

April 11, 2025

Via Email

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Re: Supplemental Submission - BZA Case No. 21262 – 2728 O Street, NW

Dear Chairperson Hill and Members of the Board:

Enclosed are the following responses to the Board's request for additional information:

- A drawing identifying proposed frosted windows; proposed in response to privacy concerns (this drawing is included as Slide 9 from the Perspectives – see below).
- Perspectives of the expected view to the south from the Applicant's building (the "Perspectives"); and
- Information from the architect regarding OGB's preference for the BZA-proposed design.

The frosted windows are proposed for all of the upper-level windows and two of the lower-level windows, meaning that 75% of the new windows are frosted. The provided perspectives illustrate the view from inside the Packman's home, facing south. As in the record, the Packman's currently enjoy four windows facing south, two of which are located 9.3 feet from Ms. Bowler's property.¹ The other two windows are located approximately 15.4 feet from her property, in addition to the screened porch that is also 9.3 feet from her property line. Moving windows 6 feet closer to Ms. Bowler's at-risk windows on the side wall of her building does not meaningfully alter the existing privacy situation, as noted by the Office of Planning in its report.

From the enclosed Perspectives, Page 2 shows the view from the first floor powder room,

¹ In the BZA hearing, during Applicant's rebuttal, Ms. Bowler mistakenly claimed that these two windows are not part of the existing rear wall of the Packman's home. They are indeed existing windows in the Applicant's home, as shown on pages 10,11, and 12 of BZA Exhibit 6; on Page 6 of BZA Exhibit 22B; as well as on Ms. Bowler's BZA Exhibit 29, page 3.

including two frosted windows; Page 3 shows the view from the other two windows on the proposed addition - these are the only windows not proposed to be frosted windows; Page 5 is the view from the home office space including the four upper-level frosted windows; Pages 6 and 7 include estimated perspectives from Ms. Bowler's window north looking at the Applicant's property; Page 9 identifies the six (of eight) frosted windows. The perspectives provided First, we assert that moving viewable windows 6.1 feet closer to a neighbor's side wall has no material impact on the existing privacy context. However, the installation of frosted windows should conclusively resolve any remaining concerns. This Board has repeatedly accepted window frosting and other forms of visual obstruction—whether partial or complete—as sufficient mitigation for privacy concerns².

Finally, we are also submitting a letter from the project architect regarding OGB's concept approval.

Respectfully Submitted,

Martin P Sullivan

Martin P. Sullivan, Esq.
Sullivan & Barros, LLP

² It is important to highlight that Ms. Bowler's own windows are also "at-risk," under *Havasu v. Stiglitz*. For this reason, Ms. Bowler is not entitled to any preserved view, negative easement, or limitation on the Packman's right to seek a special exception and to have their application evaluated on equal footing with any other applicant.

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2025, an electronic copy of this submission was served to the following:

D.C. Office of Planning
Ron Barron
ron.barron1@dc.gov

Advisory Neighborhood Commission 2E

ANC Office
2E@anc.dc.gov

Gwendolyn Lohse, Chairperson & SMD
2E06@anc.dc.gov

Party Status in Opposition

Prue Larocca
pruelarocca@gmail.com

April Lynn Bowler
Jamie Peva
April.lynn.bowler@gmail.com

Respectfully Submitted,

Sarah Harkcom
Sarah Harkcom, Case Manager
Sullivan & Barros, LLP