

Board of Zoning Adjustment  
441 4th Street, NW  
Suite 210S  
Washington, DC 20001

Re: Letter from Adjoining Neighbor in Opposition to BZA Case No. 21098 (633 Rear E Street S.E.)

Dear Chairperson Hill and Members of the Board,

I write to request denial of the special exception Request for Area Variance to allow a second story addition at 633 E Street SE Rear.

The proposed design requiring the area variance direct threatens the security, privacy, value and integrity of my home at 520 Archibald Walk SE by

- Incorporating the Western Wall into their design without consultation;
- Offering no risk mitigation plans against damage to the party wall or structural integrity of 520 Archibald Walk SE;
- Pursuing renovation activities without regard to potential damage to #520 and actively taking actions without owner consent to hide damage;
- Creating opportunity for physical breaches of my home through my second story windows;
- Violating my privacy through new rooftop vantage points into windows and gardens;
- Diminishing the natural light available to my interior rooms and garden spaces;
- Offering no plan to prevent damage to the heritage tree in my garden.

***The Proposed Architectural Plans Do NOT Meet the Requirement of “Without Substantial Detriment to the Public Good” per Subtitle X Section 1000 VARIANCE GENERAL***

**PROVISIONS, 1000.1.** The proposed second story to 633 Rear E Street SE substantially negatively impacts the privacy, security, and safety of the neighboring homes.

The western wall of 520 Archibald Walk SE is physically incorporated into the eastern elevation wall of #633 (see Appendix A). #633 was constructed after 520, and it appears to have been built such that the western wall of my home is integral to #633's structure. This is not consistently depicted in the architectural plans for 633 Rear E St SE. Yet, the architectural plans do highlight that the “exterior masonry wall” (my wall) is a feature in the Interior Exercise Room (see Exhibit 37, pg. 14).

**Lack of Neighbor Notification Concerning Party Wall**

As of 1 July 2024, no information has been provided to the owner of 520 Archibald Walk SE about potential impacts and plans concerning the party wall between #520 and #633. This point was raised in earlier ANC meetings; no information continues to be provided or discussed. Activities with the potential to damage #520 include interior demolition, planned excavation for the recreation room, and roof-related structural changes.

As noted in my letter dated 21 April 2024 (BZA Case Exhibit 30), interior demolition work was conducted at 633 Rear E Street SE. Pursuant to District of Columbia Building Code (12A DCMR Sections 105.4.4.4 and 106.2.18.3), notification should be provided for construction activity that would directly impact the party wall. No permits were issued for interior demolition or construction

at #633, and no information was provided in the current case record or any related means about potential impact to or protective measures for the party wall. Evidence of damage to 520 Archibald Walk SE is evident in a drywall crack on the upper portion of #520's western wall in the April 2024 (photo in Appendix B).

Without my knowledge, presence or consent, repair work has been done on the exterior of my house, (mostly) patching the drywall crack (noted above and in BZA Exhibit 30, filed 22 April 2024; see Appendix B for April and June photos). I can only surmise this was done by the applicant in response to the earlier materials filed in this case, as no one else would be in physical proximity or have motive. This is an egregious overreach. Given the lack of communication and demonstrable record of work without permission, this portends that the Alta Laquearia/Schmidt Development team will likely continue to interfere with property that is not their own to achieve their goals, without notification, coordination or consent. These actions violate neighbor and public trust. It is not an unusual hardship to communicate with neighbors about home projects in any context. It *is unusual* to surreptitiously execute repairs on someone else's property.

Combined with the lack of communication about plans to mitigate risks to the party wall with #520, the applicant fails to demonstrate that they can pursue the proposed renovation without damage to my property and damage to the public good in this neighborhood.

### **Elimination of Security and Privacy**

The proposed design eliminates the safety, privacy and security of my home. My second story bedroom windows are in extremely close proximity to the roofline of #633 (Appendix A). In fact, standing on the interior of my bedroom, I can reach out and grasp the roofline of #633 (Appendix C). This means that any people standing on the roof of #633 are an arm's length from my bedroom and can similarly physically reach my windows. The proposed designs for #633 include rooftop terraces with access through second-story doors, on multiple sides of the second story. The updated architectural plans no longer explicitly depict rooftop gardens, but the original plans (approved by ANC6 and the HPO) included rooftop gardens in all other non-terrace roof areas. These designs invite people to regularly be present on the roof next to my bedroom, where today there are not regularly people. These people would be able to reach and physically breach my home.

In the current architectural plans, people on the roof will have direct physical access to my bedroom windows on the north elevation and direct reach of the bathroom window on the south elevation.

Part of the rationale given for the requirement of a variance is the applicant's concerns over privacy and security of creating windows on the first story of 633 Rear E Street SE. The applicant argues "Passersby could quite literally touch the bedroom window" (BZA Exhibit 36, pg. 11). The applicant proposes to create a situation where occupants or visitors to 633 Rear E Street SE could literally do the same to the second story 520 Archibald Walk SE.

