By Email
dcoz@dc.gov

August 10, 2026

D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200/210-S
Washington, D.C. 20001

Re: BZA Case No. 21452: 3817 Jenifer Street NW- Statement of Opposition

Dear Members of the Board of Zoning Adjustment:

We oppose the zoning adjustment application for 3817 Jenifer Street NW, which seeks substantial special exceptions to the required rear- and side-yard setbacks. We reside at 3816 Jocelyn Street NW, directly across the public alley from the proposed addition, and will be directly affected by the project.

Under D.C. zoning regulations, Applicants must demonstrate that their project will not significantly affect neighboring properties, and, in particular, must show that privacy will not be meaningfully compromised, that light and air will not be unduly affected, and that their proposed addition will not be visually incongruous when viewed from nearby homes or public streets. As detailed below, the Applicants have failed to meet this burden across all factors. Their submission overlooks, misstates, or only superficially addresses the clear and substantial impacts their proposal will have on neighboring properties.

In addition to the Applicants' submission, the other primary materials before the Board, the ANC report and the OP report—also show a failure to conduct a meaningful, site-specific review. Both bodies either overlooked or only superficially evaluated the project's actual impacts and should therefore be given little weight. Throughout the record, a fundamental mischaracterization persists: equating the impacts of the current open rear deck atop a garage with those of an enclosed, two-story, year-round-occupied structure featuring large windows and a fireplace, all on the same footprint. The impacts are not the same.

The plans and the location of the addition make the impacts unmistakable: the project will cause a significant and permanent loss of privacy, affect light and air, and introduce a visually incongruous structure directly opposite the adjacent rear properties. The record's omissions and inaccuracies leave the Board without a reliable basis for granting the requested zoning exceptions.

Application Deficiencies

The Applicants have not adequately addressed or discussed how their project will affect the neighbors to the north, across the 12-foot-wide public alley. Because these neighbors will experience the most substantial effects—more than those on Jenifer Street—the lack of a thorough discussion is a significant oversight.

Board of Zoning Adjustment
District of Columbia
CASE NO. 21452
EXHIBIT NO. 36

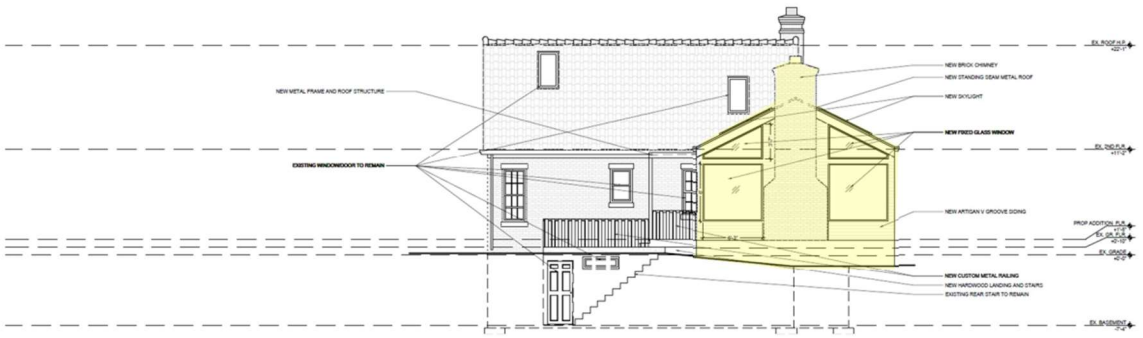
Privacy

Applicants fail to account for the significant elevation difference between Jenifer and Jocelyn Streets, which directly affects privacy. 3817 Jenifer Street sits a full story above 3816 and 3814 Jocelyn Street, placing its "ground floor" at the level of our second floors. Yet Applicants repeatedly describe the project as a "ground-floor addition," a "single-story extension," and "barely visible from the street" (Docket 11). These characterizations consider only the Jenifer Street perspective and are inaccurate for neighbors on Jocelyn Street.

