Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F
North Cleveland Park • Forest Hills • Tenleytown

3F01 - Carl R. Kessler, Treasurer
3F02 - Karen L. Perry, Chair
3F03 - Robert V. Maudlin
3F04 - David J. Bardin, Vice Chair
3F05 - Judith M. Bernardi
3F06 - Catherine J. Wiss, Secretary
3F07 - Stephen N. Dennis

PMB 244
4401- A Connecticut Avenue, N.W.
Washington, D.C. 20008-2322
Web site: www.anc3f.org
E-mail: ANC3F@juno.com
Phone: 202.362.6120
Fax: 202.686.7237

ORIGINAL
RECD. 12/28/04 EB

December 28, 2004

Geoffrey Griffis, Chairman
DC Board of Zoning Adjustment
441 – 4th Street, N.W.
Washington, D.C. 20001

RE: BZA Case No. 17251, 3715 Albemarle Street, N.W.

Dear Chairman Griffis and Members of the Board:

This is in response to the applicants' submission of December 21, 2004, served on ANC 3F by US mail and received late on December 23, after all government offices had closed for the three-day Christmas holiday weekend.

The submission includes a survey prepared by Real Estate Surveyors LLC and signed by Mr. Fitzroy Bertrand. I consulted with Mr. Roland Driest, Surveyor of the District of Columbia, about this survey. He stated that it is the type of survey often conducted for real estate transactions to determine whether there are any major encroachments. It is not the type of survey used to locate walls or fences with any degree of accuracy. For a wall check, a survey would have to be done by a surveyor registered with his office. Mr. Driest stated that Mr. Bertrand is licensed in the District of Columbia, but he is not registered. Unlike the survey prepared by Mr. Bertrand, "calls" would have to be given in one-hundredths of a foot. The surveyor's office would not accept this survey for a wall check as part of the permitting process.

Mr. David Kacar, the applicants' architect, states that the depth of the rear yard from the addition is "16.8 feet". Nowhere on the survey is this distance shown, however. Perhaps Mr. Kacar extrapolated it from the other dimensions shown, but even this is not clear. Does the 5 foot dimension near the southern end of the property refer to the distance of the house from the property line or the width of the stoop? According to this survey, the stoop projects slightly into public space. The one thing that is clear is that the fences north of 3715 Albemarle are not on this property, and thus, the rear yard is more likely 16.8 feet, or even 16.38 feet as stated in the application, rather than 20 feet deep, as speculated by the Office of Planning.

The distance between the eastern lot line and the addition is given as 1.10 feet. Mr. Kacar explains that this was measured from the constructed foundation wall. As can be seen in the attached photograph, the wall of the addition above the foundation wall projects out at least three inches to the east toward the property line with 3713 Albemarle Street. When lathing and stucco are applied, the wall will be an additional inch or two closer. After adding the roof structure, flashing, and a five-inch wide gutter, the addition could be very close to hanging over the property line itself. ANC 3F commissioners are still

BZA
Case No. 17251
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO. 17251
EXHIBIT NO. 34

concerned that this will cause a nuisance for Mrs. Psillos, as debris and icicles could easily fall off the gutters into the back yard of her house and affect her use and enjoyment of her back yard.

The injudiciousness of approving an addition this close to the property line can be understood when considering whether necessary activities can be performed. The narrow space between the addition and the fence already has created a nuisance by collecting trash. Will a 20-foot pole be needed to fish out trash so the space does not attract rats? And how will the addition be constructed? Few adults can fit into a space one-foot wide or less, even sideways. How can the tools needed to apply the lathing and stucco be manipulated in this space? How can the siding for the second story be secured to the wall without placing a ladder or scaffolding on or over the property of 3713 Albemarle Street?

Mr. Kacar states that "[t]he surveyor documents that [the fence to the east] is on the property line." This is the fence installed by Mr. O'Reilly several months ago between his house and the house of Mrs. Psillos. Although the building permit obtained by the O'Reillys for this fence states that it was to be installed on existing fence posts, all the posts are obviously new, and testimony indicated that the original fence had fallen down during construction. Despite Mr. Kacar's assertion, this fence has not been located on the survey, unlike the fences to the west and north. Indeed, the eastern fence has a strong curve to it. At its southern end, it abuts the concrete pad below the back stoop to 3713 Albemarle. As the attached photographs show, it is closer to 3713 Albemarle Street at this end than the midpoint between the houses. Going north, it bows out slightly around the addition, and then curves perceptibly to the west to join the chain link fence north of the properties. The east fence is four inches wide. In contrast, the property line is straight and has no width. If it is "on the property line" as Mr. Kacar says, we cannot tell at what point the fence touches it. The photographs suggest that most, if not all of the fence, is on Mrs. Psillos' property.

