

**IN THE MATTER of BZA Application No. 19593
Washington DC**

**Party-in-Standing Patton's Opposition to Applicant No. 19593 Shade Study and
Motion Requesting a Copy of Applicants Model**

COMES NOW, Charlene Patton, (hereinafter, '**Patton**') by and through counsel, and in support of her Opposition to Applicant No.19593 shade study (hereinafter, "**EG study**") and motion requesting a copy of Applicant's Model and/or dimensions and states:

1. On or about February 14, 2018, Applicant and Attorney Griffin, filed a shade study (Ex. #63-66) in support of his application for a special exception.
2. There are numerous errors and misrepresentations in EG study, rendering the study unreliable and misleading, all of which may be resolved if Patton is provided a copy of Applicant's model.
3. EG study falsely and incorrectly models Patton's residence, showing one west-facing window on Patton's property. There are in fact four west-facing windows, two north facing windows and a north facing door, all of which will substantially and detrimentally be affected if Applicant's proposed addition is granted (see Attachment 1 and compare Griffin Ex. 64 pp. 3-4).
4. EG study falsely and incorrectly models 1228 North Carolina Ave., NE (hereinafter "1228") by depicting the east edge of 1228 property line as being flush with Patton's west side property line. In actuality, there is 8'8" (exterior wall, face-to-face)¹ between Patton's house and 1228. EG study misrepresents the extent of the space between the house and leads to the false conclusion that that there is very little air, light and space currently existing, which in turn leads to the equally false conclusion that the proposed addition will not significantly affect Patton's right to privacy, light and air (See Attachment 2).
5. EG study falsely and incorrectly models Patton's side yard as an extremely narrow sliver of land. EG study fails to depict that there are two north facing windows and a north facing door which opens to the side yard. EG study fails to depict Patton's side yard is 4'6" (wall centerline to centerline). EG study misrepresents Patton's side yard and gives the impression that the side yard is a cramped, unusable piece of property, already quite hedged in by the building at 1228, and already compromising Patton's privacy, light and air rights. Furthermore EG study seems to suggest that granting applicants request would have a minimal impact since Patton's air, light, access to sun and view of the sky is already compromised.
6. EG study seems to significantly increase and misrepresent the size and mass of 1228, to wit: 1228 appears much bigger and wider than it actually is and gives the false impression that there is currently very little privacy, light and air available for Patton's enjoyment and well-being.

¹ All measurements indicated herein were measured via laser tape measurer; were originally measured twice (December, 2017); and were recently re-measured (February, 2018) to ensure accuracy.

7. EG study seems to falsely and incorrectly model the 1228 residence width differently from width of the Applicant's property. In reality, rear width of 1228 is 11' 10" (interior wall, face-to-face) and Applicant's property 12' 2" (interior wall, face-to-face). However EG model, as it relates to the rear of both dwellings, gives the false impression that 1228 is wider than applicant's property, and incorrectly suggests that it is so wide that it currently prevents the availability air light and space for Patton's enjoyment and well-being.

8. Patton has retained engineers, who originally surveyed and measured the properties in December, 2017. After reviewing EG study, the engineers returned to the site and surveyed, measured and re-measured the properties in question at a significant cost to Patton and all done in an effort to resolve discrepancies before filing this motion.

9. Patton has attached her model showing measurements and scale for review in conjunction with the review of Applicant's model (Attachment 3).

10. The modeling errors make the actual shade data unreliable. However, Patton is hopeful that a review of the underlying data and/or measurements will enable the parties to quickly and easily resolve the identified discrepancies.

CONCLUSION

WHEREFORE, PATTON RESPECTFULLY REQUESTS that the BZA consider and grant this motion, without a hearing, and enter an order directing Applicant to provide to Patton, through her counsel, a copy of the model or other documentation which will permit counsel to review the measurements and examine the scale used in creating EG study. Further, Patton respectfully requests that the BZA direct Applicant to produce and transmit such documentation immediately, specifying a date certain, when the documentation must be provided, which would permit the parties to resolve any existing errors in EG study in an efficient and speedy manner and not cause any delay to these proceeding.

February 20, 2018

Charlene Patton

/s/ Denise Pitts

By Denise Pitts, Counsel for Mrs. Patton
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Certificate of Service

I, Charlene Patton, by and through counsel, do hereby swear that on the 20th day of February, I emailed a true copy of this Motion to the distribution list below, that a true copy of this Motion was mailed to Applicant at his address of record via USPS first class mail..

February 20, 2018

Charlene Patton

/s/ Denise Pitts

By Denise Pitts, Counsel for Mrs. Patton

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