For those sharing the alley, the addition will be a two-story structure aligned with our second floors and elevated above our existing privacy features. Applicants never acknowledge this basic fact in their application.

The height of the addition, its proximity to the rear property line, and its oversized windows will give Applicants a direct, unobstructed, and permanent view into our home. Nowhere in the application is this obvious impact acknowledged or addressed.

Applicants' plans show two windows measuring 6'3" wide by 6' tall, positioned above our privacy structures and facing directly into our home (Docket 20A, p. 14). Together, these windows span more than the width of the 12-foot alley and encompass 75 square feet of glass facing the rear neighbors, exclusive of the accent windows above.



3817 JENIFER ST NW | BZA Presentation | July 2026 prop north elevation 14

(Docket 20A, p. 14 “prop north elevation).

Due to the elevation difference and the scale of the windows, Applicants will have views into our two ground-floor living rooms, dining room, kitchen, bathroom entrance, two second-floor bedrooms, outdoor living space, and both yards out to Jocelyn Street. Fourteen windows or glass doors on our home face the Applicants’ property or are visible from it. Only three rooms—a second-floor bedroom, a bathroom, and possibly a first-floor bathroom—will remain fully out of view.

This level of persistent, deep intrusion is precisely what zoning rules are designed to prevent.

Despite these impacts, Applicants address privacy only for the east and west neighbors on Jenifer Street:

> Adjacent properties will enjoy the same degree of use and privacy as they currently have now… The Applicant has met with both adjacent neighbors and has obtained letters of support. (Docket 11)

Yet Jocelyn Street neighbors are closer to the Applicants’ rear property line (12’) than the Jenifer Street neighbors to the east (14’3”) (Docket 3). Any reasonable definition of “adjacent” would include the neighbors directly behind the Applicants. The plans also reveal that Jenifer Street neighbors are likely to experience significant privacy impacts, contradicting Applicants’ declaration. See discussion below (Docket 20A, p.13).

To our knowledge, Applicants have not conducted any sightline studies to quantify the privacy impacts. This absence is telling, and the omission should not be viewed as evidence of minimal impact but as an acknowledgment that the addition’s design is highly invasive and unjustifiable.

The site-specific facts make clear that Jocelyn Street neighbors will be under continuous observation—and, effectively, surveillance—by the Applicants. Surveillance is not merely an intrusion; it is a loss of freedom. The concern is not only that someone is watching but that someone might be watching. That possibility alone alters behavior, constrains choices, and erodes the privacy essential to living freely in one’s home.

My wife’s medical condition makes the loss of privacy especially difficult for our family. We are deeply private people, and we raise these concerns only out of necessity. After 23 years of fighting multiple cancers, my wife is disabled, largely bedridden, and experiencing progressive dementia. She now lives exclusively on the ground floor, where we provide round-the-clock care—feeding, washing, dressing, and moving her, as she cannot perform these tasks independently. The Applicants’ proposed addition would overlook all the ground-floor areas where we care for her. We simply need the privacy required to provide her with dignity and the best care we can. We do not ask the Board to weigh this circumstance in its decision, but to understand how essential it is for our family to care for her without fear of observation or judgment. Applicants’ unwillingness to acknowledge the profound and lasting privacy impacts of their proposed addition is deeply concerning.

Impacts on Light and Air

The Applicants' only reference to impacts on neighbors across the alley is an unsupported assertion that the addition will have "minimal" impacts on light and air:

> The impact of an additional story… will have minimal impact on light and air for properties located to the north across the alley. The properties across the street are two and three-detached houses and will not be affected. (Docket 11)

This claim is neither explained nor supported. Common sense suggests otherwise. A chimney built directly on an alley where trash is stored, near a streetlamp and trees, can affect air quality and light and raise safety concerns. Similarly, a nearly 30-foot-tall structure with 75 square feet of glass can create reflections at certain times of day and year, affecting the light experienced by neighbors across the alley. Applicants have not evaluated these impacts.

