

TO: Board of Zoning Adjustment

FROM: Robert Winthrop Huffman

3544 Whitehaven Parkway NW, Washinton DC 20007

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

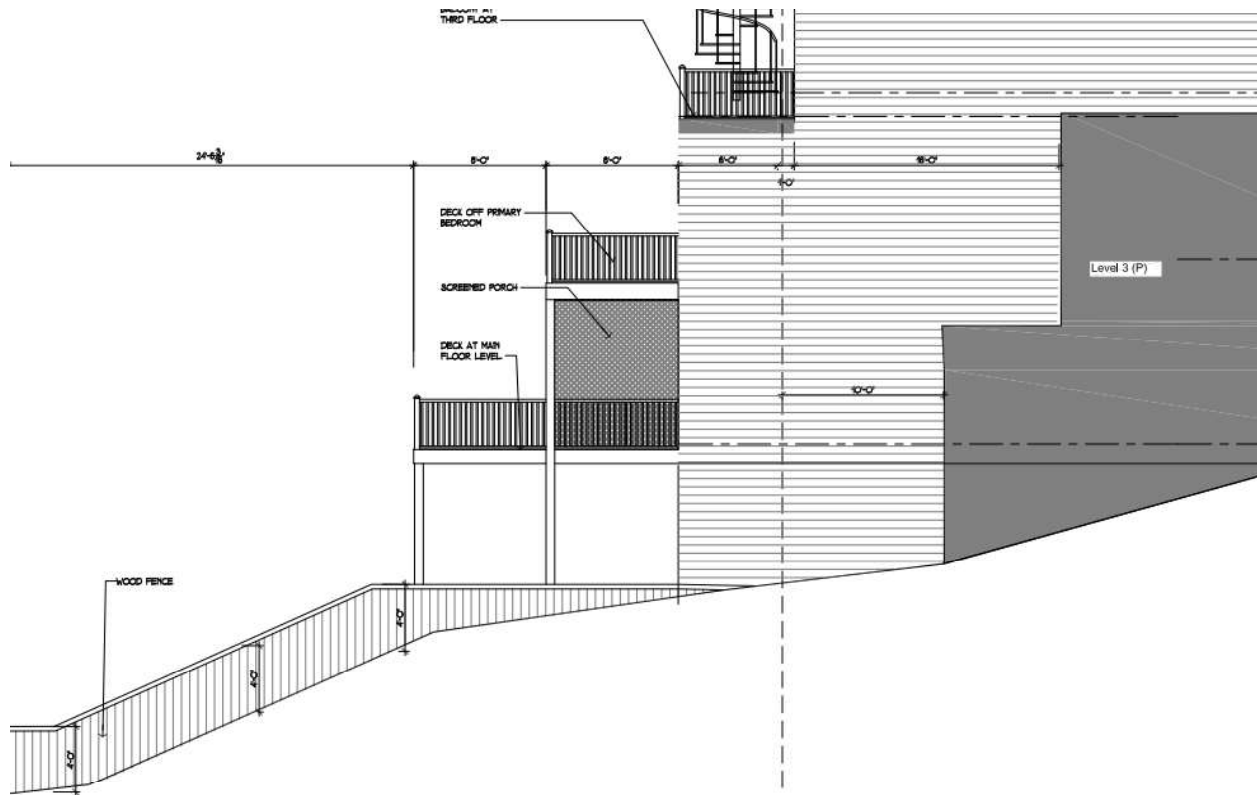
SUBJECT: Exceptions and Argument to the Proposed Decision and Order

I am a party in opposition residing in the abutting property with a shared wall at 3544 Whitehaven Parkway NW and 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. I believe these exceptions should be considered prior to the Board’s decision on this Order. My argument for these exceptions will be highlighted in this document.

Finding of Fact:

#12: “A solid wood fence will extend along the east lot line of the subject property, approximately four feet in height. (Exhibit 39C.)”

- **The topography of the applicants property is inaccurately represented in Exhibit 39C and will have a dramatic effect on the light, air, and privacy at 3544 Whitehaven. Exhibit 39C shows a gentle slope with the rear deck ending before the slope begins to drop sharply. This is inaccurate. The applicants patio is flat until 23ft and then a dramatic slope occurs at 3546 with the rear deck extending out more than 40ft past Matter of Right. (Exhibit 39C inaccurately shows a continual gentle slope.) At it’s proposed height, the rear deck alone will tower over our patio and lawn, creating a substantial undue burden on our light and air.**



#26) The area surrounding the subject property is residential in character, containing primarily two- or three-story attached buildings used as principal dwellings, with multiple properties containing accessory structures in the rear. (Exhibits 7, 29A, 32.)

- **This is inaccurate. There is only 1 property the has an accessory structure. The property’s accessory was allowed under a Grandfather clause and has been vacant for more than 5 years.**

Conclusions of Law and Opinion:

“The Board agreed with the Office of Planning that the Applicant’s planned addition will not “result in undue impacts on light access, air, or privacy on this rowhouse street.” (Exhibit 32.)”

“The Board was not persuaded by the parties in opposition that the Applicant’s addition would allow direct views into the adjacent dwellings, including through their skylights. (Exhibits 43, 51.)”

- **My photos showing clear undue privacy impact via the skylights are not cited. As a party in opposition, I provided photos that clearly demonstration an undue impact on**

our privacy, including the view from the Applicants proposed roofdeck directly into our shower from the skylight. (Exhibit 53E and Exhibit 53F

“The Board is also required to give “great weight” to the issues and concerns raised by the affected

ANC. (D.C. Official Code § 1-309.10(d)(3)(A).) In this case, ANC 2E submitted a report indicating its opposition to the application; however, the report did not state any issues or concerns.

ANC 3B did not submit a report or otherwise participate in this proceeding. Accordingly, the Board was unable to give great weight to any issues or concerns raised by an affected ANC with respect to this application.”

- **ANC2E voted 7-0, with quorum, to oppose the applicants project. There was no attempt made by BZA or any other party to gain clarification or details of their decision until the final minutes of the hearing, during which Chairman Hill asked both the applicant and the Parties in Opposition, neither of which are the appropriate entities to communicate ANC2E’s decision.**

Conclusion:

I strongly implore the new members of the BZA Board to review this case given the amount of inconsistencies in both the Applicants designs and dismissal of ANC2E’s decision.

Respectfully, Robert Winthrop Huffman