

To: The Office of Zoning  
Government of the District of Columbia  
Suite 210 South  
441 4<sup>th</sup> Street, NW  
Washington, DC 20003

From: Parties in Opposition and  
Portner and Blount, LLC  
<https://portnerandblount.com>  
424.245.5448

Date: July 7, 2021

Subject: Parties in Opposition Response to Applicant's 3D SketchUp Drawings - BZA  
Case No. 20382- 308 11th Street NE

Dear Board of Zoning Adjustment,

Below are mark-ups of the Applicant's 3D SketchUp drawings from Exhibit 90A, which are shown side by side with the graphical overlay photos submitted by the Parties in Opposition in Exhibit 83, upon which the Applicant bases its 3D drawings.

As explained below and shown in the mark-ups, there are three main issues with the Applicant's 3D SketchUp drawings: (1) they do not identify the field of view; (2) they do not include dimensions; and (3) they appear to depict significant errors in overall proportional height, when dimensioned graphically, with some heights over 1.5 ft. too short (similar to errors in the Applicant's original submission). The first two issues make it impossible to assess the drawings' accuracy.

**The Applicant's Unknown Wide-Angled Field of View Creates Unrealistic Representations.** The Applicant does not identify the field of view and uses a wide-angled field of view (possibly equivalent to a 20mm focal length) resulting in 3D representations that are subject to distortion by appearing to minimize the size and height of the proposed 2-level garage at the center of each view when compared with the adjacent garages.<sup>1</sup> Moreover, in the Applicant's 3D drawings of the adjacent properties' interiors, the Applicant's field of view depicts views that are not realistically possible on site when viewed as the human eye sees.

**The Lack of Dimensions Makes It Impossible to Assess Accuracy.** Without dimensions, it is not possible to verify the accuracy of the Applicant's 3D drawings. The Applicant could have easily included the dimensions of the proposed 2-level garage on the 3D SketchUp drawings using the SketchUp software, which would establish the accuracy of the 3D drawings.

As explained during the June 16, 2021 hearing, the Parties in Oppositions' photos with graphical overlays of the 2-level garage (Exhibit 83) were only intended to show a general idea of the proposed structure in context using the Applicant's dimensions from the architectural drawings. The Parties in Opposition included them because the Applicant provided no similar in-context 3D graphical representations of the 2-level garage. The Parties in Opposition stated that these graphical overlays were not intended to be exact renderings, were not modeled in a 3D program, and were not adjusted to reflect the very recent 1 ft. reduction in length. For the graphical overlays in Exhibit 83, a 2x4 piece of wood was used in the photographs to show the exact 20 ft. height of the proposed 2-level garage from the yard, providing the basis for the accuracy of the original graphical overlay photos.

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<sup>1</sup> The Applicant's field of view appears much larger (possibly equivalent to a 20mm focal length) than the iPhone 6 (30mm focal length equivalent) that was used to take the photos in Exhibit 83 and the human eye (43mm focal length equivalent).

**The Drawings Appear to Include Significant Height Errors.** In checking the accuracy of the Applicant's dimensions graphically (using the dimensions provided in the Applicant's architectural drawings in Exhibit 70), the Applicant's 3D SketchUp drawings appear to include height discrepancies, one of which is over 1.5 ft. The apparent height discrepancies are not due to the distortion from the Applicant's wide-angled field of view or perspective, because vertical proportions are not materially affected by field of view or perspective. These height discrepancies are similar to height discrepancies in previous versions of the Applicant's architectural drawings (and is consistent with the Applicant's pattern of misleading drawings, generally).

Below, the accuracy of the Applicant's 3D SketchUp drawings have been graphically checked and have been dimensioned using the Applicant's dimensions from Exhibit 70 (Drawing A-3). Based on the Applicant's dimensions, the existing height of the garages is approximately 7 ft. on the yard-side. The proposed height of the 2-level garage on the yard-side is 20 ft. The increase in height is approximately 2.9 times (286%). From the alley-side, the existing height of the garage at the party wall is 8 ft. 11 in. The proposed height is approximately 20 ft. 10 in. The increase in height is more than 2.3x (234%).

Notwithstanding the Applicant's apparent errors in height, the Applicant's 3D images show that the proposed structure will be close to 2.3 times – 2.8 times higher than the existing and adjacent garages, will substantially visually intrude on the existing character, scale, and style of the existing garages, and will be unprecedented as the first of its kind along the side of the alley.

