

**Emails To Intervenor, DCRA and/or City Council Members
and From DCRA 5.3.17 and 9.5.17-9.25.17**

> ----- Forwarded Message

> From: nef

> Date: Wed, 03 May 2017 08:30:34 -0400

> To: Lexie and Graham <lexandg@gmail.com>, Eric Gronning

> <eric@gronningarchitects.com>

> Cc: "Lee Marsteller (lmarsteller@colegroupllc.com)"

> <lmarsteller@colegroupllc.com>, Meridith Moldenhauer

> <mmoldenhauer@washlaw.com>, Eric DeBear <edebear@washlaw.com>,

> "Parker-Woolridge, Doris (DCRA)" <doris.parker-woolridge@dc.gov>, "Ndaw,

> Mamadou (DCRA)" <mamadou.ndaw@dc.gov>, "Thomas, Charles (DCRA)"

> <charles.thomas@dc.gov>, "Bolling, Melinda (DCRA)" <melinda.bolling@dc.gov>,

> "Bailey, Christopher (DCRA)" <christopher.bailey@dc.gov>, "Whitescarver,

> Clarence (DCRA)" <clarence.whitescarver@dc.gov>

> Subject: Yr expected 3rd floor balcony deck overlooking into bedroom windows

> of my property

>

> Your new placement of a 3rd floor balcony overlooking into my bedroom windows

> into my house window well that has been there for 100 years is yet another

> example of the un-neighborly disregard and disrespect that appears to be your

> pattern with me. Unfortunately, I will have to fight this as well.

>

> -NM

> From: nef

> Sent: Tuesday, September 05, 2017 5:18 PM

> To: Thomas, Charles (DCRA); Parker-Woolridge, Doris (DCRA); Tondro, Maximilian

> (DCRA); LeGrant, Matt (DCRA); Ndaw, Mamadou (DCRA); Bailey, Christopher

> (DCRA); Whitescarver, Clarence (DCRA); Lester, Sydney (DCRA); Farmer, Sharon

> (SMD 1A07); Lawson, Joel (OP); Myers, Allison E. (DCOZ); Moy, Clifford (DCOZ);

> Bolling, Melinda (DCRA); Bardin, Sara (DCOZ)

> Cc: Boese, Kent C. (ANC 1A08); Miller, Christine (SMD 1A05); Nadeau, Brianne

> K. (Council); Jesick, Matthew (OP); abonds@dccouncil.us; dgrosso@dccouncil.us;

> rwhite@dccouncil.us; Mendelson, Phil (COUNCIL); ATD EOM3; DuBeshter, Richard

> (ANC 1A06)

> Subject: Contested Side Roof Deck PHOTOS etc. (1 of 2)

>

> Dear All,

>

> Please see attached photos highlighting my MAJOR concerns regarding the side

> roof deck that DCRA has, I sincerely believe, erroneously approved.

>

> I have been informed by a former TOP code official that due to SUBSTANTIAL

> privacy issues created by the approval of the side roof deck a special
> exception is required for this side roof deck adjacent to my roof. I have been
> informed that the Zoning Administrator exceeded its authority in granting the
> approval for this side deck with a huge double door opening near the party
> wall on July 11, 2017 administratively and without BZA approval and input from
> the public.
>
> While I appreciate the interpretation provided by the ZA regarding its new
> December 2016 interpretation, it does not appear that this interpretation took
> into context rowhomes like mine with the architectural feature of windows in
> the center/on the sides which are not "at risk".
>
> If I am wrong, about this being a unique scenario regarding the recent ZA
> interpretation, can you please forward me the addresses where the ZA was
> allowed to officially violate another neighbor's privacy besides mine in this
> manner without a special exception?
>
> As you were previously informed, this side roof deck with its huge double door
> opening creates a hazardous situation as there is no guardrail on the plans as
> required by the building code and no setback as required by the zoning code,
> ETC. The applicants are attempting to use this parapet wall as a guardrail.
> Yet, as the largely flat roof is sloped to the back, the parapet wall on the
> east end of this side deck is 4-feet high BUT only 2-feet high on the west
> edge of this deck. Yet the guardrail requirement is at least 3 feet and the
> setback would require the railing to be more than 3-feet away from the parapet
> wall.
>
> Further, this side roof deck would also enable the adjacent owners and their
> dozens of AirBnB visitors to peer directly into the bedrooms and bathroom
> windows at my property, which were built with the property more than 100 years
> ago and to randomly toss their cigarettes onto my roof... And my roof rating
> is not higher than adjacent property, so there is no way the architect
> certified that it is as required under 705.8.7.
>
> While my horrendous experience thus far has been that DCRA is going above and
> beyond the call of duty to support the adjacent owners with their recent
> former BZA Chairperson attorney, I sincerely hope that the attached photos
> shed enough further light on the impact of the problems being created by this
> specific approval.
>
> Can you (DCRA officials and/or any other city officials emailed herein with
> ANY power to correct this wrongly approved side roof deck with its HUGE
> walkout opening onto my roof) please require the owners to submit a "special
> exception" application as required or immediately rescind the approval for the
> opening onto my roof administratively?
>
> Thank you for your time and consideration.
>
> -NM

