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Memorandum

JAN 5 2005

To: **Office of Zoning**
District of Columbia

From: **Jay/ Patricia Adelstein**
Owner/ Applicant

Subject : **BZA Application No. 17268**
Response to Exhibit 19 (Letter of C. Bergen)

By letter dated December 9, 2004, Charles Bergen, the owner of apartment # 203 at 311 7th Street NE (second, top floor), objected to BZA Application No. 17268 ("Adelstein plan") on the basis that the proposed addition will interfere with the air and light to his apartment's living room. A picture of Mr. Bergen's north-facing apartment windows and the Adelstein's existing structure is attached. The following is submitted in response to the objection:

- The Adelsteins propose extending their structure by only 5 feet 4 ¾ inches.
- Mr. Bergen's second, top floor living room window already directly faces the Adelstein's southern existing property wall and side porch wall.
- Mr. Bergen's apartment wall and window area are south of the proposed Adelstein addition and already are separated from the existing wall and proposed wall by a 6 feet 4 inches wide open court on the 311 7th Street NE.
- Mr. Bergen's second, top floor apartment will extend in excess of 11 feet beyond the east wall of the proposed Adelstein addition. The proposed addition will not interfere in any way with his bathroom and two bedroom windows.
- Light from the sun (rising to the east and setting to the west of Mr. Bergen's second, top floor, northern-facing window) will not be unduly affected by the proposed addition.
- Air available to Mr. Bergen's second, top floor property will not be unduly affected by the proposed addition.
- The Adelsteins shared the proposed plans with their neighbors, including many individuals residing in 311 7th Street NE. Mr. Bergen was provided with the plans in November 2004, informed about the petition, was asked to sign it, but did not make himself available. The signatures of the 21 neighbors approving the proposed addition include four residents of 311 7th Street NE. *One of the individuals approving the proposed addition lives in Apartment # 103 directly below Mr. Bergen's Apartment #203.* See Exhibit 20. It was not until January 4, 2005 (when I reviewed the BZA file) that I first learned that Mr. Bergen objected to the application.
- In addition to the signatures of the neighbors contained in the application file, the Adelsteins have sought and received the approval (or recommendation for approval) from the following agencies: (1) Stanton Park Neighborhood Association; (2) Historic Preservation Review Board; (3) Capitol Hill Restoration Society; (4) ANC 6C (Full Board and Planning & Zoning Committee); (5) Office of Planning; and (6) L'Enfant Trust.

BZA
Case No. 17268
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17268
EXHIBIT NO. 27

NORTH OBJECTOR'S L.R. WINDOW