Applicants also failed to disclose that the alley is closed and terminates near their east property line. Any suggestion that air and light flow freely through the alley is incorrect. When asked at the ANC hearing to identify the basis for their conclusion, the Applicants' architect offered to provide it but, to our knowledge, never did so (Transcript, Comments 315–319).

As with privacy, Applicants appear to have misconstrued the term "adjacent" to avoid addressing impacts on neighbors across the alley. Given the site-specific facts, it is difficult to understand how properties separated by only 12 feet are not considered adjacent, especially when the Applicants' own east-side yard setback is 14'3" (Docket 3). By any reasonable measure, Jocelyn Street neighbors are adjacent.

No further discussion of light-and-air impacts on alley-facing neighbors appears anywhere in the application. Instead, Applicants repeat the conclusory statement that:

> Adjacent properties will enjoy the same degree of use and privacy as they currently have now… The Applicant has met with both adjacent neighbors and obtained letters of support. (Docket 11)

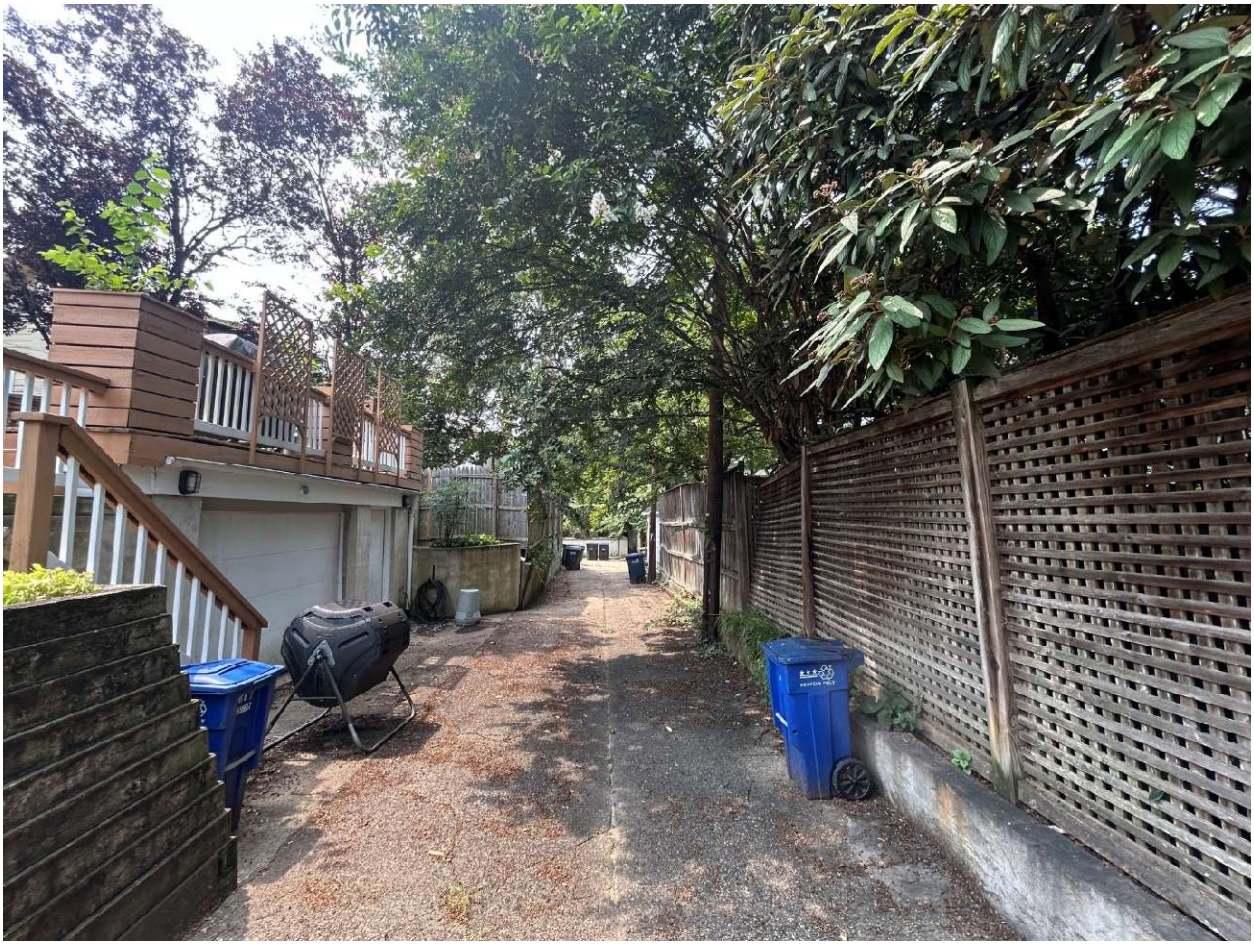
This conclusion is unsupported and ignores the neighbors directly behind the Applicants. Properties separated by 12 feet should have been considered, and yet they were not.

