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October 7, 2025

Mr. Frederick Hill, Chairman  
DC Board of Zoning Adjustment  
DC Office of Zoning  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

Re: BZA Case No. 21330, Amended Application of Paul Pike  
1818 15th Street, NW (Square 0191, Lot 0063)

Dear Chairman Hill:

On September 22, 2025, Applicant Paul Pike amended his application for zoning relief requesting this Board's *post hoc* approval, of a special exception rather than a variance for his illegally constructed deck and carport. For the reasons we now state, this Board should deny this special exception relief. As we now discuss, the revised plans show that the Applicant has intentionally designed the carport and deck to maximize harm to Ms. Jacobson's light, air, privacy, and safety. Instead of remodeling the illegally built deck and carport to reduce the adverse impacts on Ms. Jacobson that Ms. Jacobson is currently experiencing because of the Applicant's illegal construction, he has chosen to minimally revise the structure in a manner that perpetuates this adverse impact. Moreover, granting the special exception under the circumstances of this case, including the Applicant's illegal conduct, would undermine the zone plan and the integrity of the zoning regulations.

**Background**

In late June or early July of 2024, the Applicant began illegal construction of a one-story carport and deck without permits or notice to neighbors. Ms. Jacobson, the owner and resident of 1508 Swann Street, promptly contacted the Applicant Paul Pike, who told her that he had a permit for the carport. *See* text correspondence, attached hereto as Exhibit 1. Ms. Jacobson subsequently learned on July 16, 2024, that the Applicant had not received a permit or zoning relief and promptly filed an illegal construction report with DC Department of Buildings ("DOB"). At DOB's request, Ms. Jacobson provided photographic documentation of the illegal work. The DOB, however, was unable to inspect the property

until September 2024 due to their inability to access the Applicant's property. *See* DOB communications, attached as Exhibit 2.

Ultimately, the DOB was able to obtain access, identified a violation and issued a stop work order on October 11, 2025. *Id.* However, at that point, the construction of the deck and carport was complete. The structure that was illegally built by the Applicant increased the occupied area to more than 70 % of the lot and, therefore, could not be permitted either as a matter of right or by a special exception. Faced presumably with the possibility of ongoing civil infraction fines, the Applicant applied for an area variance in May 2025. BZA Exhibit 1.

The completed deck and carport addition is built over the outdoor parking space in the Applicant's rear yard. The completed deck spans the full width of the lot and is built approximately level and flush with the main floor living space and primary window of Ms. Jacobson's home. Also, the kitchen window on the lower level of Ms. Jacobson's homes is now partially obstructed by the base of the deck stairs, blocking necessary light and air to the kitchen. *See* photos, attached hereto as Exhibit 3, and BZA Exhibit 33.

In apparent retaliation for Ms. Jacobson's complaint to DOB, the Applicant has built a screen/trellis in front of Ms. Jacobson's primary window, to which a black tarp has been affixed, completely blocking any light to her living room. The Applicant also intentionally blocked the light to Ms. Jacobson's kitchen by placing another screen, in this case a flag on the deck to fully obstruct the kitchen window. *Id.* As built, the carport has created entry points for pests. The foundation of the deck piers is built against her foundation walls without professional involvement or design and may be causing damage to her home. *See* photos of illegal construction, attached as Exhibit 4. There are no documents filed with DOB to record or inspect the placement or configuration of the footings of the unpermitted carport and deck abutting Ms. Jacobson's home.

Also in retaliation for Ms. Jacobson's lawful exercise of her right to request action by DOB in order to protect her property, the Applicant has refused Ms. Jacobson's reasonable request for access so that she may have an engineer inspect the exterior her home for possible damage or to allow access to pest control professionals to seal potential rodent access points on the exterior of her home. *See* communications with the Applicant, attached as Exhibit 1. The Applicant also refused to allow Ms. Jacobson temporary access unless she agreed to support the Applicant's request for a variance. *Id.*; BZA Exhibits 29 and 32.

