Form 140
(Revised 03/15/02)

Case No. 17327

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: Last	First	Middle I.
SCHMIDT	RICHARD	E

ADDRESS: Street	Apt. # (If any)	City	State	Zip Code
1810 35th ST	NW	WASH.	DC	20007

Phone No.	Fax No.	E-Mail
W 202-762-1578	H 202-333-1172	Schmidt.Rich@gmail.com

I, hereby request to appear and participate as a party. | Signature | Date

Will you appear as a(n) ☐ Proponent ☑ Opponent | Will you appear through legal counsel ☐ Yes ☑ No

If yes, please enter the name and address of such legal counsel.

NAME: Last	First	Middle I.

ADDRESS: Street	Ste. # (If any)	City	State	Zip Code

Phone No.	Fax No.	E-Mail

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?
Right of privacy invaded. Proposed trellis attachment to my house hazardous.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
owner & resident

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)
27½ inches at front; 7.5 ft. at rear

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?
House addition towers over my patio. Multiple windows overlook my patio and look into my kitchen, bedroom.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.
Proposal to attach trellis to my house attaches two frame structures without fire wall.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.
Before the addition a fence between properties provided privacy. New addition is 3 stories tall. Proposal to attach to my frame wall will affect my fire protection.

RECEIVED
D.C. OFFICE OF ZONING
MAY 18 PM 4:17

BZA
Case No. 17327
Exhibit No. 25

Board of Zoning Adjustment

3 May 2005

MEMO TO: Board of Zoning Adjustment
FROM: Richard Schmidt, 1810 35th St. NW, Washington, DC 20007
SUBJECT: 1812 35th St. NW request for variance

My residence is located 27 ½ inches to the South of the subject property. I oppose granting a variance to the lot occupancy requirements of 1812 35th St NW. Although the construction on the subject property is nearly completed, this is my first opportunity to voice my objections as follows:

1. District of Columbia Municipal Regulations (DCMR) 223.2 states:
"*The addition [to one-family dwellings or flats] shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*
(a) The light and air available to neighboring properties shall not be unduly affected;
(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised...*"

I feel that my neighbor immediately to the North of the subject property, at 1814 35th St NW, has suffered in the first instance above, and that I will suffer in the second instance. In support I show as exhibits various photographs showing the location of new windows in the subject construction which look into my own pre-existing windows and onto my private patio and garden.

I note that there are numerous case histories in which the BZA has denied similar variances in R-3 and other zones when neighbors raised issues of "violation of their privacy" and "infringement on the use and enjoyment of their property." See for example the following BZA hearings:

No. 13486 May 20, 1981	privacy of patio and breakfast room
No. 11679 July 17, 1974	overlook of side yard and living room windows
No. 13107 Jan. 23, 1980	adjoining neighbors' right of privacy
No. 15903 Jan. 26, 1994	reduces level of privacy enjoyed by abutting Neighbors

2. The new roof level has been raised above my roof, and the pitch of the roof changed to drain to the South. An overhanging eve has been added that brings a roof gutter within 16 inches side yard distance of my roof. My fear is that in heavy rain/snow conditions rain will be deflected directly onto my relatively flat roof. My own gutters could not carry off the additional water flow. The proximity to my own roof, which is part metal and part asphalt shingle, could present a potential fire hazard. The roof changes are shown in photographic exhibits.

2. On Nov. 21, 2004 building plans for the subject property were revised to incorporate a trellis above the side yard between my property and subject property (see attached plan). The purpose of the trellis is to affect occupation of the lot from lot line to lot line, in order to rezone to row house and allow a 60% occupation of the land.

I do not want to have an attachment to my house for the purose of subverting exiting R-3 zoning occupancy limits.

The revised plan was approved by Ms. Faye Ogunneye, Chief Zoning Review Officer, DCRA. This trellis would be about 28 inches wide and about 25 feet long. It would be built of a flammable material and would be attached to the North side of my house, which is of wood frame and aluminum siding construction, not capable of sustaining a fire as would a masonry fire block. I oppose any physical attachment to my property. I discussed this matter in person with Ms. Ogunneye. She voiced the opinion that such a trellis could be attached to my house without my permission, but that it would have to be located at the roof level of my house, which is lower than the subject construction.