On 9/6/17 6:57 PM, "Tondro, Maximilian (DCRA)" <maximilian.tondro@dc.gov> wrote:

> Good evening Ms. Makenta,

>

> As you have appealed the issuance of this permit to both the BZA (for alleged
> violations of the Zoning Regulations) and to OAH (for alleged violations of
> the Construction Codes), these issues will be addressed in those respective
> appeals based on the alleged violations cited and the evidence submitted to
> support the allegations.

>

> Best,

> Maximilian L.S. Tondro | Assistant General Counsel

> Office of the General Counsel

> Government of the District of Columbia

> Department of Consumer & Regulatory Affairs

----- Forwarded Message

From: nef

Date: Mon, 25 Sep 2017 16:55:51 -0400

To: "Tondro, Maximilian (DCRA)" <maximilian.tondro@dc.gov>, "Thomas, Charles (DCRA)" <charles.thomas@dc.gov>, "Parker-Woolridge, Doris (DCRA)" <doris.parker-woolridge@dc.gov>, "LeGrant, Matt (DCRA)" <matthew.legrant@dc.gov>, "Parker-Woolridge, Doris (DCRA)" <doris.parker-woolridge@dc.gov>, "Ndaw, Mamadou (DCRA)" <mamadou.ndaw@dc.gov>, "Bailey, Christopher (DCRA)" <christopher.bailey@dc.gov>, "Whitescarver, Clarence (DCRA)" <clarence.whitescarver@dc.gov>, <sydney.lester@dc.gov>, "Cc: Farmer, Sharon (SMD 1A07)" <1A07@anc.dc.gov>, "Lawson, Joel (OP)" <joel.lawson@dc.gov>, "Myers, Allison E. (DCOZ)" <allison.myers@dc.gov>, "Moy, Clifford (DCOZ)" <clifford.moy@dc.gov>, "Bolling, Melinda (DCRA)" <melinda.bolling@dc.gov>, "Bardin, Sara (DCOZ)" <sara.bardin@dc.gov>

Cc: "Boese, Kent C. (ANC 1A08)" <1A08@anc.dc.gov>, "Miller, Christine (SMD 1A05)" <1A05@anc.dc.gov>, "Nadeau, Brianne K. (Council)" <BNadeau@dccouncil.us>, "Jesick, Matthew (OP)" <matthew.jesick@dc.gov>, "abonds@dccouncil.us" <abonds@dccouncil.us>, "dgrosso@dccouncil.us" <dgrosso@dccouncil.us>, "rwhite@dccouncil.us" <rwhite@dccouncil.us>, "Mendelson, Phil (COUNCIL)" <PMENDELSON@DCCOUNCIL.US>, ATD EOM3 <eom@dc.gov>, "DuBeshter, Richard (ANC 1A06)" <1A06@anc.dc.gov>

Subject: Re: Contested Side Roof Deck PHOTOS etc. (1 of 2)

The HUGE problem I have with this is that burdens and costs (\$1,040 for the BZA appeal alone) that should wholly be on DCRA and the Applicants, respectively, are being unfairly and avoidably shifted onto me, an innocent bystanding homeowner being forced to toil and suffer due to the dreams and goals of a neighbor and their attached popup.

Is it really fair that I, or any DC homeowner minding their business, should be forced by DCRA to hire a lawyer or become a lawyer to have basic zoning and building codes and

rules related to adjacency enforced?

Though resolving these matters outside of these courts or at these these courts present absolutely no greater expense to DCRA, it's HORRIBLE that I, a non-lawyer, is being forced by DCRA to mount whole cases against the expert authority costing me thousands of dollars (with expert witnesses, subpoenas, motions, etc.) at the BZA and the OAH because DCRA is refusing to simply follow up to resolve the final lingering and clear cut concerns outside of these administrative courts or through mediation in advance of the Court dates.

-NM