Applicants also failed to disclose the presence of a streetlamp in the alley directly across from the proposed addition and the extended outdoor space. The lamp is less than 12 feet from the Applicants' property line (it sits in the alley) and overhangs the alley. See the photographs below. The addition and its chimney will be positioned near this public infrastructure, and Applicants have not disclosed how close the structure will come to the streetlamp and the existing trees.

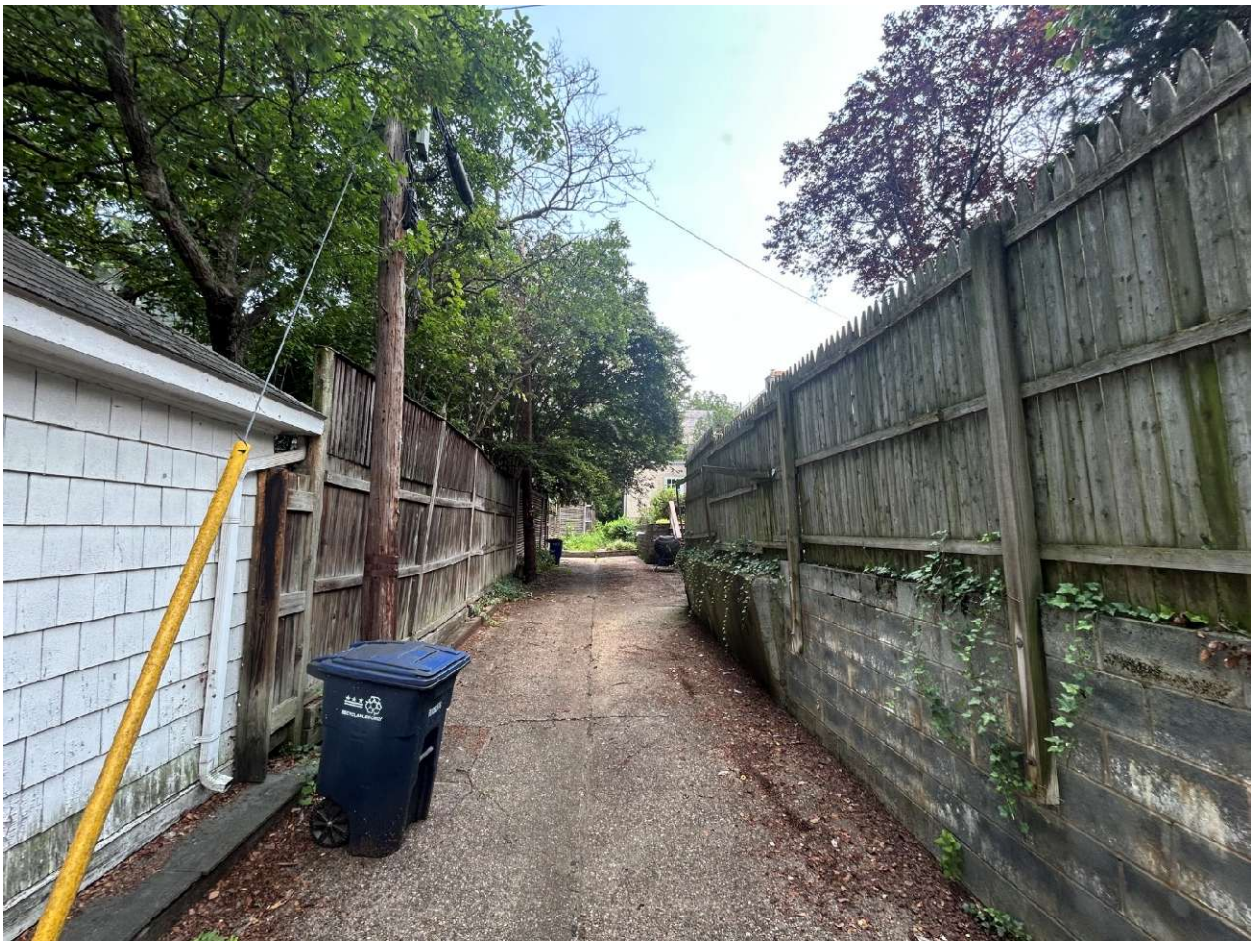
Change to the alley's function and character

