(6)

Brinckerhoff
4628 Brandywine Street N.W.
Washington, DC 20016

December 1, 2003

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D.C. BOARD OF ZONING ADJUSTMENT
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Ms. Jerrily R. Kress, FAIA
Director
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210-S
Washington, DC 20001

Re: BZA Appeal No. 17066
(4624 Brandywine Street, N.W)
Hearing Date 16 December 2003

Dear Ms. Kress:

We submit this letter in further support of our appeal to revoke Building Permit No. B452591, dated June 26, 2003. Our application dated August 1, 2003 sets forth legal authorities demonstrating that the Walsh extension fails to comply with the laws enforced by this Board. From our point of view, the permit was issued without full understanding of the impact the massive addition to a nonconforming structure with inadequate side yard setback would have on the health, safety, order, prosperity, and general welfare of the neighbors who abide little more than five feet from the site.

In early July, as the reality of the vast excavation took hold, we advised the owners of our legal concerns and urged them to consult with a licensed architect to modify their design before proceeding. We vigorously opposed the above grade construction of an oversize box-like structure that featured a two story great room and a master bedroom with an 11 foot cathedral ceiling and pitched roof 5 ' 1" inch from our property line. The addition extends 24 feet back, casts 3 rows of 4 Palladian-like windows (a total of 12 on each side) into the privacy of our home and allows a new chimney to tower over our property. It was our belief that a professional architect with appropriate credentials could have offered a design that was at once compatible with the needs of the Walshes, complimentary of the architectural style of existing homes, and respectful of the neighbors with whom they share driveways and contiguous backyards in these American University Park homes. The Walshes notified us in writing on August 1, 2003 that they would not change plans and proceeded with the addition.

The Walsh Jewell addition at 4624 Brandywine Street is highly invasive of our privacy, destroys the once serene vista of our backyard and totally obstructs natural light to our property. We enclose several photographs in an effort to illustrate the dramatic impact this addition has had on our home and family life.

The Walshes maintain that the addition has not changed the footprint of their existing house. What must be understood is that prior to the demolition of the low-lying outdoor wooden deck in May 2003 and subsequent building up of the property, there was no impediment to a full view of greenery, treetops, and skyline from our screen porch, bathrooms, and bedrooms. The top photograph in enclosure (1) was taken prior to construction from the Brinckerhoff driveway to

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the west of the Walsh property in the Spring of 2002. The screen porch, adjacent to the Walsh property, overlooks the azalea plant in the top photo. The proximity of the two side yards is demonstrated in the bottom photo of enclosure (1).

We use this modest screen porch as a dining and family room almost six months a year and it is here that our privacy is most adversely affected by the enormous addition. The porch affords a quiet place to read the morning paper, take a peaceful afternoon nap, or enjoy a candlelight dinner. The top photo in Enclosure (2) was recently photographed from the screen porch and demonstrates the obliteration of privacy, greenery and natural light that has occurred as a result of the close, multi-level, and deep construction. Three lilac trees planted on the Walsh side of our property require sunlight for growth and now receive only partial morning sun. Instead of the evening glow of lightening bugs, we now will experience bright artificial lights from 12 large windows.

During construction, there were multiple episodes of falling debris (nails, metal, shingles, wood fragments) into our backyard and one can only anticipate continued problems with wind and rain when a tall structure is so close to our yard. The unsightly addition of ventilation ducts is now in direct view from our porch and noise from the placement of a second air-conditioning unit only 18 inches from our property line will undoubtedly compromise our ability to use our porch space in the ways we so enjoyed. See the bottom photo of enclosure (2).

The extensive construction adversely impacts far more than our enjoyment of an outdoor porch and loss of natural sunlight to our backyard. A chimney from the new fireplace now towers over the roof line of our porch and poses safety questions. In addition, an upstairs bedroom and both of our bathrooms are now void of the limited privacy they had prior to the construction (see the photos in enclosure (3)). The legally-required eight foot side yard setback would have widened the angle and afforded more light and privacy in the bedroom and bathrooms.

A final concern is that with the construction of a home so large and so close to our property, there are design flaws that remain undetected and pose undetermined risk to our safety and well-being. We have already experienced one such problem. An example is a recent situation that was remedied only by intervention of city authorities. A natural spring runs underground at the far end of the properties on the 4600 block of Brandywine Street. For this reason, there are no alleys on our side of the block. After a heavy rain, it is not unusual for a pool of water (approximately 8 feet wide and four inches deep) to accumulate at the back of our property. The water is normally reabsorbed within hours after the end of the rain. Photographs in enclosure (4) show our backyard after a heavy rain in the spring of 2002 (top) and in the fall of 2003 (bottom). The unprecedented accumulation of mud and water that appeared after the excavation and change in grade at the Walsh property lasted for three days. Disturbed by this development, I contacted DC Building Inspector Stanley Neal of the Construction Inspection Branch and requested a site visit. Inspector Neal met with the builder and required the removal of the excavated mounds of soil that were causing the muddy run-off and the erection of a silt fence. He also advised that I consult with an environmental engineer. In November 2003, Peter Nwangwu of the Department of Health Soil Erosion Branch, visited the site, determined that drainage and improper grading remained a problem and required the installation of irrigation drains and additional grading. We are grateful for the expert advice and timely assistance these two men provided.

In conclusion, we appreciate your attention to our appeal. It is not our intention or nature to

deny our neighbors their right to an improved quality of life. It is, though, our responsibility to speak up when we believe an error has been made and ask for a corrected course of action that is fair, honest, and respectful.

Respectfully Submitted,

Judy Brinckerhoff

Enclosures (1) – (4)



Backyard and low-lying wooden deck Spring 2002



Proximity of screen porch and side yards prior to construction
Spring 2002

Enclosure (1)



View from screen porch obstructed by new construction October 2003

Loss of privacy significant concern



View from screen porch-

Sight of ventilation and cooling ducts, 2nd air conditioner October 2003



Obstructed view from upstairs bedroom. Height of addition and chimney of concern.



Loss of privacy from first floor bathroom.

Enclosure (3)



Backyard after heavy rainfall Spring 2002.
Mild pooling evident to the rear of yard where natural spring exists underground.



Muddy rain-off accumulates for 3 days. September 2003

Enclosure (4)