**Exhibit A and Slide 15.** Exhibit A does not include dimensions and when graphically verified, shows an inaccurate height that appears to be short by ~1.41 ft. We graphically checked the Applicant's 3D drawing for accuracy and found the height to be significantly shorter than the height proposed in the Applicant's architectural drawings in Exhibit 70. The Applicant's drawing in Exhibit A shows that the proposed structure will substantially visually intrude on the scale of the existing garages along the side of the alley, at more than 2.3 times the height of the existing and adjacent garages.

**Exhibit B and Slide 17.** Exhibit B does not include dimensions and when graphically verified, shows an inaccurate height that appears to be short by ~1.46 ft. Additionally, Exhibit B models only a small section of the alley. The Applicant states that "there is more open space around the garage" but this is achieved in this view by not including the surrounding structures. Additionally, the Applicant's 3D view captures the tops of the garages using a higher location and wide-angled field of view, which view is not possible as the human eye sees or with a standard camera when standing in the alley. The realistic view of the roofline is shown in the adjacent photograph. Moreover, the Applicant's wide-angled field of view distorts the actual scale that is viewed as the human eye sees, by making the adjacent garage to the south appear longer than it is and consequently minimizing the 2-level garage. Regardless, the drawing shows the 2-level garage will be more than 2.3 times higher than the existing and adjacent garages.

**Exhibit C and Slide 22.** Exhibit C does not include dimensions and when graphically verified, shows an inaccurate height that appears to be short by ~1.27 ft. The Applicant incorrectly states that the photograph was taken at barely above ground level. As seen in the photograph, in order to capture the 20 ft. height of the proposed 2-level garage, the photograph was taken about 3 ft. off the ground, standing as far back from the proposed garage as possible (approximately 18 ft.). Even at this location, it was difficult to capture the proposed 20 ft. height. To get the perspective in Exhibit C, the Applicant uses a wide-angled field of view to create a view not possible as the human eye sees, making the adjacent rear yard appear larger and minimizing the perspective of the proposed garage height. The Applicant is correct that the graphic in the photograph retains the larger footprint, approximately 1 ft. longer than currently proposed. Even so, the minor reduction in length does not mitigate the proposed 2-level garage's unprecedented height and volume in comparison with the adjacent and

surrounding garages.

**Exhibit D and Slide 24.** Exhibit D does not include dimensions and when graphically verified, shows an inaccurate height that appears to be short by ~1 ft. The Applicant's 3D wide-angled perspective in Exhibit D depicts a view that is not physically possible from the adjacent property given the existing sidewall, deck, and width of the doors (9 ft.). To create this view, the Applicant uses a different location than in the photo, uses a very wide field of view, and omits existing physical structures. When compared to the actual photograph of the same view, the Applicant's 3D graphic results in the illusion of an unobstructed view, exaggerates the length and width of the adjacent property, and minimizes the height of proposed 2-level garage.

**Exhibit E and Slide 26.** Exhibit E does not include dimensions. The Applicant's 3D wide-angled perspective in Exhibit E (the view from the interior second floor of the south adjacent property) is physically impossible to view as the human eye sees when in the adjacent property. The Applicant's drawing makes it appear as if the viewer is floating in the air above the properties rather than inside the adjacent property as illustrated in the adjacent photograph. The Applicant has also removed existing physical structures (including the main building), giving the illusion of unobstructed views and eliminating the proposed 2-level garage's negative impact on light and air.

**Exhibit F and Slide 27.** Exhibit F does not include dimensions and when graphically verified, the height is short by ~1.78 ft. As with all the other 3D graphics, the use of the wide-angled perspective makes the proposed 2-level garage look farther away than it would if viewed as the human eye sees.

Sincerely,

Parties in Opposition,

A handwritten signature in black ink, appearing to read "Merrill C. Ballantyne". The signature is fluid and cursive, with the first name being the most prominent.

