

June 30, 2017

Dear BZA:

I am writing to appeal the Zoning Administrator review approval, which was granted for the redevelopment of 3616 11th St NW on May 2, 2017 and which led to the issuance of an amended building permit on May 26, 2017.

I first had notice or knowledge of the decision being appealed on May 2, 2017.

There was no way for me to have prior notice or knowledge of the decision complained of prior to this date because I could not have foreseen that the Zoning Administrator would allow this "peeping tom" side (roof) deck adjacent to my property and at the property line at all, and particularly without any required setback.

The circumstance under which such knowledge occurred is as follows: During a scheduled meeting at DCRA with code officials to discuss my concerns and objections about the development highlighted in my technical support submitted to DCRA, a Zoning official stated that he had just approved the side deck that day prior to our meeting.

The Applicants proposed north side deck on their 2nd floor roof overlooks 11 south side windows at my property, including windows in bedrooms and bathrooms which are not at-risk and were built with the property more than 100 years ago. This side (roof) deck violates not only zoning codes, but also basic standards of decency.

The original third floor design of this addition was granted a special exception from the BZA. But the plan approved at the BZA did not include this side deck allowed by the Zoning Administrator on the amended permit. This third floor side deck has never been previously considered by the BZA, the Office of Planning or the ANC. Though required, the Applicants have not voluntarily or been compelled by the Zoning Administrator to come back before the BZA with the appropriate modification application, despite this significant design change to the 3rd floor envelope, which clearly adversely impacts the neighboring property. As per the BZA website, "A modification of consequence is a proposed change to a condition cited by the Board in the final order, *or* a redesign or relocation of architectural elements and open spaces from the final design approved by the Board." It cannot be considered a minor modification as one of the material facts upon which the Board based its original approval was that the project would not adversely impact an adjacent property. And this side (roof) deck clearly does.

I have standing to bring this appeal, as I am the owner of an adjoining property, sharing a party wall and foundation with the applicant owners.

As a result of the erroneous approval by the Zoning Administrator, I am not only aggrieved due to privacy issues, but my access to light and air will be effectively and unduly compromised by their decision that violates the zoning code.

The issues on appeal relate to Title 11: Subtitle C: Section 1502.1C1A. And as I have no prior experience in zoning matters, any other subtitles and sections among the more than 1000 pages of Title 11 about which I could not yet or am not yet currently aware that relate to the setback, guardrail, property line, privacy, light and air, which govern this deck and its adjacent placement or removal.

Board of Zoning Adjustment
District of Columbia
CASE NO.19573
EXHIBIT NO.2

This is to request that the BZA hold a hearing to rescind the Zoning Administrator approval of this side (roof) deck and to have the BZA declare this to be a modification of consequence or significance.

At the hearing, I plan to present relevant materials and/or witnesses that will detail and prove my case.

Sincerely,
Nefretiti Makenta
3618 11th St NW
Washington, DC 20010