DRAFT

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December 12, 2004

D.C. Board of Zoning Adjustment
801 North Capitol Street, N.E.
Suite 4000
Washington, D.C. 20002

RE: BZA Application No. 17251

My parents bought the home on 3713 Albemarle Street, N.W. in 1968. My mother, Emilia Psillos, has lived there ever since and has lived there on her own since my father passed away in January 1983. My parents raised their three children and a grandmother that lived with us in the house with just one bathroom. That was all we needed back in those days. My sister and I both went to Woodrow Wilson High School and graduated from there. My mother would not have it any other way than to remain in the house and neighborhood she calls home. You see my parents emigrated from Greece in the mid-60's and all of us lived with relatives until my father was able to borrow from his relatives and bank to fulfill his dream to buy his own home in the land of opportunity.

When we moved in, and for several years then after, all of the back yards in the line of several detached homes on our side of the street were open without fences. As if all had a common back yard. Not until the neighbor's dog bit my younger brother more than once did the owners, at that time, of 3715 Albemarle Street decided to put up the first fence.

Mr. and Mrs. O'Reilly are the fifth owners that have lived at 3715 Albemarle Street since my parents bought theirs in 1968.

My mother has been very upset and extremely depressed since her neighbors, Mr. and Mrs. O'Reilly, at 3715 Albemarle Street, N.W., began constructing the addition next door. This addition is less than 1 foot from her property line. The D.C. code states is 8 feet. Mr. O'Reilly decided to construct this addition without the consideration and livelihood of the neighbor next door. Maybe he thought that this elderly woman living alone next door does not have to be regarded and since she also has trouble with the language she could be taken advantage of.

Mr. O'Reilly has done things without regard to his neighbors, to the D.C. building code, and to the D.C. city laws. When a city tree in front of my mother's house died and was cut down, Mr. O'Reilly planted his own bushes in the spot where the tree had been.

BZA
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Exhibit No. 26

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District of Columbia
CASE NO. 17251
EXHIBIT NO. 26

Not until we complained to him that the city would plant a tree did he remove them. The bushes he planted in front of his house are still there, on city property. When a huge hole was dug up in his back yard to excavate what eventually will be the basement below the addition, Mr. O'Reilly was pumping sitting water from the hole that collected there for several months into my mother's front yard. The flooding in her front yard was a worrisome concern to my mother that it was going to damage her foundation and flood her basement. When we complained about the water Mr. O'Reilly began pumping the water in the street, which I have heard to be illegal in the District, as I do believe also in other jurisdictions in the area.

We were not aware of an addition at first when Mr. O'Reilly began excavating below his sitting porch for what he said was to relocate the walkout stairs because of a water problem in his basement. When he mentioned to my sister, Kay Matthews, that he was going to build a two-story addition, she told him "You know you need a permit for that". In the summer of 2003 Mr. O'Reilly started building a basement and the two-story foundation. When my mother came back from a trip to Greece she asked me to check with the City to see if Mr. O'Reilly had received a permit for the addition.

I began calling in early October 2003 the DCRA office for building permits, after many tries I was able to talk to Roshell Joseph who provided the information that the construction at 3715 Albemarle Street did not have a permit. Ms. Joseph directed me to call the City's illegal construction office. After several calls to that office I spoke with Ms. Robyn Gates who also confirmed that there were no permits. Ms. Gates referred me to call Inspector Letren. Mr. Letren was out for most of the month of November and did not call back on the numerous messages I had left behind. In December 2003 I spoke with Mr. Letren and provided him with the background of the construction and the lack of permits. He indicated at that time that he would be in the area and that he will stop by to inspect the construction at 3715 Albemarle Street. In the meantime construction at 3715 Albemarle Street was going on unhindered. After several calls to Mr. Letren I got lucky and he picked up my call one morning. This was either late December 2003 or early January 2004. At that time Mr. Letren told me that he did not stop by to inspect the construction as he had promised, but that he would go as soon as he was able to schedule it. The order to stop the construction at 3715 Albemarle Street was issued several days after that call.