Merrill C. Ballantyne, AIA,  
Portner and Blount, LLC.  
424.245.5448

Exhibit A: View of the garage from the alley (corresponds to Exhibit 83, Slide 15)

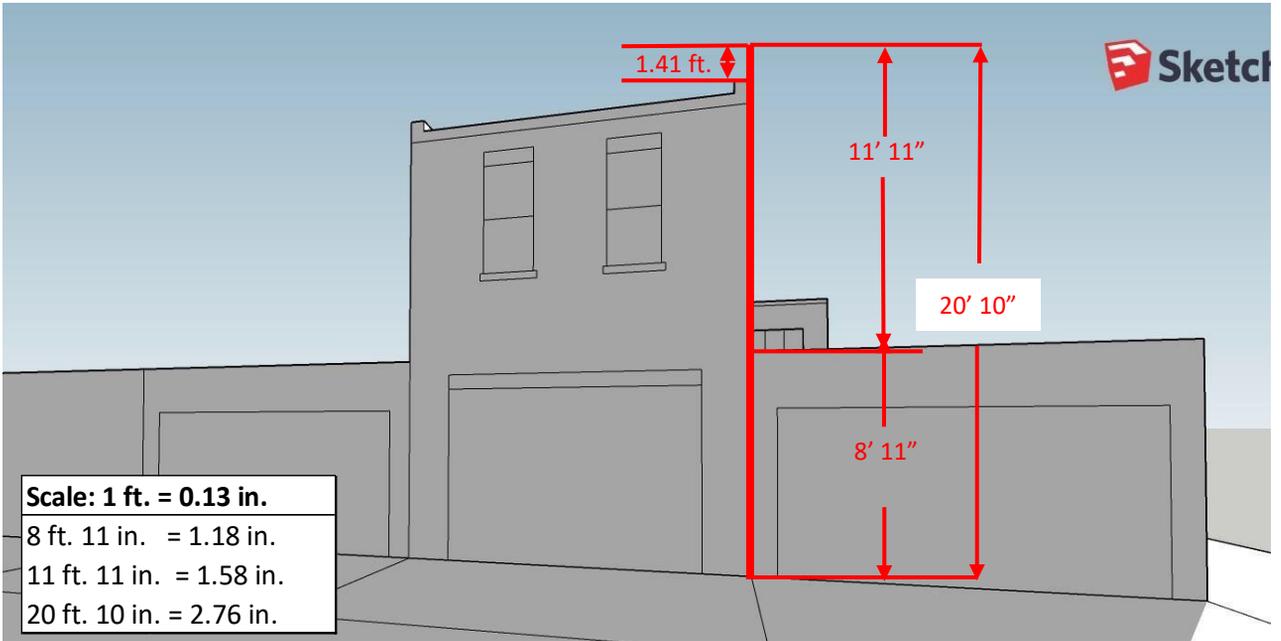
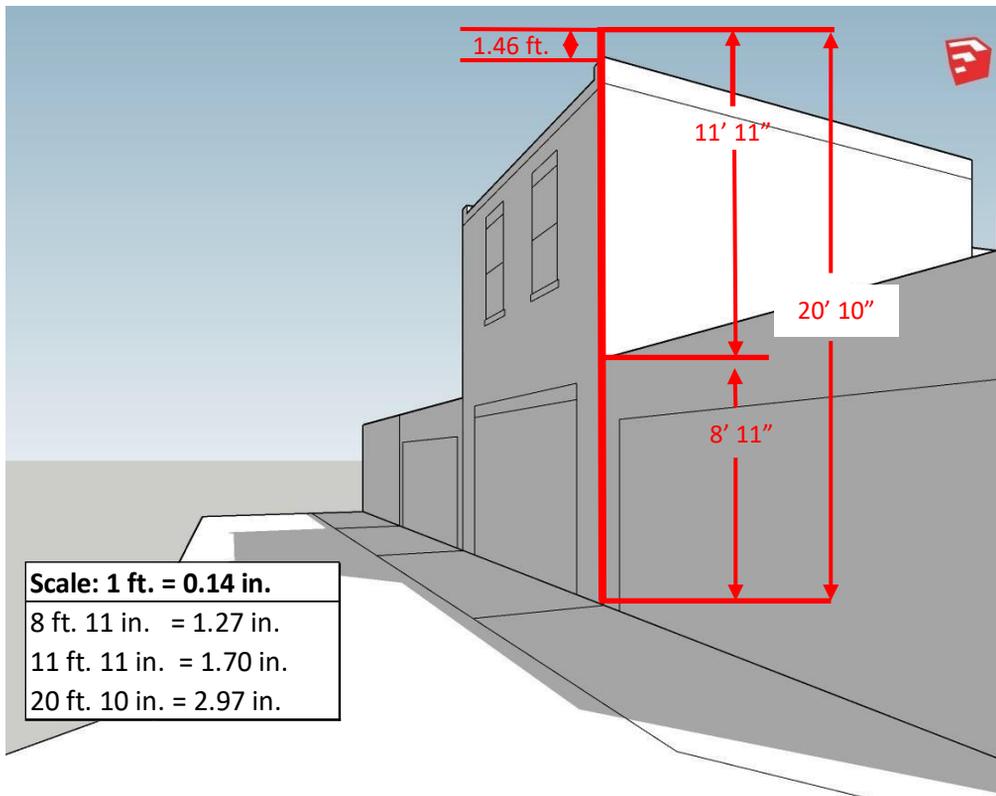


