

**January 15, 2020**

**To: Board of Zoning Adjustment**

**Re: Application/Case # 20144 (1832 15th Street NW)**

**From: 2 Abutting Neighbors (1830 & 1834 15th Street NW)**

This letter is in regards to **Application/Case # 20144** concerning the property located at 1832 15th Street NW. Given the volume of information that has been submitted with this application, and in the spirit of clarity and fidelity, we felt it necessary to offer a summary (or CliffsNotes) of the key facts and issues at hand from the abutting neighbors' perspective; we will let our lawyer explain the technical details and legalese. **We hope this document spells everything out for anyone who reads this to easily digest the entire landscape of what has occurred (and reinforced by email exchanges, 32 letters of opposition, shade studies, neighborhood meetings, and ANC meeting minutes).**

**Please note that if the BZA approves 1832's plans, we will be moving forward with appealing that decision.**

As you can see from the below timeline, the owners of 1832 did minimal "outreach" as verified in several email exchanges (that were uploaded to IZIS as Exhibit 79), nor did either owner text or attempt to discuss with us in person. **The owners of 1832 made zero compromise on the size or structural design of their project, after the abutting neighbors continuously offered fair and generous compromises, as evidenced by the email exchanges (see Exhibit 79 in IZIS) supporting the timeline below:**

- **October 2014 to March 2019** - When 1832 bought their home in October 2014 up until the submission of their final plans to us in March 2019, both neighbors at 1830 and 1832 enjoyed a friendly, supportive and open rapport with each other, neither had any issues with one another before this project began. 1830 would often rake the leaves and snow out front of 1828 when they seemed out of town or forgot, take in packages left outside by mail carriers (so they wouldn't get stolen), and was a very good neighbor in general to 1832.
- **March 20, 2019** - 1832 emailed the owners of 1830 and 1834 to get our "support and approval" on their proposed plans for an addition and remodel. **We were never sent any details nor had any conversations about their project or it's immense impact, until we received this first correspondence from them seeking our support and approval.**
- **March 27 and 28, 2019** - Both owners of 1830 and 1834 emailed their fair and generous compromises to 1832 on their proposed plans.
- **March 28 and 29, 2019** - 1832 emailed the owners of 1830 and 1834 to address our "concerns" about their proposed plans.
- **April 3 and 10, 2019** - At the two ANC2B HPRB meetings, the ANC Commissioners specifically asked the owners of 1832 to work with their abutting neighbors (1830 and 1834) to find a compromise on the scope and scale of their project. **This was never done by 1832 (see May 2, 2019 bullet point below).**
- **April 4, 2019** - 1832 emailed the owners of 1830 and 1834 about doing a joint light/shade study. We responded noting that we were not interested in participating since we felt the results could be controlled and manipulated to unfairly support 1832's project.

Instead, we went ahead with an independent study so as to compare the results, **both independent studies show the massive amount of shade engulfing 1834's backyard and built-in/existing garden area which would result from this proposed project.**

- **May 2, 2019** - 1832 emailed the owners of 1830 and 1834 about their proposed "compromises" on their plans, which consisted of informing us that there was only potential to help choose their "paint colors and materials used" – neither of which were of any interest to 1830 and 1834, and did nothing to address the actual issues we raised, which centered on the massive size/structural design of their project.
- **May 3, 2019** - 1830 emailed 1832 yet again a fair and generous compromise.
- **July 22, 2019** - 1832 emailed the owners of 1830 and 1834 about the results of their light/shade study, and in response the owners of 1830 and 1834 shared the findings in their independent shade study.
- **October 2019** - One of the owners (Lisa Kays) of 1832, stalked a neighbor that wrote a letter of opposition early in the morning outside his home (waiting for him to go to work), and began to aggressively question him about his opposition. He said she seemed frazzled, hysterical and visibly angry. It made him feel very uncomfortable and targeted. This behaviour should not be tolerated whatsoever.
- **December 11, 2019** - At the ANC2B monthly meeting, **Daniel Warwick (Chairman of ANC2B) stated that he "couldn't get to a yes [to approve] for this project."** A written Resolution was presented to approve this project. There was near unanimous opposition from neighbors who spoke at the meeting. There was extensive debate among the Commissioners. **A majority of the ANC Commissioners made clear they would not vote to support this project.** The Resolution was then amended to approve only the garage addition. Even the Resolution as amended was voted down by a majority of the Commission. **Our ANC has a history of supporting development projects and so voting down a motion to support this project is a good indication of how strongly the Community and a majority of the Commissioners felt that a Special Exception for his project should not be approved by the BZA.**

