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April 27, 2004

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: 4529 Lowell Street, N.W.
Application for Special Exception - BZA Case No. 17139
Proposed findings and conditions

Dear Mr. Griffis:

The following is provided in regard to Case No. 17139, Application for Special Exception for 4529 Lowell Street, N.W. Mr. and Mrs. Thomas Waltz required a special exception after a wall check revealed that their addition was only 3.1 feet from the West side lot line. Mr. Sharpston at 4531 Lowell Street objected to the granting of the special exception on the grounds that the windows on the addition overlooked his second story deck and destroyed his privacy. Accordingly, Mr. Sharpston requests that the Board deny the application.

The Waltzes should not have begun their addition without first obtaining a special exception. They were on notice of the non-conformity from an earlier wall check for an addition built by these applicants in 1990-1 which showed that the existing house was only 3.1 feet from the West side lot line.

If the Board is inclined to grant the special exception, notwithstanding the above, Mr. Sharpston seeks, in the alternative, the following conditions:

1. Permission to retain the addition runs only to the plans submitted. (There is an open area on the first floor which might inadvertently be filled in at a later time without BZA approval if the restriction is not

BZA
Case No. 17139
Exhibit No. 30

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made explicit in the order. Moreover, in their subsequent written statement to the Board, applicants have affirmed their intent to build only what has been submitted for the special exception.)

2. The order is not intended to be interpreted as overriding building code requirements.

3. The windows on the side of the addition, which were altered without permit approval, must either
   a. be removed, or
   b. be permanently louvered or opaqued so that they cannot be used for viewing in the direction of Mr. Sharpston's second floor deck.

Final note. It should be remembered that the West elevations submitted to the Board in January 2004, as well as the plans submitted for permit, showed one window on the second floor close to the center of the addition, where it would not have had a view of Mr. Sharpston's deck. Had the Waltzes shown Mr. Sharpston the plans, he would have assumed that the window on the West side would not present a privacy problem for him. Subsequently, when the Waltzes altered their plans for the windows, they should have consulted Mr. Sharpston, especially if, as the Waltzes testified, the change was made to accommodate any privacy concerns he might have had.

Please call if there are any questions.

Yours very truly,

Stephen N. Gell

cc: Mr. and Mrs. Thomas Waltz
ANC 3D