

Marie Drissel and R. Curtis Bristol, MD
2135 Bancroft Place, NW
Washington, D.C 20008
202-797-0832

Mr. Lloyd Jordan, Esq
Chair, Board of Zoning Adjustments
Mr. Clifford Moy, Secretary
Board of Zoning Adjustments
441 4th Street, NW Suite 200S
Washington, D C 20001

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July 26, 2012

Re: BZA Application No 18398, 2130 Bancroft Place, NW
Request by the ANC for postponement of September 18, 2012 public hearing

Dear Chairman Jordan and Secretary Moy,

The purpose of this cover letter is to request a postponement of the public hearing scheduled date of September 18, 2012. I am attaching our request for party status, Form 140, in the above referenced case

The reason for the request is that the applicants through their attorney asked the Commissioners of ANC 2D to postpone their vote at the duly scheduled and noticed public meeting on June 18, 2012. The applicants did request to make their legal and architectural presentations as planned at this meeting but asked for no vote. The applicants have not given us an update and we have no idea if the plans will be amended and presented at the next scheduled ANC meeting on September 10, 2012. We are opposed to the present plan which was presented on June 18. We have attached a letter dated July 23, 2012 signed by Chair ANC 2D David Bender outlining their reasons for their request for postponement.

We believe that we will not have sufficient time between September 10 and September 18 to prepare our case. We are also currently interviewing potential attorneys to represent us

Should you have any questions, we can be reached 202-210-0832 (cell).

Sincerely,



Marie Drissel



R. Curtis Bristol, MD

Attachments: Party Status Form
ANC 2D request for postponement dated July 23, 2012

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18398

EXHIBIT NO.

24



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 140 - PARTY STATUS REQUEST

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name: Marie Drissel and Raymond Curtis Bristol, MD
Address: 2135 Bancroft Place NW
Phone No(s): 202-797-0832 / 202-210-0832 E Mail: marie.drissel@verizon.net
Signature: Marie Drissel / Raymond Curtis Bristol Date: 18398 (2130 Bancroft Pl NW)
7/25/2012
Will you appear as a(n) ☒ party ☒ opponent Will you appear through legal counsel? ☒ ☐

If yes, please enter the name and address of such legal counsel.

Name: interviewing attorneys
Address:
Phone No(s): E Mail:

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness (Zoning Commission only);
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (Zoning Commission only); and
4. The total amount of time being requested to present your case (Zoning Commission only).

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

Form 140—Party Status Request Continuation
Bristol/Drissel
2135 Bancroft Place, N W , Washington, D C 20008

Party Status Criteria

- 1 How will the property owned or occupied by such a person, or in which the person has an interest, be affected by the action requested of the Commission/Board?**

Answer Our property is directly across the street from 2130 Bancroft Place, NW. The issue of occupancy uniquely impacts us. We will lose the enjoyment of a garden which can be seen and enjoyed from our ground floor and each of 4 floors. The coverage increasing from 64% to 88% involves the front, connection on the adjacent properties and the rear of the property. We have a direct interest in the major change to this property which we have lived across the street for 33 years.

- 2. What legal interest does the person have in the property?**

Answer We are property owners having bought this house in June 1979.

- 3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board?**

Answer We are approximately 68 feet from the applicant's property.

- 4. What are the environmental, economic or social impacts that are likely to affect and/or person's property if the action requested of the Commission/Board is approved or denied?**

Answer If the applicant's variance request is approved, there will be several negative impacts. The environmental impacts are that green space will be completely destroyed. It is this green space which we have the unique enjoyment of from outside in front of our property and inside of our home from all floors. We for example feel the air circulation through this property and the canopy of a 50 year old magnolia tree which can be viewed from our front lawn. We believe that the present configuration of this property adds to the value of our property and that the new proposed plan will decrease the value. The social impact is that this property is totally unique to our block and neighborhood because it stands out as a one of a kind ballroom. It is really a moment of incredible surprises when one is educated or informed of its history. The history should be preserved and coverage kills this uniqueness and qualifies as such as a negative social impact brought on by a major request for variance in zoning.