The proposed design also creates opportunities for visual privacy breaches into my home and private garden by people on the roof and roof-top terraces. It also creates visual privacy breaches for the neighboring homes, including the windows and private garden at #522 and the windows and front patio of #518. At the same time, the 28ft height of the #633's second story will block natural light in the afternoons and evenings available to the interior spaces and garden of #520. The proposed 28ft height for #633 has a much greater than minimal impact on the privacy, safety, and security for me and the other Archibald Walk neighbors.

The applicant argues that privacy of first story windows placed on the property line constitutes a practical difficulty that should support their need for a variance; it does not meet the requirement of a practical difficulty. Given the other properties on Archibald Walk have first story windows facing the same spaces as the elevations of #633 available for additional windows<sup>1</sup>, this argument does not meet the standards for variance relief. The applicant's proposed design expresses and centers around the applicant's desire for natural light and privacy, but the proposed design is at the expense of the natural light, privacy, safety, and security of the neighbors on Archibald Walk. This is against the public good.

### **Updated Architectural Plans: Changes to Eastern Elevation Windows**

I appreciate that the updated architectural plans (BZA Exhibit 37) no longer depict Eastern Elevation Windows; three second story windows were depicted in the architectural plans submitted on 15 April 2024 (BZA Exhibit 25A) with direct views into #520. While this update does lessen the opportunities for people inside the 633 to look directly into the bedroom at 520 Archibald Walk SE, it does not eliminate the security and privacy risks posed by having a second story that puts people on the roof in arm's length proximity to #520's windows.

### **Unknown Plans for Protection of Heritage/Special Tree**

The garden of 520 Archibald Walk SE contains a designated Heritage/Special Tree. This tree is next to the party wall with 633 Rear E Street SE. No information has been provided to the neighbors or in the Case Record about the plans to protect this tree from fatal damage during renovations to #633, consistent with *Subtitle C Tree Protection Regulations, 401*.

Additionally, this Heritage/Special tree stands to lose a substantial amount of the limited sunlight currently afforded to it. According to the April shadow study shared with the neighbors (Applicant omitted comprehensive details from the Case Record), 520 Archibald Walk SE will have increased shadows from #633 starting earlier in the afternoon from in June (at least) through the winter (three quarters of the year).

The updated shade studies are selective and missing information (the shape of the building denoted "Existing" does not match the existing sloped roof), so it is difficult to draw a conclusion different from the earlier, more comprehensive studies. The solar panel studies do not address well the loss of light to the windows or gardens below the rooflines, especially during the afternoon and evening times where the most loss will occur. Evidence remains that the proposed height of the structure, reaching a total of 28ft, will dwarf the neighboring structures and block a substantial amount do light from reaching their windows.

I am very enthusiastic about the prospect of seeing 633 Rear E Street SE converted into a single-family home. However, I am not enthusiastic that the conversion as currently proposed is at the expense of my own home's security, privacy, safety, value and integrity.

I am disappointed by the continued lack of communication from my new neighbors. Mr Amons, Schmidt Development VP of Operations, did email me on 19 June 2024 about discussing the updated

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<sup>1</sup> This is particularly true on the North Elevation where the wall faces a quiet, pedestrian-only walkway, and as well as on the West and South Elevations. Existing windows are secured and relatively private, given local-only traffic (west and south) and pedestrian-only restrictions (north). These are not "three relatively busy alleys" as claimed (Exhibit 36, pg 4).

plans; as of 1 July, there has not been a response to my reply. Based on a weathered piece of paper found in the bushes, there may have been one other attempt to contact me recently. These do not represent a genuine effort to discuss concerns and are coming very late in what has been a 6-month process.

The impact to the neighboring properties of the requested height variance constitutes a substantial detriment, directly negatively impacting the privacy, safety and security, as well as, directly threatening the security and integrity of 520 Archibald Walk SE. The requested relief **cannot** be granted without substantial detriment to the public good.

I respectfully ask the Board of Zoning Authority deny the Request for Area Variance to allow a 28ft second story addition at 633 Rear E Street SE.