The Office of Planning recommended denial of the Applicant's request for an after-the-fact area variance as failing to meet the applicable standards, and ANC 2B also voted not to support the application. BZA Exhibit 27. The Applicant thereupon requested a postponement of the hearing then set for July 30, 2025. BZA Exhibit 38A. On September 22, 2023, the Applicant submitted an amended application and revised his plans for the carport to minimally reduce the carport's calculable footprint only by removing the deck boards to reduce the building area so that a special exception rather than an area variance

was needed. BZA Exhibits 42A-E, The Applicant has chosen a design that does not alter the supporting structure of the illegal carport but instead keeps the carport and deck flush against Ms. Jacobson's property. BZA Exhibit 42A.

An alternative structural configuration for the carport could allow for an equal-sized deck that covers the entire length of a car and still be set a full 7 feet back from Ms. Jacobson's property without reducing the size of the carport or impairing its functionality. Altering the structural configuration would also allow for an appropriate DOB review and inspection of the foundation and footings of the carport to ensure building code compliance, including neighbor notification provisions so that Ms. Jacobson can determine whether construction of the carport impacts her property, reviews that are precluded by the Applicant's proposed minimal revisions.

### **The Application Fails to Meet the Standards for A Special Exception**

#### **I. The Carport/Deck Will Adversely Affect Ms. Jacobson's Use and Enjoyment of her Home.**

The zoning regulations require the Applicant to demonstrate that the requested special exception relief "[w]ill not tend to affect adversely, the use of neighboring property." 11 DCMR Subtitle Y, § 901.2(b). Here, the Applicant's revised statement makes the bold assertion, without any evidentiary support, that the "proposed Addition shall not unduly compromise the privacy of use and enjoyment of neighboring properties." BZA Exhibit 42D. The zoning regulations further provide that "[t]he applicant for a special exception shall have the full burden to prove no undue adverse impact and shall demonstrate such through evidence in the public record." Subtitle X, 901.3. The Applicant provided no evidentiary material in support of his revised Application within the required 30 days prior to the hearing now scheduled for October 22, 2025. Subtitle Y, §§ 300.10 and 300.15. Nor does it appear that the Applicant intend to offer any witnesses at the hearing, as neither the original nor the revised application provide a summary of witness testimony or the resume of any expert witnesses, as required by the zoning regulations, 11 DCMR §§ Y-308(j), (k). *See* BZA Exhibit 40 (list of witnesses).

As the photos attached as Exhibit 3 make clear, the Applicant's revised design does nothing to reduce the existing adverse impacts on Ms. Jacobson's light, air, privacy, security, and use and enjoyment of her property that resulted from the Applicant's illegal construction of the carport and deck so that it is flush against her property. These impacts are as follows:

- The proposed deck continues to be level with and built directly against Ms. Jacobson's property, BZA Exhibit 5. The stairs and new screen on the side of the deck coupled with the proximity of the deck to Ms. Jacobson's living room window allow direct access to Ms. Jacobson's primary living space through the window

facing the deck. *See* Exhibit 3, attached, and BZA Exhibit. 33. This access creates security concerns, since it gives anyone on the deck direct visual access to her home.

- The Applicant has placed a trellis or screen with a black tarp and flags that cover Ms. Jacobson's living room window, completely blocking all light and air from that window. There does not appear to be any permit associated with the construction of the trellis or screen, which are regulated as a fences in the Building Code. 12A DCMR § 3112 .1.2. As the additional photo attached to the revised application shows, the tarp and flags remain, despite Ms. Jacobson's repeated requests that they be removed. BZA Exh. 42E.
- The revised plans will continue to adversely impact Ms. Jacobson's use and enjoyment of her home.
- The location of the entertainment deck without any setback from Ms. Jacobson's home will expose her to continued adverse impacts from the use of the deck by the Applicant's tenants as an entertainment space, including noise, disruptive lighting, and impacts on her privacy.
- The Applicant's unlawful construction of the carport foundation flush against Ms. Jacobson's property may have damaged the foundation of Ms. Jacobson's home and likely is the cause of the pest problem that Ms. Jacobson's has now experienced by creating an entry point into her home. *See* Photos attached as Exhibit 4. Due to the Applicant's illegal construction, there is no record of DC DOB-approved plans or inspection to confirm that the deck is compliant with the building code and does not encroach on or damage Ms. Jacobson's property.

