as beneficial to my property and that of the surrounding properties. It has clearly increased property values and because it is an attractive and well designed addition, it makes the rear view and setting of all the surrounding homes better.

Consequently, the Pritchards' objections--which are entirely subjective--should not be a basis for denying Ms. Peoples' and Mr. Sedlak a special exception. The governing criterion of section 3104.1 and the exceptional circumstances of this case--namely that Ms. Peoples and Mr. Sedlak did all they could be expected to do in accord with DC laws and regulations--warrant granting a special exception.

Refusing to grant a special exception in this case will only serve to severely punish two longtime DC residents who followed the rules and acted upon the advice of the City. Equity and the requirements of section 3104.1 both require that the special exception be granted. I urge the Board to grant it and thank you for your time and consideration.

Sincerely,



Joseph R. Price

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Mr. Richard Nero DC Office of Zoning, BZA	202-727-6072	202-727-6311

Attorney Number: 1382 **Client-Matter Number:** 988888-00073

Hard Copy Sent: No

Comments:

THE FOLLOWING WRITTEN TESTIMONY IS FOR A HEARING SCHEDULED TO BE HEARD BY THE BZA TODAY, TUESDAY MAY 20, 2003, IN CASE NUMBER 17007. PLEASE PROVIDE THIS TO MR. NERO AS SOON AS POSSIBLE.

THANK YOU

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