As noted, Applicants have not disclosed that the alley is blocked and terminates near their east property line. Their submission materials incorrectly depict the alley as a throughfare. The closure creates a cul-de-sac, which directly affects how the alley functions and how the proposed addition will alter that function. Any meaningful assessment of the project's impact on the alley's

function and character must acknowledge that it is closed. See the photo “Alley facing east” below.



Alley facing west—3814 and 3816 Jocelyn Street on the right



Alley facing east-3814 and 3816 Jocelyn Street on the left

No such discussion appears anywhere in the application.

Applicants also fail to disclose that none of the permanent structures currently abutting the alley are two-story buildings with direct views into neighboring properties. At the ANC hearing, the Applicants' architect implied that the proposed addition's alley-abutting "infringement" was permissible because other structures abutted the alley and that this was common across the neighborhood. Whether other structures infringe on the setbacks is not the standard of review. (Transcript, Comments 166–173, 227–236). As Applicants know, many of the structures along the alley were garages or sheds–low–impact, low-use structures built before current zoning rules. The question for the Board is not whether other structures exist along the alley, but whether the proposed project would cause substantial changes in the alley's function and character. The only assessment Applicant's make is from the perspective of Jennifer Street:

> The proposed single-story ground floor extension is situated at the rear of the property and has been carefully designed to integrate harmoniously with the existing structure. Due to the size and location of the addition it will barely be visible from the street. (Docket 11)

Jocelyn Street neighbors argue otherwise.

The Applicants' architectural plans and elevations (Exhibit 20A) do not specify the chimney height. Based on the drawings, the chimney appears to rise to approximately the existing roofline—about 22'1" above the deck—resulting in an estimated total height of about 29'5" above the alley.

This represents a substantial increase in vertical massing along the alley-facing elevation. Given the alley's narrow 12-foot width, the scale of the proposed structure is even more significant: the addition's height is nearly three times the width of the public space it abuts. The alley is a shared public corridor, not a private buffer. Introducing a two-story habitable structure with large windows and a fireplace fundamentally alters the space's function and character.

We ask the Board to treat Applicants' failure to adequately assess the privacy impacts on rear neighbors as an acknowledgment that the project will cause a clear and substantial loss of privacy. We further ask the Board to treat Applicants' declarative statements about "minimal" impacts on air and light as unsupported and unreliable. Finally, we urge the Board to find that the proposed addition will materially alter the function and character of the shared public space.