In lieu of any evidence to rebut this evidence, the Applicant's revised statement merely suggests that these severe and detrimental impacts to Ms. Jacobson's use and enjoyment of her home simply impact Ms. Jacobson's "view." BZA Exhibit 42D. This is a patently false distortion of the severe impacts to Ms. Jacobson's light, air, safety, privacy, the value of her property, and her quiet enjoyment of her home, all of which are cognizable impacts that must be considered under the zoning regulations governing special exceptions.

The Applicant also makes the irrelevant and unsubstantiated assertion that the impact to Ms. Jacobson's light, air and privacy are not cognizable because the window in her living room that is impacted by the special exception application, is considered to be "at risk" under the building code. *Id.* The Applicant has introduced no evidence supporting his description of the window as being "at-risk" as a result of the Application. More importantly, building code violations, whether actual or hypothetical, are not within the purview of the zoning regulations.

In any event, the Applicant is referencing a possible future building code issue that might arise from a different project. However, the present project does not implicate any building code issues relating to “at risk windows.” This Board lacks authority under the zoning regulations to disregard blatant detrimental impacts based on a development scenario that might occur in the context of different project. *See Youngblood v. D.C. Bd. of Zoning Adjustment*, 262 A.3d 228, 236 (D.C. 2021) (“we will not attempt to measure the alleged harm [to opponents] against all hypothetical futures of what [the Applicant] may ultimately do in future proceedings.”)

Moreover, the Office of Planning has made clear that the status of a window as being “at risk” from the present project does not preclude consideration of the project’s impact on the light and air where the affected window is “the primary or only window into a main room of that house.” BZA Case 21262: Request for special exception relief to allow construction of a two-story rear addition, BZA Exhibit 26, at 3. In that case, the Office of Planning expressly recommended that the applicant “continue discussions with the owner of the next-door property to discuss and address this issue.” *Id.*

Here, by contrast, the window that would hypothetically be considered “at risk” in the event of a different project is the primary window into Ms. Jacobson’s main living space. *See Exhibit 3*, attached. Moreover, the Applicant failed to engage in discussions with Ms. Jacobson about a re-design of the deck to avoid these serious impacts on Ms. Jacobson’s light, air, privacy, and security prior to submitting the amended application. Nor has the Applicant honored his pledge to supplement the record at least 21 days prior to the hearing regarding his additional outreach efforts, as required by the zoning regulations. Subtitle Y, §-300.8(l). *See BZA Exhibit 12*. Accordingly, there is no authority for this Board to disregard the serious substantial impacts on Ms. Jacobson use and enjoyment of her home based on building code issues that might be implicated by a completely different project.

Finally, Applicant’s revised statement (BZA Exhibit 42D) makes unsubstantiated and false accusations of alleged building code violations by Ms. Jacobson and property damage that are not supported by any evidence. These false allegations are irrelevant to the special exception standards and are simply intended to deflect attention away from the Applicant’s illegal actions. Even though these false assertions are not relevant to the special exception standards, Ms. Jacobson has submitted a letter rebutting these false allegations. BZA Exhibit 31. The Applicant’s accusations of property damage caused by Ms. Jacobson are also rebutted by the Applicant’s own communications with Ms. Jacobson. *See attached Exhibit 1*. Accordingly, the Applicant has failed to satisfy his burden of proving that the special exception will not tend to adversely affect neighboring property.

II. The Special Exception Will Undermine the Zone Plan By Rewarding the Applicant for His Illegal Construction.

An Applicant must demonstrate that the special exception “[w]ill be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.” Subtitle X-9901.2(a). Ms. Jacobson’s use and enjoyment of her property will be seriously and

detrimentally impacted by the proposed deck and carport. These impacts could easily be reduced by redesigning the carport to provide a setback between the carport/deck and Ms. Jacobson's home rather than increasing the open space in the Applicant's rear yard. This alternative design would comport with the development standards applicable to a special exception without either compromising the functionality of the carport or reducing its footprint. And yet the Applicant has chosen a design for the special exception application that unnecessarily continues the adverse impact of his illegally constructed carport and deck on Ms. Jacobson's property.

