

October 15, 2025

**Via IZIS**

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

**Re: Applicant's Response to the Party Opponent's Submission - BZA Case No. 21326**

Dear Chairperson Hill and Members of the Board:

In response to Mr. Courtois's submission, we note that his photos show that it would be impossible for any person on any portion of Mr. Jazini's special-exception-approved addition, or the attached balconies, to see into the skylight. We estimate the skylight is approximately 30 feet away from the special exception addition. The existence of skylights does not grant the owner thereof air rights over adjacent properties. While we would assert that the existence of a skylight alone cannot present a privacy issue with a special exception request, there's no question that the existence of a skylight cannot prevent an adjacent property owner from doing a matter of right addition.

In response to Mr. Courtois's remaining privacy concerns regarding a bedroom on his second story, the Applicant is proposing to add lattice screening on its second- and third-story balconies. We believe that privacy between the properties is vastly improved because of the addition alone, and the proposed screens will enhance this even further.

In response to Mr. Huffman's privacy concerns, the discussion is similar to the discussion above regarding Mr. Courtois's property. Currently, the Applicant can look directly into the neighboring main floor living space (particularly when the lights are full-on at night like in the photos submitted by Mr. Huffman). This lack of privacy is completely solved by the proposed addition. The resulting decks face directly south, away from both neighboring properties. Further, if Mr. Huffman's landlord agrees, the Applicant proposes to place the same 2<sup>nd</sup> and 3<sup>rd</sup> story balcony screening on the east side, to further enhance the privacy between these two properties, as well.

The skylight on 3544 Whitehaven is in a similar position as the skylight on 3548

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District of Columbia

Whitehaven. Likewise, there is no sight line from any part of the balconies beyond the proposed additions, or from the additions themselves. Again, any matter of right 3<sup>rd</sup>-story additions are permitted without regard to neighboring skylights.

On the relevant special exception criteria, the Applicant has demonstrated that there is no undue impact on light and air, and that the proposed structure does not substantially visually intrude on character scale and pattern as viewed from the alley. Finally, the privacy relationship among these three properties is substantially improved with the addition, and even further enhanced by the proposed screening on both sides of the 2<sup>nd</sup> and 3<sup>rd</sup> story balconies. Mr. Huffman and Mr. Courtois have not submitted any evidence contradicting the Applicant's submissions on these points.

Respectfully Submitted,

*Martin P Sullivan*

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2025, an electronic copy of this submission was served to the following:

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Respectfully Submitted,

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