Exhibit 83, Slide 15



**Exhibit B:** View of the garage from the alley (corresponds to Exhibit 83, Slide 17)



**Exhibit 83,** Slide 17



Exhibit C: View of the garage from the rear yard at 306 11<sup>th</sup> Street NE (corresponds to Exhibit 83, Slide 22)

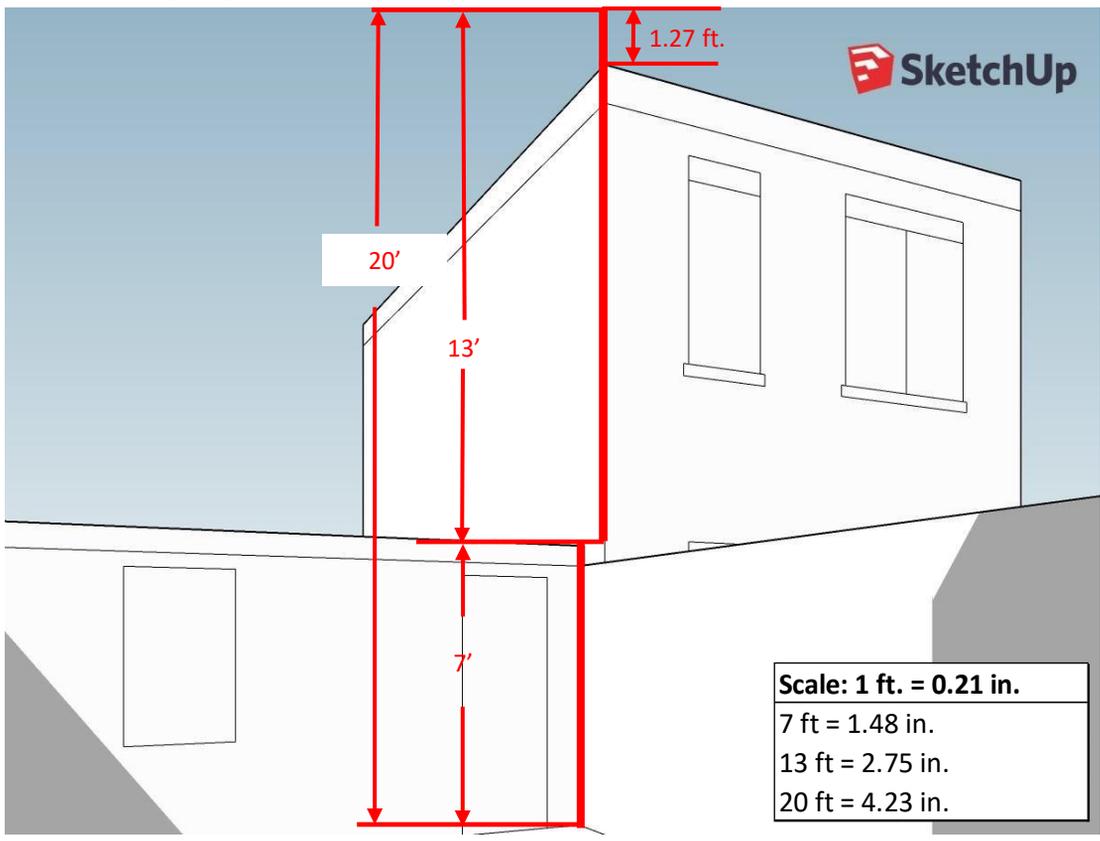
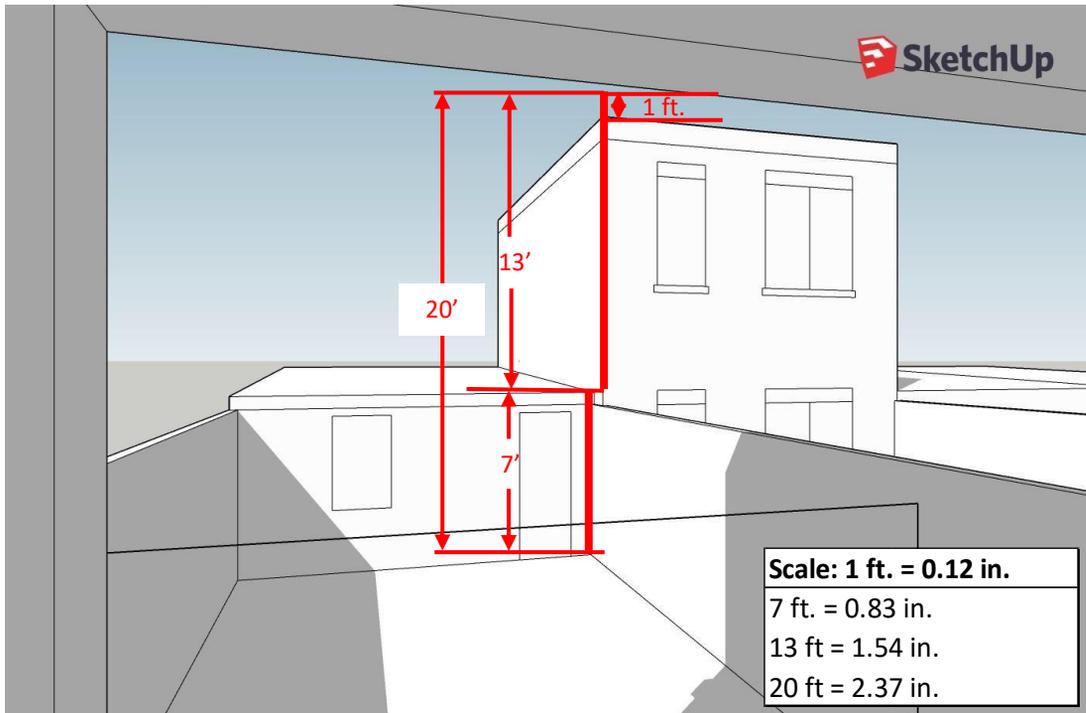