I called Mr. Letren on several occasions after that to find out more about the status of the order, but my calls went unanswered and received no return calls to my messages. I had no more information about the stoppage order until I received a call from Mrs. Cathy Wiss, from the Advisory Neighborhood Commission 3F, who gave me the information to attend the hearing that took place in November 15, 2004. My mother did not make me aware of any documents that might have been mailed to her by the ANC 3F or any documents that may have come from the Board of Zoning Adjustment. If any of these documents were addressed to my father's name, Panagiotis Psillos, they more than likely

were not opened. I did not have the required forms to appear as a party to the hearing today because they most likely were addressed to my father and pitched by my mother. Page 3

Construction at 3715 Albemarle Street continued even after issuance of the stoppage order. Construction was going on inside and outside. A patio was erected in the back of the addition the width of the addition and about eight feet long, and a new fence.

The basement was only one foot away from a wooden fence separating the two back yards. The dirt that was dug up for the foundation was piled in a huge mound in Mr. O'Reilly's back yard. The dirt pile damaged the fence and caused is to collapse over my mother's bushes, flowers and vegetable plants. The dirt mound had also elevated Mr. O'Reilly's back yard so that all of the rainwater was draining into the back yard at 3713 Albemarle Street.

Mr. O'Reilly did nothing about the pile of dirt or the broken fence until we approached him about it. I brought him to the back yard and showed him the damage and the sitting water in my mother's yard. He told my mother that he would replace the fence, which he did in the spring of 2004. Before the fence was replaced, my sister told Mr. O'Reilly that the previous owner of his home had put the fence on our side of the yard, so when he replaces the fence to make sure it's placed correctly between the two back yards. Mr. O'Reilly did not install the fence in the correct property boundary. My mother works, so no one was at home when the fence was installed. Because of the way the fence was placed we cannot get between the fence post and the corner wall of my mother's house leading to a crawl space below the sitting porch. If the wooden fence had been installed correctly Mr. O'Reilly's addition would be just about six inches from the fence.

Had the occupants of the home at 3713 Albemarle Street been someone younger and not someone who is not familiar with the codes of this city this addition would not have gone this far. We feel that my mother has been gratuitously take advantage of.

My mother is unable to enjoy her sitting porch. She looks out the windows and no longer sees the line of trees to the left because they are obstructed by the huge addition. Her sitting porch is darker these days because the sunlight is obstructed by the large addition next door. She loves sitting out in her back yard on her patio but now she says she feels as though jailed in a corner. Mold collects on the steps and patio due to lack of air flow and sunlight. This is very dangerous for anyone let alone an elderly person walking down four steps to a cement patio. She is afraid of falling every time she has to walk out. Because Mr. O'Reilly's back yard has a higher elevation, water drains into my mother's back yard, this was not the case before the addition. The collecting water brings swarms of mosquitoes, possibly carrying the Nile fever, in the summer months making it impossible to be outdoors. With the addition there are no longer cross winds to dry the yard and push away the insects. My mother is emotionally sick and extremely depressed over this addition next door.

The Zoning board may see these homes as single family, but they are and belong in the family of town homes. Not one home in the line of these half a dozen duplexes extends

outwards in the front or the back or side. They all resemble each other. They were built identical inside and outside. You can drive by any townhouse community in our metro area and you will not see a townhouse next door to another with an addition twelve feet out and less than a foot from their property line.

Laws and Codes are created to protect the citizens. Mr. O'Reilly clearly violated multiple D.C. building codes with no regard to these very laws that have been put in place to protect its citizens. I, George Psillos, on behalf of Emilia Psillos, implore that you do not approve Mr. and Mrs. O'Reilly's appeal. Mr. O'Reilly comes to you today to request an exception to continue building an oversized extension that has an adverse effect, severely obstructs, impairs, and violates his neighbor, Emilia Psillos, property.

Please except the ANC 3F's resolution opposing Mr. O'Reilly's BZA Application No. 17251 for Special Exception to build a rear addition at 3715 Albemarle Street, N.W.

Sincerely,

George Psillos