Because the copy of the survey received by ANC 3F was too faint to show the elevations indicating water flow, I asked Mr. Bertrand to fax me a better copy. The faxed copy shows high points of 101.95 to 101.97 north of the patio, on the patio adjacent to the northwest corner of the addition, and east of the patio along the property line. Elevations of 101.90 to 101.91 are shown on each side of the patio. This would indicate that water flows to each side of the patio, not just to the west. No elevations are given, though, for the eastern side of the patio adjacent to the addition or for the space between the addition and the property line, which, on visual inspection, is obviously lower than the patio. (The attached photograph of the corner of the addition shows the change in elevation between the soil supporting the patio and the grade between the addition and the fence.) Had elevations been given for these points, we would have a better understanding why water is flowing off the patio and onto Mrs. Psillos' property near the northeast corner of the addition.

Sincerely,

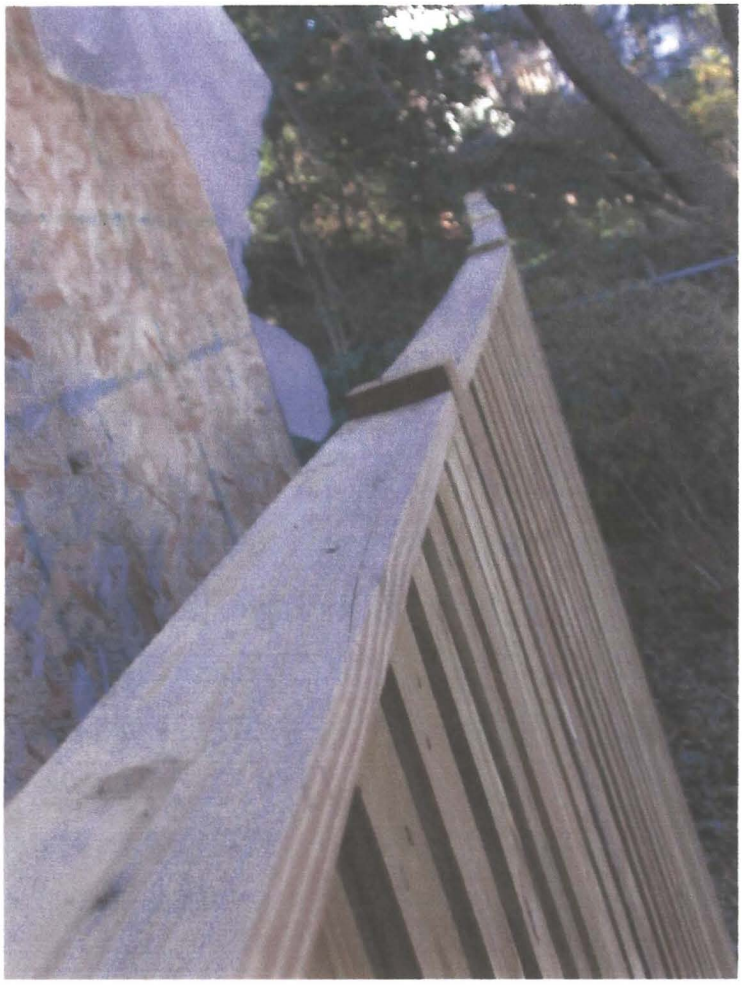
Cathy Wiss

Cathy Wiss
Commissioner, ANC 3F06

Cc: Frederick D. Cooke, Jr., Esq.
Paul O'Reilly
Emilia Psillos
John Fondersmith, OP

The wall of the addition, even before the stucco has been applied, projects at least 3 inches to the east beyond the foundation.





The fence between 3713 and 3715 Albemarle Street bows out around the addition, then curves to the west to join the fence north of the property.



In this view looking south, with 3713 Albemarle Street on the left, one can see that the fence curves around the addition and is closer to 3713 Albemarle Street than the midpoint between the two houses.