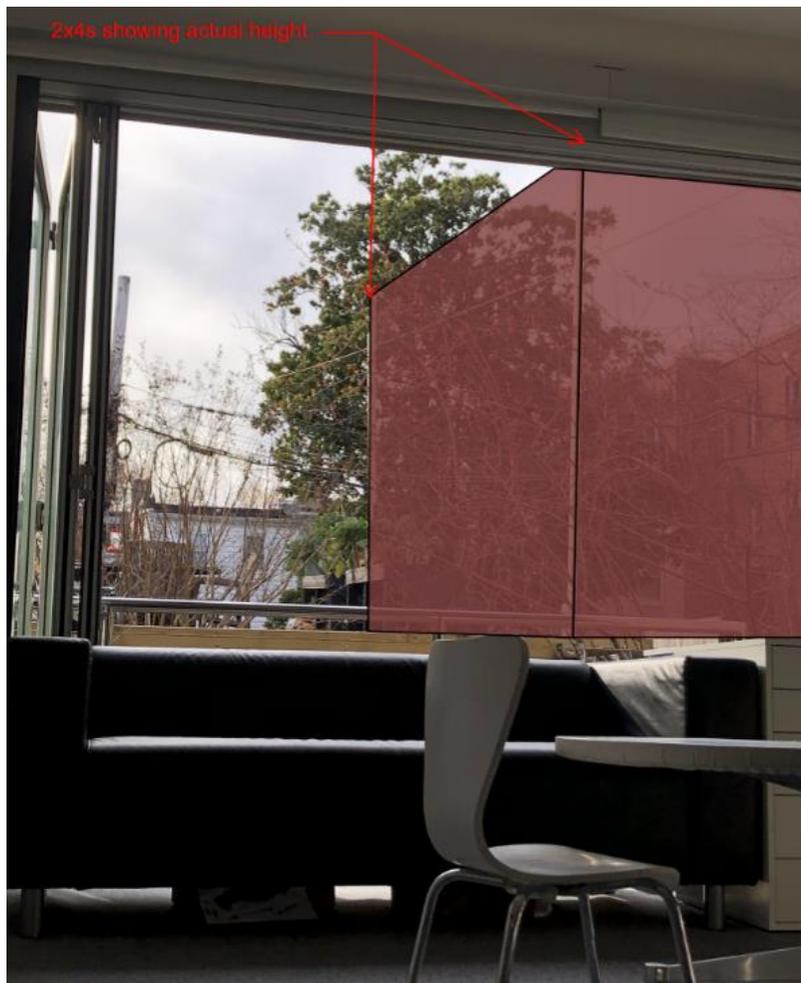
Exhibit 83, Slide 22



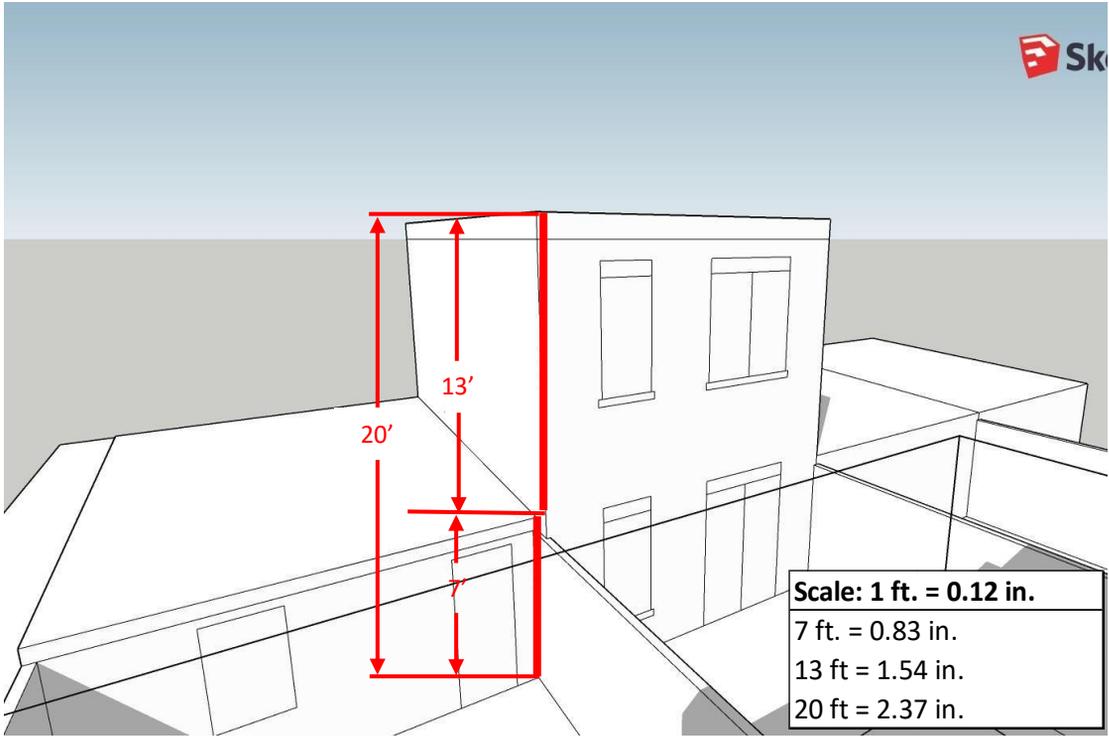
**Exhibit D:** View of the garage from the first-floor interior of 306 11<sup>th</sup> Street NE (corresponds to Exhibit 83, Slide 24)