Signed,



Richard Schmidt
Property owner/resident
1810 35th St NW



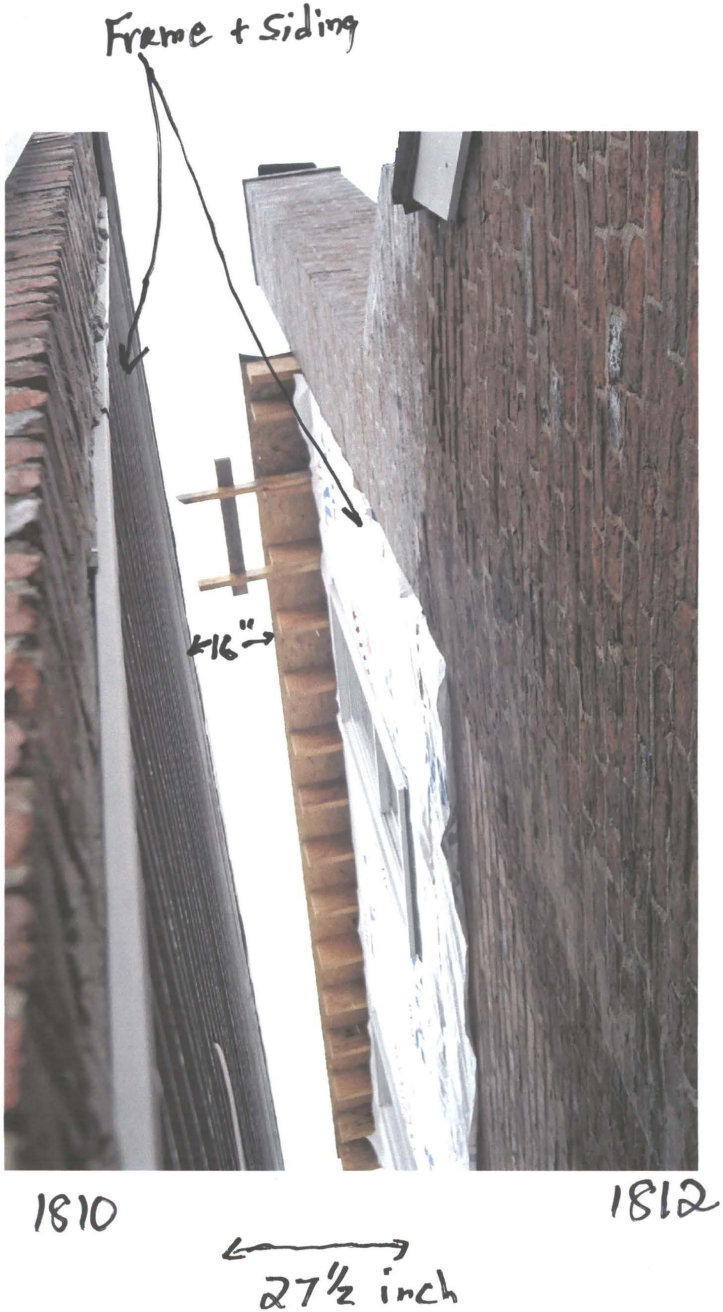
1810

1812

formerly
all
masonry



1810 1812


Frame + Siding
16"
1810
1812
27½ inch

NEW

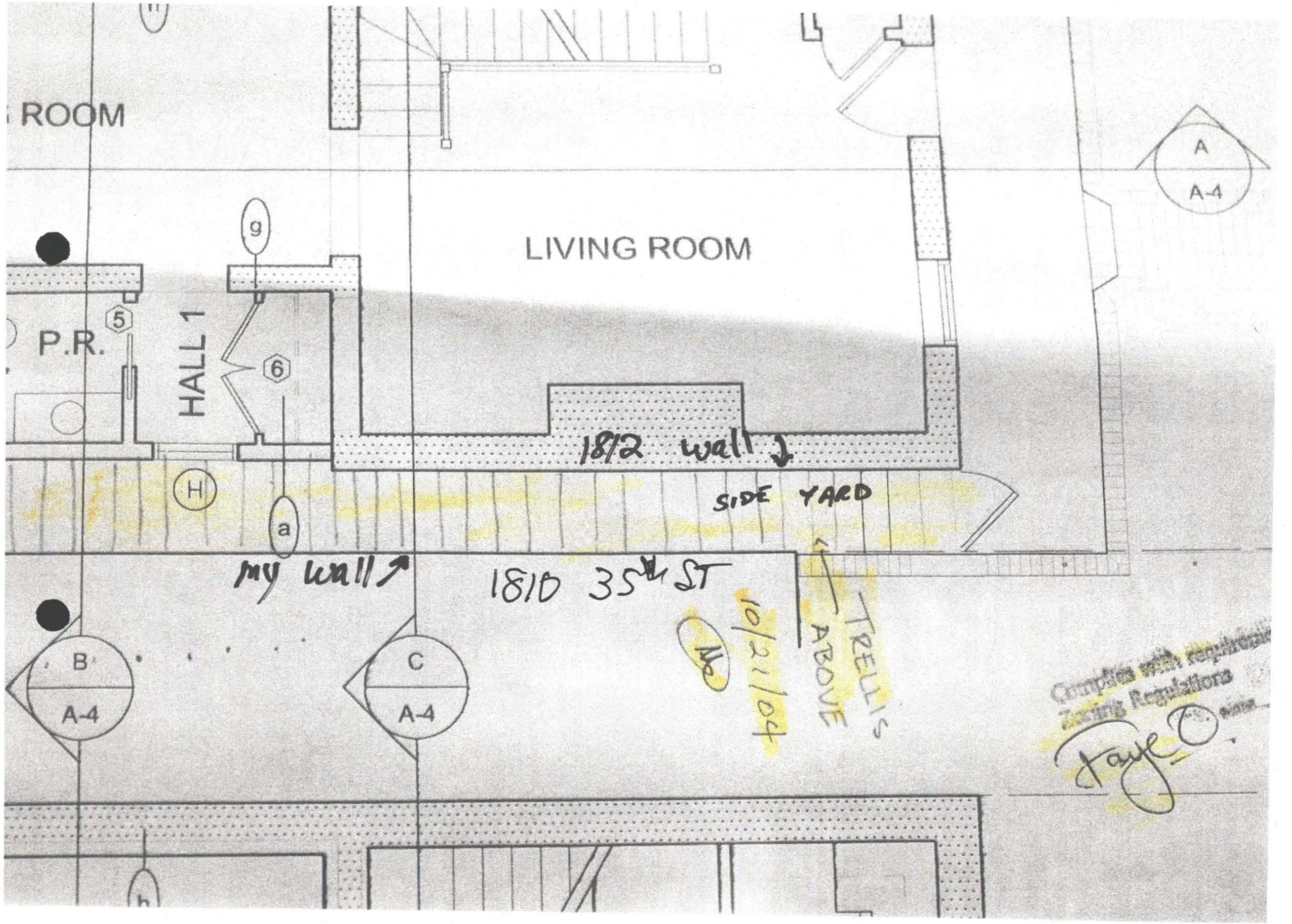
1812



1810

1810

Pat

