

TO: Board of Zoning Adjustment

FROM: Peter Courtois

3548 Whitehaven Parkway NW, Washinton DC 20007

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

SUBJECT: Request to the BZA to Oppose the Application as Currently Presented

The owners at 3548 Whitehaven Parkway NW (Peter Courtois and Allison Astorino-Courtois) oppose the application in its current form and request the BZA disapprove the application as submitted. Our reasons for this recommendation will be highlighted in this document.

Although we have not had adequate time to thoroughly review the most recent plans and request clarification on the many new questions and mistakes contained in these documents, we oppose the applicant's request for special exceptions.

We request disapproval of the Special Exception (SE) to allow the rear addition to the extend beyond the 10' allowed in the regulation. The expansion of the building on the main (first), second, new third, and new roof deck without a special exception will adversely affect the light and air availability, privacy and enjoyment of use. The special exception makes the adverse effect even worse.

According to D 5201.4 an application for special exception relief... **shall** demonstrate that the proposed addition... **shall not** have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

- (a) The light and air available to the neighboring property shall not be unduly affected
- (b) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised

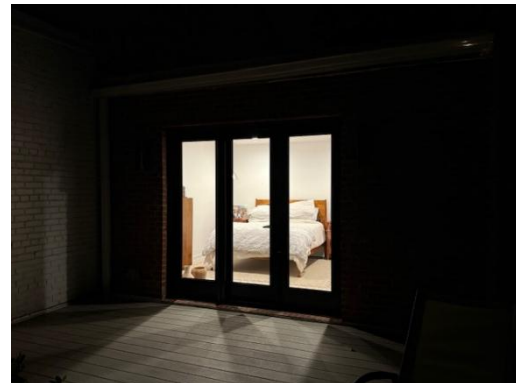
Three houses will be substantially affected by this special exception, the two abutting neighbors and the neighbor in the next property which is 16.88' east of the proposed addition. All three of these neighbors have rear walls even with or behind the applicant such that the 16' will extend far beyond these homes.

The proposed addition will adversely impact our light and air, privacy and enjoyment of our property and none of our concerns have been addressed. The shadow study provides little ability to effectively analyze the impact on our homes given there is no study provided for the existing situation. Even the Office of Planning highlighted this in their letter to the BZA.

OP has communicated to the Applicant that the submitted shadow study could be improved to show a clearer relationship of the shadows cast by the proposed addition to adjacent properties, but as of the date of this report, an updated study has not been submitted to the record.

However, the shadow study clearly shows that the special exception impact is **worse** than their matter of right option.

With respect to our privacy, the application does not address any of our privacy concerns. The proposed addition includes large covered and uncovered decks on the second floor, third floor and a roof deck that will have views into our house. Most importantly there will be views into our bedroom from all of these decks and into our bathroom skylight from the third floor and especially the roof deck. See the photos below.



The applicant's statement on privacy states "that all decks are provided take advantage of the exceptional views to the south and because of their location do not facilitate views into adjoining properties". This is simply not accurate. The "exceptional view" would be the same from a 10' addition but would have a lesser impact on the neighbors and particularly our privacy. Additionally, the applicant erroneously refers to a retaining wall on our property that will provide privacy. This too is untrue as the wall is at and below the basement level and is not a privacy barrier as shown in the photo below. The wall is approximately 4'5' high at the basement level and clearly provides no privacy from any of the floors above. This photo is taken from our main floor deck.



With open decks off 3 levels and on the roof, anyone on any of those 343 degree viewing decks has only to look down, up or back and have unimpeded views directly into all of our 1st and 2nd floor living areas and bedroom windows as well as on our patios, yards and decks.

Additionally, we have concerns affecting our safety, enjoyment and use that have not been addressed in any of the exhibits. We have a shared chimney that needs to be extended for safety reasons and we have a shared walkway leading out of the rear of the property and down to the alley. This is the only rear access to our property and provides a rear exit in case of an emergency. The applicant communicated back in the May/June timeframe that this access would be maintained; however, the available plans do not provide any details on these issues. There are limited plans showing rear elevations for our side of the property; however, these elevations are inaccurate in that they are inconsistent with the east elevation provided on 9/23/2025 in response to a request from the Office of Planning for more details. A west elevation was not included, so the only information available to us is an incorrect older elevation.

As stated in their own exhibits (Exhibit 38), the applicant appears to be working on a compromise with only one of the original three Parties in opposition. Unfortunately, the applicant is **NOT** actively working with the current residents of the two adjoining properties.

For the many reasons stated above, I strongly recommend that the BZA oppose any of the special exceptions requested by the applicant and recommend disapproval of the application as submitted to the BZA. Additionally, I request the BZA support our request to postpone the BZA public hearing in order to properly review all of the new exhibits.

Respectfully,



Peter N. Courtois

3548 Whitehaven Pkwy NW