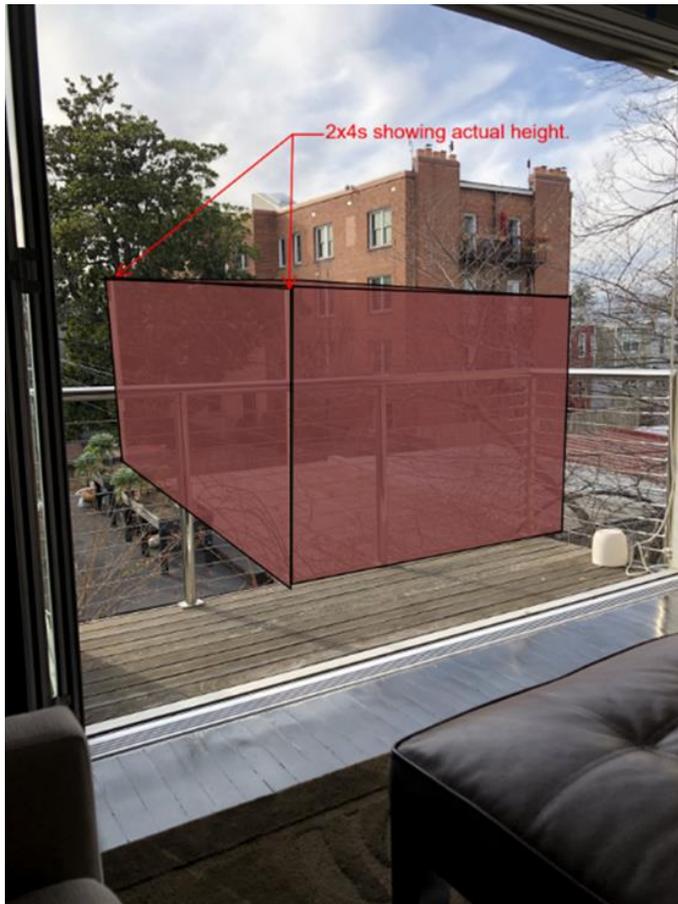
**Exhibit 83, Slide 24**



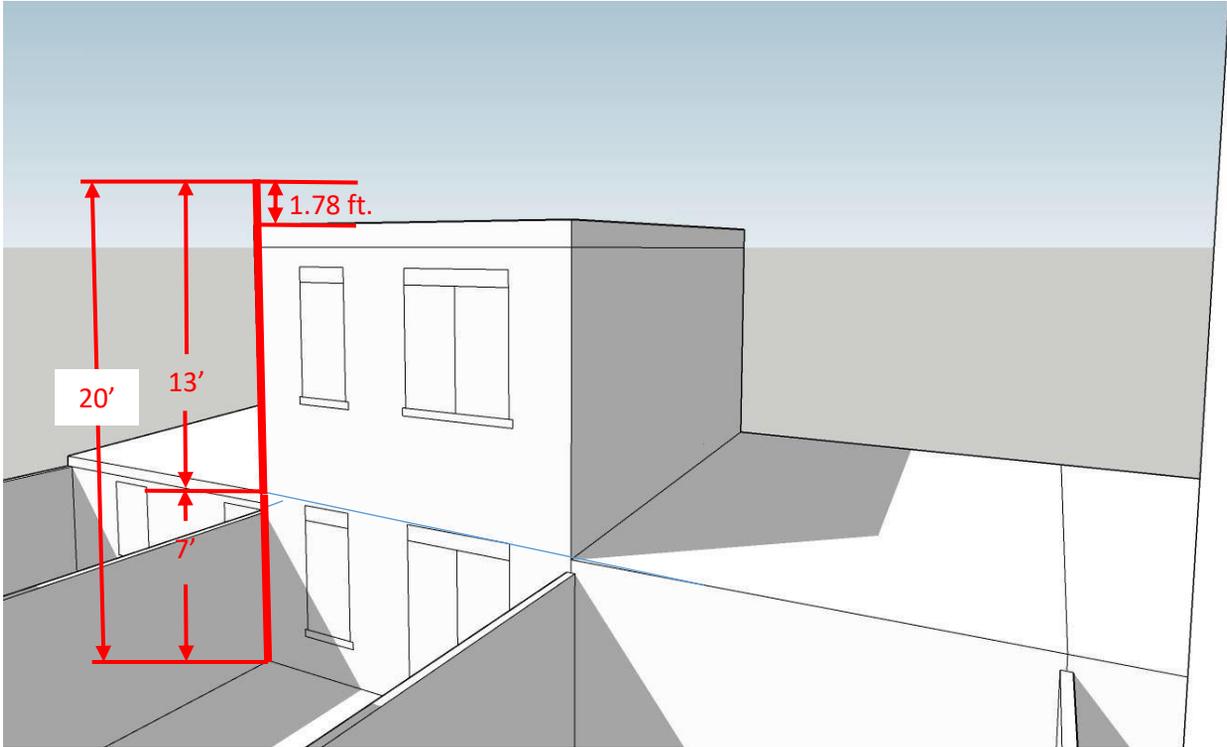
**Exhibit E:** View of the garage from the second-floor balcony of 306 11<sup>th</sup> Street NE (corresponds to Exhibit 83, Slide 26)



**Exhibit 83,** Slide 26



**Exhibit F:** View of the garage from the second-floor balcony of 310 11<sup>th</sup> Street NE (corresponds to Exhibit 83, Slide 27)



**Exhibit 83, Slide 27**