The Applicant provides no explanation or justification for proffering a revised plan for the carport and deck that is unnecessarily harmful to Ms. Jacobson. It is possible to speculate that the Applicant may have chosen this design to reduce his construction costs by allowing him to retain a portion of the illegally constructed deck. However, the cost savings from illegal construction cannot provide justification for failing to consider alternative designs when seeking a special exception. Allowing such a justification would reward applicants for illegal construction to circumvent zoning requirements and encourage such illegal construction in the future, thereby undermining the integrity of the zone plan and the zoning process. The integrity of the zoning process and the rights it accords neighboring property owners from severe detrimental impacts should not be sacrificed so that the Applicant can financially benefit from his illegal actions.

### III. The Applicant's Lack of Good Faith and Unclean Hands Require Denial or Conditioning of Any Special Exception.

As noted above, the Applicant's revised plans are intentionally designed to unnecessarily interfere with Jacobson's use and enjoyment of her home. The Applicant's lack of good faith has been evident from the outset and should be considered by this Board in considering this revised application. First, the Applicant intentionally and willfully constructed his deck and carport without first obtaining a permit. He provides no rationale for undertaking and continuing his illegal action. Indeed, the illegal construction appears to be willful: the Applicant, Mr. Pike, has background in real estate, and touts his experience "having purchased and renovated homes in Kalorama Heights, Georgetown, Dupont Circle & Logan Circle." <https://www.sothebysrealty.com/ttrsir/eng/associate/766-a-1510-4004014/paul-pike>. The Applicant surely understood that the construction of a carport and deck required a permit from the DC Department of Buildings.

There is ample additional evidence of the Applicant's bad faith in addition to his blatant and intentional evasion of permitting and zoning requirements. The Applicant has repeatedly refused Ms. Jacobson's repeated requests to remove the screen/ tarp blocking her primary window, without providing any rationale. *See Exhibit 1, attached.* It is evident that these obstructions are being maintained to retaliate against Ms. Jacobson for her action in reporting his illegal construction. The Applicant also attempted to bully Ms. Jacobson into supporting his variance request with threats to deprive her of any reasonable access to maintain her home or address the pest issues caused by the Applicant's illegal construction. *See Exhibit 2 attached hereto and BZA Exhibit 32.*

The Applicant has repeatedly attempted to deflect attention from his illegal construction and the demonstrable failure to satisfy the legal standards for a variance by making numerous false and irrelevant claims about Ms. Jacobson in his submissions to the BZA, which are rebutted by the Applicant's own communications. *See* attached Exhibit 1; BZA Exhibit 31.

But the most significant evidence of the Applicant's lack of good faith is the fact that his revised plans for the carport/deck submitted with his revised application for a special exception depict a structural modification that intentionally and unnecessarily perpetuates the detrimental impacts on Ms. Jacobson's light, air, privacy and safety. The Applicant is well-aware that Ms. Jacobson's primary concern is the lack of any setback between the Applicant's deck and her home, which has created pest issues, potentially damaged her foundation, and unquestionably interferes with her use and enjoyment of her home. And yet, the Applicant failed to proffer a revised carport design with same dimensions that would have reduced this impact by providing a set-back between the carport and Ms. Jacobson's property rather than simply increasing the space in the Applicant's rear yard.

According, the Applicant's intentional circumvention of zoning and permitting laws are additional factors against granting the special exception relief based on the equitable doctrine of "unclean hands." *Temple v. D.C. Rental Hous. Comm'n*, 536 A.2d 1024, 1031 (D.C. 1987). This is particularly so, given the ready solution of a modest revision in the design of the carport/deck so as to reduce the impact on Ms. Jacobson.

### **Conclusion**

This Board "may impose requirements pertaining to design, appearance, size, signs, screening, landscaping, lighting, building materials, or other requirements it deems necessary to protect adjacent or nearby property, or to ensure compliance with the intent of the Zoning Regulations." Subtitle Y-901.4. In view of the foregoing, any special exception relief should be either denied or conditioned upon a directive that the Applicant re-design the carport with a set-back from Ms. Jacobson's property, and a condition that the stairs to the roof of the carport be removed and that the Applicant be precluded from using the roof as an entertainment deck.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Ferster', with a stylized flourish at the end.

Andrea C. Ferster  
Counsel for Jacqueline Jacobso

Certificate of Service

I hereby certify that, on October 7, 2025, a copy of the foregoing prehearing statement was served by email on the following:

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