

TO: Board of Zoning Adjustment

FROM: Peter Courtois

3548 Whitehaven Parkway NW, Washinton DC 20007

RE: BZA Application # 21326 (3546 Whitehaven Parkway NW)

SUBJECT: Exceptions and Argument to the Proposed Decision and Order

The owners at 3548 Whitehaven Parkway NW (Peter Courtois and Allison Astorino-Courtois) would like to provide the current members of the Board of Zoning Adjustment (“Board” or “BZA”) with exceptions to the “Proposed Decision and Order” to correct several misleading or inaccurate statements presented to the current Board. We believe these exceptions should be considered prior to the Board’s decision on this Order. Our argument for these exceptions will be highlighted in this document.

Exceptions to the Preliminary Matters as Presented

Party Status. The Board granted party status in opposition to both residents immediately adjacent to the applicant on the east and west sides. As noted in the proposed order, the owner of the property on the east side Amy Collen withdrew opposition to the application. While indicating she withdrew opposition, the Board should also know that Amy Collen resides out of state and withdrew her party status after an agreement that included financial compensation and special access to inspections during construction not afforded to the other parties.

Persons in support. The Board did receive a letter in support from only one owner. The order describes the location of the owner as “across the alley to the rear” implying the owner may be impacted when this owner is many houses removed to the west and not impacted in any way by this application. No neighbors affected by this construction project have offered support.

Persons in opposition. The owner/resident of the property one house further to the east of the applicant provided a letter and testimony to the Board. It is important to note this owner is the only other resident significantly impacted by this construction project.

Summary of Exceptions to Preliminary Matters

Every owner/tenant residing in the neighborhood impacted by this construction project as well as ANC 2E responsible for representing these neighbors oppose granting special exceptions to this application. The **only** entity recommending approval against the recommendations of the neighborhood is the Office of Planning.

Exceptions to the Conclusions of Law and Opinion as Presented

Extension of the rear wall. While the Zoning Regulations permits the BZA to grant special exceptions, the intent of this authority is not to grant exceptions which adversely affect the use of neighboring properties specifically the availability of light and air as well as their privacy. While the Office of Planning stated the impact will not be undue, their letter recommending approval stated the submitted shade studies could be improved bringing into question the veracity of their own recommendation. Both the parties in opposition and the ANC came to the conclusion that the special exception extension of the rear wall did create an undue impact adversely affecting the use and enjoyment of the neighboring properties.

Great weight. As indicated in the proposed order the Board is required to give great weight to the recommendations of the Office of Planning and the affected ANC.

The only affected ANC in this matter is ANC 2E. These elected Commissioners clearly expressed their opposition by voting unanimously (7-0) to recommend disapproval of the application for special exceptions as written. This recommendation was made after a full hearing from all parties including the applicant and the parties in opposition. There is no question ANC 2E opposes this application for special exception.

Although ANC 3B was mentioned in the order, even a cursory look at a map shows the National Park land on the north side of Whitehaven Parkway. ANC 3B is not an affected ANC.

Summary of Exceptions to the Conclusions of Law and Opinion

The Board should consider the recommendations of the owners which they granted party status, the affected ANC and the Office of Planning. In this case it appears that the only entity the Board truly gave great weight was the Office of Planning.

Final Comment on Exceptions to the Order

I strongly believe it is important for the current Board members to consider these exceptions seriously before simply agreeing to a previous recommendation that may not accurately be supported by the facts as they are stated.

Respectfully,



Peter N. Courtois

3548 Whitehaven Pkwy NW