



March 14, 2016

BY IZIZ ELECTRONIC FILING (bzsubmissions@dc.gov)

Marnique Y. Heath, AIA
Chairperson
Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Request for Party Status in Opposition to
BZA Application 19205
1541 44th Street, N.W.
Square 1327, Lot 0040 ("Property")

Dear Chairperson Heath and Members of the Board:

This firm is counsel for Ms. Alexandra D. Schaumber, the owner of 1539 44th Street, N.W. (Square 1327, Lot 39) which is the row dwelling immediately adjacent to the Property. See attached Letter of Authorization.

Ms. Schaumber, by and through undersigned counsel, respectfully requests party status in opposition to this BZA Application pursuant to 11 DCMR §3106.2. The Applicant has simultaneously submitted a separate Building Permit application (B1510550) for a rear 2-story addition to their existing row dwelling as well as this Application for a rear deck to be attached to the proposed rear addition. It cannot be disputed that Ms. Schaumber will be singularly most affected by the combined rear addition and rear deck. Taken together, the height, bulk and location of Applicant's proposal will uniquely and directly have an extreme negative impact on Ms. Schaumber's light, air and enjoyment of her property. These row dwelling properties have a narrow and shallow configuration and were specifically designed with space between the rear porches of each dwelling to allow for light and air into their single kitchen window and the master bedroom window above it.

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Additionally, this Application is incomplete. The Board's review of this Application should not be piecemeal, but must take into consideration the full extent of the combined project, including the 2-story rear addition and rear deck. Based on the work being proposed simultaneously, the Applicant has failed to request all the required zoning relief for the combined project. It is well established that the Board must be informed of the totality of a combined project in order to be able to fully review and evaluate the zoning issues presented. See BZA Appeal No. 16405 of Mildred Rodgers Crary (December 28, 1999), aff'd, Sisson v. D.C. Board of Zoning Adjustment, 805 A.2d 964 (D.C. 2002) (complete and accurate information reflecting all of the existing and planned improvements required).

The existing Property is a "non-conforming structure" based on not meeting the minimum lot width of 20 feet (18.29' provided) and minimum lot area of 2,000 square feet (1,825 sf provided) requirements in the R-3 Zone. As a result of this nonconformity, any addition, including the combined two-story rear addition and rear deck must comply with the provisions of 11 DCMR §2001.3 governing nonconforming structures devoted to conforming uses. §2001.3 provides:

2001.3 Enlargements or additions may be made to the structure; provided:

- (a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and
- (b) The addition or enlargement itself shall:
 - (1) Conform to use and structure requirements; and
 - (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

The Applicant's plans are not sufficiently dimensioned to independently verify compliance with the applicable lot occupancy requirements. Additionally, the plans are clear that the proposed combined project does not comply with §2001.3 for at least the following reasons:

1. Open court created and extended which does not meet the minimum court width of six (6) feet (5.58 ft. provided), §406.1.
2. New rear yard non-conformity created that does not meet the minimum twenty (20) foot setback (13.5 ft. provided) §404.1.



GREENSTEIN DELORME & LUCHS, P.C.

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In order for the Board to proceed with consideration of the combined project being proposed, the Applicant must provide complete and fully dimensioned plans and request all the required zoning relief under §§ 223, 404.1, 406.1 and 2001.3.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

John Patrick Brown, Jr.

Kate M. Olson

Enclosure (Exhibit A).

By Electronic Mail

cc: Thomas M. Smith, Chair ANC 3D
Conrad J. DeWitte, ANC 3D09
Matthew Le Grant, Zoning Administrator
Joel Lawson, O.P.
Megan Rappapolt, O.P.
Alexandra D. Schaumber
Peter C. Schaumber

Alexandra D. Schaumber
1539 44th Street, N.W.
Washington, D.C. 20007

March 11, 2016

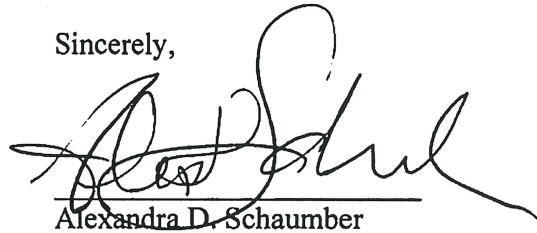
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Re: BZA Application No. 19205
1541 44th Street, N.W.
Square 1327, Lot 0040 ("Property")

Dear Chairperson Heath and Members of the Board:

Please accept this letter as authorization for John Patrick Brown, Jr., Kate M. Olson and the law firm of Greenstein DeLorme & Luchs, P.C., to represent me as a Party in opposition to BZA Application No. 19205.

Sincerely,



Alexandra D. Schaumber