Advisory Neighborhood Commission (ANC) Review Deficiencies

The Board should give little weight to the ANC's support for the project (Docket 25). Both the ANC report and the transcript of the May 27, 2026, hearing (attached) show that the Commission conducted no meaningful review of the proposal and instead rushed to a perfunctory vote.

First, the ANC's rationale for its support—based largely on the number of neighbors expressing support—fails to distinguish between neighbors who would experience minimal or no impact and those who would be severely affected. Many supporters on Jenifer Street will not lose privacy or enjoyment of their homes and may not even notice the additions from the street. By contrast, Jocelyn Street neighbors face substantial and permanent impacts. The views of unimpacted neighbors should not carry more weight simply because they may outnumber others. The Commission's failure to differentiate between these groups shows that its decision was not the product of careful evaluation.

The Board should also consider the change in neighbor support since the ANC hearing. As more neighbors have learned about the project's true impacts on neighbors in the alley, several have withdrawn their support or filed objections (Dockets 22, 23, 24, 31, 32). The ANC's claim of broad support is no longer accurate. At least six of the most affected neighbors now oppose the project.

The ANC's rush to judgment is evident in exchanges between Commissioners Carol Grunewald and Lisa Gore. Commissioner Grunewald acknowledged that impacts were unequal and that the Commission lacked sufficient information about impacts on alley-facing neighbors. She proposed gathering more information and holding a future hearing. Commissioner Gore overruled her, stating that no additional information was needed to vote and that discussion time had expired (Transcript, Comments 509–524). The seemingly abrupt conclusion prevented the Commission from further considering the disparate impacts or appropriately weighing support from minimally affected neighbors.

The ANC also failed to consider concerns about a chimney abutting an alley used for trash storage, or how Applicants determined there would be no impact on light and air despite a chimney and more than 12 feet of elevated glass facing neighbors' privacy structures. Nor did the Commission evaluate whether the addition's proximity to an existing streetlight—overhanging the alley at a height comparable to the addition and likely near the chimney—would violate setbacks for public infrastructure.

The Commission did not assess whether the project would change the alley's function or character, even though the plans and neighbors' knowledge of the alley clearly show that no comparable structures exist there today.

It also appears that some Commissioners were unaware of the magnitude of the special exceptions sought. One Commissioner, upon learning that the Applicants intended to use the vast majority the entire rear- and side-yard setbacks, responded, "Wow. Okay." (Transcript, Comments 324–340).

This exchange highlights a recurring and misleading assertion by the Applicants: that because the existing garage deck sits at a 5'10" setback, the addition should be granted the same setback. This is incorrect. A garage and deck are not comparable structures to a two-story habitable structure. The garage sits below privacy structures, is not occupied year-round, has no chimney, and does not include 75 square feet of windows facing neighbors' homes. The deck is used sporadically, not continuously. The Applicants' attempt to equate these uses is flawed, and the Office of Planning appears to have adopted this reasoning in part. The Board must evaluate whether the proposed addition—as located and intended—will have significant impacts.

The ANC hearing also revealed that some Commissioners arrived with predetermined votes, without hearing full testimony or understanding the project's impacts. This again casts doubt on the Commission's careful review. After we expressed concerns about being under constant observation by Applicants ("being in a fishbowl," Transcript, Comment 307), Commissioner Gore advised us to consider privacy window film treatments to mitigate the obvious loss of privacy. Commissioner Gore made this suggestion before testimony had concluded and before other neighbors testified in opposition to the project (Transcript, Comments 355–364). Well before voting, Commissioner Gore openly stated that she would vote for the project regardless: "That would be a mitigating factor [the loss of privacy]… but I would still vote for the project" (Transcript, Comment 361).