Signed and Filed By:



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## Appendix A:

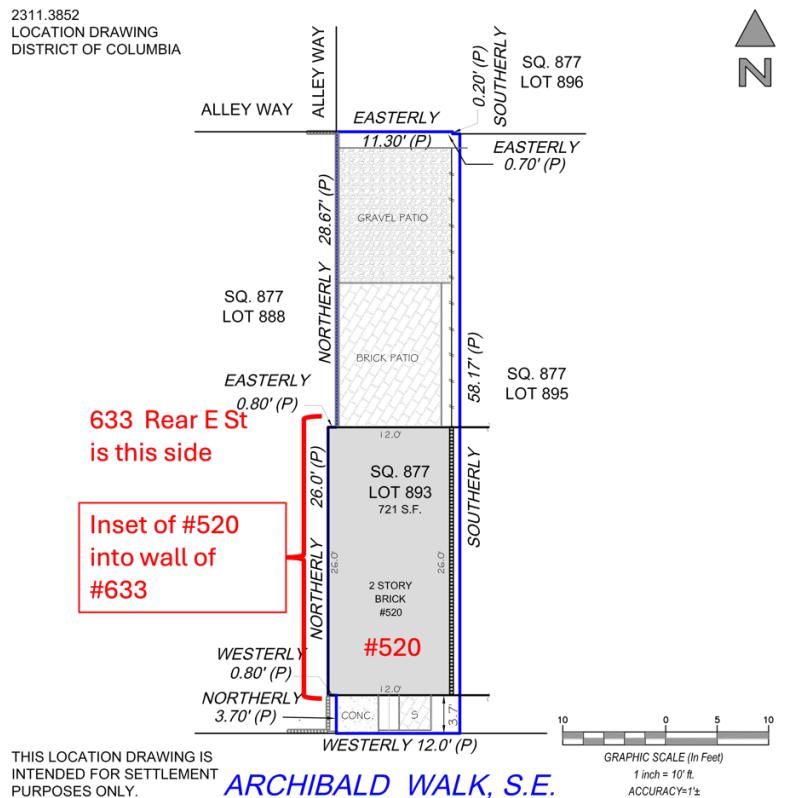


Photo of bedroom windows (left) and bathroom window (right) of 520 Archibald Walk SE in close proximity to the roof of #633. Also depicts integration of 520's western wall into the eastern wall of 633 Rear E Street SE, illustrating how the wall of 520 is integral to the structure of 633.

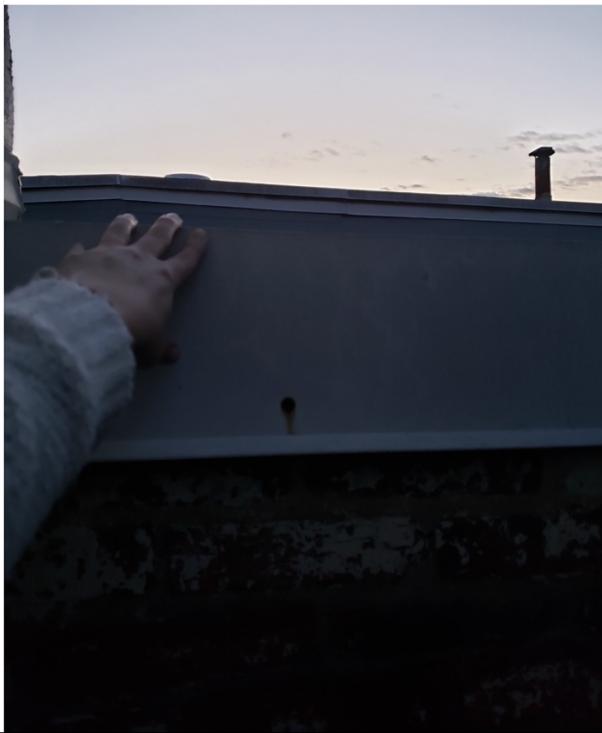
## Appendix B



(Left) Photo of exterior dry wall crack in April 2024, noticed after unpermitted interior demolition work at 633 in March 2024. (Right) Photo from 30 June 2024 depicting patch on crack of drywall of #520, executed by unknown workers without knowledge or consent of owner of 520 Archibald Walk SE.

## Appendix C

Photo: Owner of 520 Archibald Walk SE grasping roofline of 633 from bedroom window of 520.



For Reference:

**Subtitle C Section 401 TREE PROTECTION REGULATIONS**

*401.3 Construction of a building, accessory building, or an addition to a building, creating any impervious surface area, subdividing any unimproved lot, or subdividing any improved lot so as to increase the number of principal structures thereupon, shall only be permitted as a matter of right subject to the following tree removal limitations:*

- (a) The restrictions of this section against removing, cutting down, or fatally damaging trees apply only to trees having a circumference of twelve inches (12 in.) or greater at a height of four feet-six inches (4 ft. 6 in.) above ground;*
- (b) The prohibitions of this section do not apply to the removal or cutting down of any dead or unhealthy tree or a tree that creates an unsafe condition. The need for removal of any tree shall be certified by a tree care professional certified by the International Society of Arboriculture;*
- (c) No tree that has a circumference of seventy-five inches (75 in.) or more at a height of four feet-six inches (4 ft. 6 in.) above ground may be removed, cut down, or fatally damaged;*

**Subtitle X Section 1000 VARIANCE GENERAL PROVISIONS**

*1000.1 With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."*