- 5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved?**

Answer As a native Washingtonian who was born and raised in Petworth in a similar row arrangement of homes I am worried about the precedent this will set. We also had small garden with a garage about 15 to 20 feet from the house. If a second story was built on it and then an enclosure of the entire property by connecting the

Form 140—Party Status Request Continuation
Bristol/Drissel
2135 Bancroft Place, N W , Washington, D C 20008

front new top floor to the back new floor we deeply concerned that we will be affecting the overall coverage of neighborhoods dominated by row houses

6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Answer We have a unique view of this home and a unique view of how the zoning change will affect our living from the second, third, fourth and roof deck levels It is a significant change at all levels of our home and distinguishes us from other persons in the general public We also have known all owners of this house and have been inside it after its several renovations We know the details of its modern living and are in a unique position to know whether or not the owners are meeting the heavy burden of proof to overcome the major variance request The arguments presented by the new owner need counter arguments by those who know this house intimately and can describe its use over time up to the present day

assistance in delaying this hearing so that the Commission might properly act upon this application at its September 10th meeting and to have adequate time to inform the Board of Zoning Adjustment of our action. This will also assist the residents in presenting their reactions, to both the applicant and the Commission, in a timely manner.

We are writing this letter to ask for a postponement of the scheduled BZA public hearing of this variance application now scheduled for September 18. The regulations pertaining to ANC require that Form 129 be completed and submitted more than 7 days prior to the BZA meeting. We will not be able to have an evening meeting on September 10, have the Form completed and filed at the BZA in more than 7 days prior to September 18, 2012. After Mrs. Prince makes a new or the same presentation on September 10, we need time to carefully complete the form, sign it and have it delivered to the BZA.

Should you have any further questions, please feel free to contact Eric Lamar, ANC Commissioner 2D02, 2122 California Street, NW, Unit 62, Washington, DC 20008 . As always we are most appreciative of your continued assistance and look forward to receiving a response to this request.

Sincerely,



David R. Bender, ANC Commissioner 2D01
Chair/Secretary ANC 2D
2126 Connecticut Ave., NW
Unit 34
Washington, DC 20008

cc: Allison C. Prince, esq., Goulston & Storrs
Melinda Bieber and Norman Pozez, 2132 Bancroft Place, NW
Deb Carstens, 2128 Bancroft Place, NW
Marie Drissel and R. Curtis Bristol, 2135 Bancroft Place, NW
Jeffrey and Marlis Carter, 2131 Bancroft Place, NW
Kindy French, Sheridan-Kalorama Historical Association, 2330
California Street, NW
Lindsay Killick, Trustee, 2128 Bancroft Place, NW
Eric Lamar, 2122 California Street, NW, Unit 62

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Sheridan-Kalorama
Advisory Neighborhood Commission 2D

July 23, 2012

Mr. Lloyd Jordan, Esq
Chair, Board of Zoning Adjustments
Mr. Clifford Moy, Secretary
Board of Zoning Adjustments
441 4th Street, NW Suite 200S
Washington, D.C. 20001

Re: BZA Application No. 18398, 2130 Bancroft Place, NW
Request by the ANC for postponement of September 18, 2012 public hearing

Dear Chairman Jordan and Secretary Moy:

At a duly scheduled and noticed public meeting of ANC 2D held on June 18th, at which a quorum was present, the official agenda included a presentation by the attorney and architect representing Kenneth and Ellen Marks concerning their variance request. Mr. Marks was in attendance. At this meeting, we intended to hear the architectural and legal presentations and vote in support or in opposition of the proposed plan. It is our practice to not schedule ANC meetings in months of July or August.

At the beginning of her presentation Mrs. Allison Prince, attorney representing the applicant, asked that the ANC postpone its vote due to the fact that they had recently learned of some opposition to the plan. It was made clear to the applicant and the residents present that the next scheduled ANC meeting was September 10 and once again gave them the opportunity to have the vote taken at the June meeting. Mrs. Prince reiterated their desire to make the presentations but to have the ANC vote postponed. Following their presentation there was an exchange of comments/reactions to the proposed changes to the property.

Following the request of the applicant to postpone any action by the ANC, it was anticipated by the residents and the Commissioners, that the applicant would be requesting a postponement of the scheduled September 18th BZA hearing. Since this has not occurred, it is our purpose to seek your