We also want to make it very clear that **we do not oppose any homeowner from renovating or remodeling their home by a matter of right.** However, the applicant (1832) in this case is proposing a massive addition to their primary dwelling, including adding a second story to an accessory structure. Combined, these proposed additions are not allowed by a "matter of right" and require multiple special exceptions and/or variances. **As such, the zoning rules require that the applicant demonstrate that this addition or accessory structure not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.**

Salient points to consider:

- **Although the owners of 1832 continuously reference the plans approved by the BZA for Application/Case # 19739 (the south abutting neighbor to 1830's property) to support and justify their case, they however, did NOT support the project at 1828. They're attempting to use this other case as an example to justify their plans, but yet they had an issue with the much smaller size of the addition at 1828 and refused to support it. And now they want an addition exponentially larger than the one 1828 proposed. This is hypocritical on their part, to say the least. Lisa Kays texted one of the owners of 1830 to make remarks about 1828's plans and how big it seemed.**

- The owners of 1830 did support the plans for 1828, as this was a much different ask than what 1832 is proposing. First, 1828 approached 1830 well in advance of submitting their final plans, and asked if the plans were okay with us and accommodated any concerns over our privacy, and enjoyment of our property. We ultimately agreed with their plans, as we felt the plans had already accommodated the impact on our property, and made concessions to account for our airflow, and privacy (one example is the dog leg put into the wall facing 1830's backyard), and the project wouldn't impact our light/shade in anyway due to the large apartment building to the south. 1828 is to the south of 1830, not in the middle of 3 row homes, none of these 3 homes (1830, 1832, 1834) have any bump outs, they're all aligned evenly in the back. The south of 1828 has a large apartment complex with a solid wall extending roughly 7 stories high and that goes back the entire length of all backyards along 15th Street (between Swann and T), so the impact was minimal given this existing placement of a giant wall to the south of all properties located at 1834, 1832, 1830, 1828 and 1826.
- As the owners of both abutting properties, we felt compelled to let the BZA know that the applicant has utterly failed to demonstrate that their proposed addition will not have a substantially adverse effect on the use and enjoyment of our home and property.
- On the contrary, **the proposed plans alone demonstrate that, if approved, these additions will have a permanent and substantially adverse effect on the use, privacy and enjoyment of our homes and properties.** As far as we can tell, the law that they would like to be exempted from was put in place precisely to stop projects like this one. **The proposed addition is both too long and tall, and out of proportion with all of the homes along 15th Street NW. If approved, this project would be the largest in a nearly 6 block radius.**
- **Most, though not all, of the houses along the 1800 block of 15th Street NW are modest in size, and their backyards, taken together, have a pleasing openness that will be lost. We also have privacy concerns about the addition of 15 new rear windows that give direct/close views into our backyards, and homes.**
- To add insult to injury, throughout this entire ordeal the applicant has demonstrated a cavalier disregard for the impact their proposed additions will have on their abutting neighbors and the immediate community (of which **32 neighbors have submitted letters opposing this project, as well as DECAA**). **This should not go unnoticed by the BZA.**
- There are remedies for small houses — there are larger houses (with more bedrooms and bathrooms) for sale within a 4-6 block radius. What we don't have is enough air, light, and greenspaces. The closest one for sale is ½ a block down on 15th Street.
- Furthermore, we're confused about why our neighbors need 2 separate offices – each with a separate entrance and a “sitting room” in their master bedroom, that one could argue might also be a bedroom of its own. We also note that, confusingly, the downstairs office has its own washer and dryer (the second W?D unit is in the basement as well). We live in a residential area, and it's simply unfair for our neighbors to create a huge

addition that will have substantial negative impacts on our properties that would feasibly allow them to operate two commercial entities in their own home. Is it legal to have 2 home offices in one property? We don't know, and we don't have the information from the applicant.

- The legal costs and endless hours spent by all parties (1830, 1832, 1834) could've been completely avoided had the owners of 1832 made any attempt at a fair and reasonable compromise, and had shown any modicum of care on how this impacted anyone else, instead of thinking only of themselves and their desires.

We hereby certify that on January 14, 2020 we had served a copy of Opposing Party's Prehearing Comments via email and uploaded to the IZIS portal, to the following:

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