

Emma Chanlett-Avery and Peter Ogden  
4400 Albemarle St. NW  
Washington, DC 20016

June 19, 2018

Board of Zoning Adjustment  
District of Columbia Government  
441 4<sup>th</sup> St. NW, Suite 200/210-S  
Washington, DC 20001

RE: BZA Appeal# 19777

Dear Sir or Madam:

We, the homeowners of 4400 Albemarle St., NW, have placed our condenser units in a location that has been expressly permitted by the Department of Consumer and Regulatory Affairs (DCRA). We had and have no reason to believe that DCRA erroneously permitted this placement or deviated from its prior interpretation of its regulations across our neighborhood and all of Washington, DC.

It does not appear unusual for DCRA to issue permits to homeowners to place condenser units in locations such as ours throughout our neighborhood of similarly sized and spaced homes and lots. Exhibit A and B indicate the homes on just the 4300 and 4400 blocks of Albemarle St., NW that look to have sited condenser units on the setbacks. A quick walk around our neighborhood reveals numerous other examples, some of which are on more closely sited homes. In areas of DC with higher density, we can only assume that there is even greater prevalence.

Moreover, the models of our units are fully to code, and they are much newer than most: two of them are brand new and one is four years old. Our neighbors did not accept our offer to voluntarily relocate the largest and most frequently used unit, which underscores that the purpose here is very much to determine whether or not homeowners throughout DC have any right to place any condenser unit whatsoever on their property in this way, whether it be for already permitted condensers (as in our case) or any pending or future permit applications in the District of Columbia.

Neither our architecture firm (Saltbox Architecture) nor our construction firm (Impact Remodeling and Construction), both of which have worked extensively in our neighborhood and throughout DC, were at all surprised to have received the permit from DCRA, and we have invested thousands of dollars in placing the units in this location to comply with DCRA's approved location.

Given the prevalence of such permits, we do not see how this decision could be attributed to oversight by a single analyst at this particular location, and respectfully ask that you dismiss this appeal.

We ask that some consideration be given to the scale and scope of the impact if it were determined that permitted placements such as ours would be retroactively invalidated. The cost of moving a single condenser can be thousands of dollars. If DCRA does decide that it was due to its own error that it issued this and all such permits, we would also seek to understand how it plans to address the costs that homeowners would incur because of falsely issued permits. If there is a desire in the community to

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break from past practice going forward and even to compel homeowners to move previously permitted compressors, we would encourage a broader consultation with elected officials, stakeholders, and the public.

Sincerely,

Emma Chanlett-Avery and Peter Ogden