Commissioner Gore's statement suggests that some Commissioners may be misapplying a non-existent review standard. Zoning regulations require Applicants to affirmatively demonstrate that their project will not result in a significant loss of privacy. The standard does not turn on whether neighbors might attempt unproven mitigation strategies, as Commissioner Gore suggested she considered when deciding how to vote. Whether privacy could theoretically be "lessened" is irrelevant. The privacy evaluation the Board must undertake should assess the impacts of the proposed plan and its functions as they are, not whether unproven, untried remedies exist. It is unclear from the transcript why Commissioner Gore applied this view, particularly after she

disclosed that she had been unable to stop construction nearby her home and had suffered a loss of privacy.

The ANC also failed to recognize that even partial loss of home privacy is significant. The plans show Applicants' proposed addition will perch above existing privacy structures, with direct sightlines into neighbors' homes. (Transcript, Comments 243-245). As we hope the Board appreciates, surveillance—real or suspected—shrinks personal freedom by altering behavior. When people know they may be watched, they self-censor, avoid certain activities, and change how they think and act. Privacy is essential to living freely. When zoning rules designed to protect privacy are disregarded so easily, their purpose is undermined. If we cannot be free in our own homes, where can we be?

Other than some understanding of Commissioner Gore's rationale, no other Commissioner articulated reasons for their vote on the record or indicated whether they understood the project's impact. Significantly, only one Commissioner (Carol Grunewald) asked the Applicant questions. For us, the ANC hearing felt perfunctory, conducted merely to check a procedural box for the Applicant, and hardly the deliberative body that another Commissioner has since claimed it was (Docket 30).

Deficiencies of the Office of Planning Report (OP)

The OP's report to the Board (Docket 29) contains significant inaccuracies and relies on several specious arguments that call its conclusions into question.

First, OP states that the rear setback minimum is 20 feet, contradicting the Applicants' own representation to the Board that the minimum is 25 feet (Docket 29, p. 1; Docket 3).

Second, OP incorrectly asserts that the existing west-side setback is 2'7". Applicants state the current setback is 8 feet and seek a reduction to 2'7" (Docket 29, p. 1; Docket 3).

Third, the chart in Section III inaccurately reports both existing and proposed setbacks, despite OP noting that the information came directly from the Applicants (Docket 29, p. 2; Docket 3).

Fourth, OP substitutes "5.9 feet" and "2.7 feet" for the Applicants' stated 5'10" and 2'7" setbacks, which are not accurate conversions of those measurements. (Docket 29, p. 2; Docket 3).

Fifth, OP characterizes the Applicants' lot as a "large 5,040 square foot lot," yet later acknowledges that this is only 40 square feet above the minimum lot size (Docket 29, pp. 1–2). An additional 40 square feet is not meaningfully "large," and if the lot truly were, Applicants would not need such substantial incursions into the rear and east setbacks.

While these errors are individually correctable, collectively they reflect a lack of careful review and cast doubt on OP's broader conclusions. As with the Application, OP's assessment of light and air impacts considers only the Jennifer Street neighbors. A reasonable, site-specific understanding of the project plainly includes the Jocelyn Street homes as adjacent. The chimney's placement, directly abutting the alley and near the streetlamp, and the oversized windows alone should have prompted OP to evaluate air and light impacts on the Jocelyn Street

neighbors. For neighbors along the alley, the addition's height and location cannot reasonably be described as "modest" (Docket 29, p. 3).

OP's conclusion that the addition will not alter the character, scale, or pattern of homes is similarly unsupported:

> Along the alley, the proposed massing is consistent with the scale of other rear additions and accessory structures… The project would therefore not unduly affect the character, scale, or pattern of houses along the street or alley. (Docket 29)

This is demonstrably false. There are no two-story structures abutting the alley. No chimneys abut the alley. No structures rise to nearly 30 feet near the alley line. No structures are built above neighbors' existing privacy features. No structures along the alley have 12 feet 6 inches of linear windows that provide unobstructed views directly into neighboring homes. The proposed addition is plainly incongruous with the alley's existing character, scale, and pattern. The alley and rear residential setbacks are purposely zoned for low-impact, low-use spaces that do not function as elevated living rooms with panoramic views and fireplaces. OP's failure to acknowledge these obvious facts further undermines its reliability.