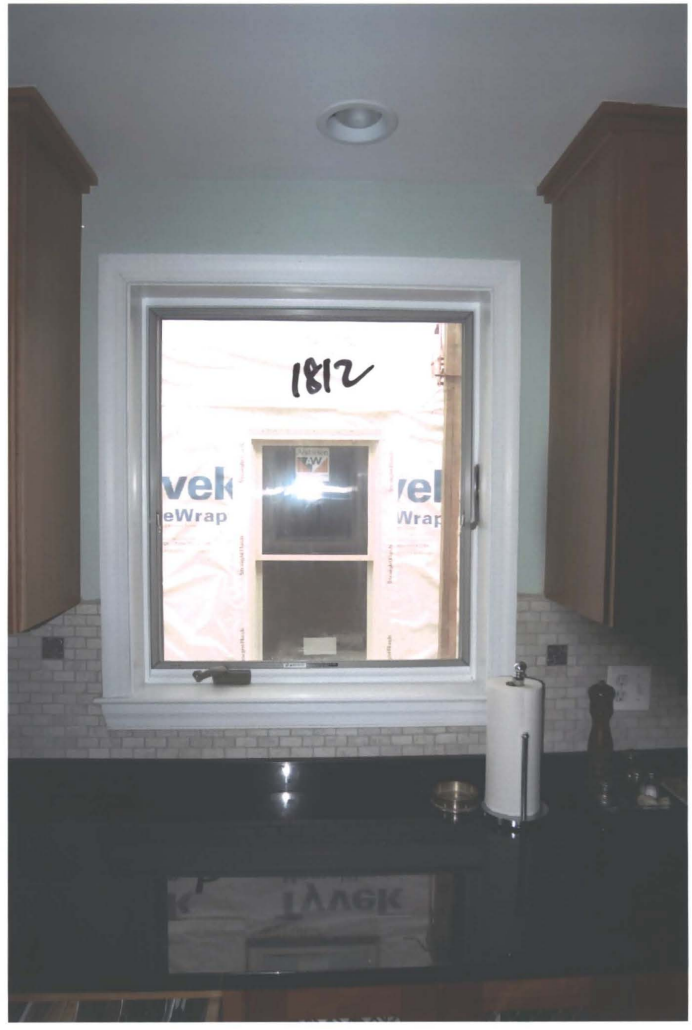

ROOM
LIVING ROOM
P.R.
HALL 1
5
6
g
H
a
A
A-4
B
A-4
C
A-4
1812 wall
SIDE YARD
my wall
1810 35th ST
TRELLIS ABOVE
10/21/04
Complies with regulations
Zoning Regulations

From Rear

1812

1810





View from Kitchen
1810 35th ST