Most striking, however, is OP's superficial reasoning regarding privacy. OP asserts that the enclosed nature of the addition "would reduce, rather than increase, potential privacy impacts" (Docket 29, p.3- 4). This conclusion ignores the site-specific facts, the plans before the Board, and basic common sense.

An enclosed, year-round occupied structure directly across the alley, above existing privacy structures, will allow Applicants to view their rear neighbors day and night, in all seasons and weather. The current 28'1" rear setback (Docket 3) provides meaningful privacy by preventing direct sightlines into neighbors' ground floors. Applicants do not occupy their deck continuously. The proposed addition, however, includes two windows measuring 6'3" by 6', creating 12'6" of elevated, unobstructed glass above existing privacy structures, offering an expansive, protected field of vision into neighbors' homes.

The OP's assessment is even incorrect for neighbors on Jennifier Street adjacent to Applicants on the east side. The Applicants' drawing shows a 16' long wall of glass doors facing the east looking at Jennifer Street neighbors. (Docket 20A, p. 13). Again, an enclosed structure will allow Applicants to view neighbors at any time, day or night, year-round, unlike the occasional use of an outdoor deck. Conceivably, the wall of glass doors will also allow Applicants to view the neighbors at 3814 Jocelyn Street from another vantage point. Clearly, the proposed plan will increase privacy impacts.

Applicants themselves contradict OP's conclusion on privacy. At the ANC hearing, the Applicants' architect acknowledged that interior curtains will "be drawn a fair amount of the time" (Transcript, Comments 302–307), implicitly recognizing the significant privacy impacts the addition will create.

Like the Applicants and the ANC Commission, OP relies on a generalized and incomplete understanding of the project. Its report contains factual errors and superficial reasoning that fail to

account for the real, site-specific impacts. Given these inaccuracies and OP's flawed analysis, the Board should give OP's recommendations little weight.

Summary

Based on the site-specific conditions and reasonable inferences from the project plans, the proposed addition will cause a significant, permanent loss of privacy and materially diminish the enjoyment of our home. Rear neighbors also have a reasonable basis to expect impacts on light and air—impacts the Applicants failed to assess because they adopted an improperly narrow definition of "adjacent" neighbors. Simply asserting "no harm" in the face of credible contradictory evidence does not satisfy their burden.

Applicants have further mischaracterized the project's visual impact by focusing solely on views from Jennifer Street. For those of us living across the alley, the addition's size, height, and proximity to the property line will fundamentally alter the function and character of the shared public space. Approving these special exceptions would set a broader precedent, allowing two-story, year-round occupied structures of substantial height to be built directly against alleys and over existing privacy features, contradicting current zoning expectations of low-use, low-impact functions in this rear area.

While the Applicants may wish to upgrade or expand their home, that desire does not justify imposing significant and lasting harms on neighboring homeowners. No surrounding homeowner should see their privacy, daily enjoyment, freedom of use, or property values diminished simply because another household seeks to remedy limitations they accepted when they purchased their property.

Applicants have not demonstrated that an addition requiring significant deviations from setback requirements will avoid meaningful undue impacts. Neither the ANC Commission nor the OP report can cure the Applicants' failure to meet their burden of proof. The record shows clear and significant impacts to privacy, light and air, and the character and function of the public alley for neighbors to the north. For these reasons, the Board should deny the Applicants' special exception request.

Respectfully,

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Attachment: Excerpt of May 27, 2026, ANC Commission Hearing Transcript, Comments 137-553.