

Norman R. Pozez and Melinda Bieber
2132 Bancroft Place, N.W.
Washington, D.C. 20008
(202) 667-9441

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

RECEIVED
D.C. OFFICE OF ZONING
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RL

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,

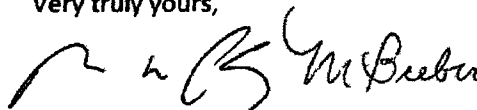
I am attaching our request for party status, Form 140, in the above referenced case. The purpose of this cover letter is to request a postponement of the public hearing prior to scheduled date of September 18, 2012.

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 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 at 202-667-9441.

Very truly yours,



Norman R. Pozez and Melinda Bieber

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. 25



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

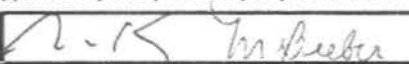


FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

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:	Norman R. Pozez & Melinda Bieber		
Address:	2132 Bancroft Place, NW Washington, DC 20008		
Phone No(s).:	202-667-9441	E Mail:	npozez@uniwestco.com melbieber@gmail.com
I hereby request to appear and participate as a party in Case No.:		18398 (2130 Bancroft Place, NW)	
Signature:		Date:	July 18, 2012
Will you appear as a(n)	☐ Proponent ☒ Opponent	Will you appear through legal counsel?	☒ Yes ☐ No

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

Name:	Currently in process of hiring counsel.		
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.

Person vs. Party in a Proceeding

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, submit a Motion for Reconsideration or Rehearing, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

INSTRUCTIONS

Any request for party status as provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, not less than fourteen (14) days prior to the date set for the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W., Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 * (202) 727 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

FORM 140 – PARTY STATUS REQUEST

POZEZ/BIEBER

PARTY STATUS CRITERIA:

- 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?**

We live next door to 2130 Bancroft Place, NW Our address is 2132. We bought our home on December 5, 1985
The proposed zoning action will impact our property as much, if not more, than any other in our neighborhood

- 2. What legal interest does the person have in the property? (i.e., owner, tenant, trustee, or mortgagee)**

We are the property owners

- 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.)**

We share a party wall.

- 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?**

- Structural Damage - From jack hammering, affixing support (from building additional stories to front and back buildings) and water proofing to party wall, tearing roots out from demolition of the magnolia tree
- Water Infiltration - The gutter of the conservatory/greenhouse is against the party wall It just took years to correct a problem with moisture and mildew caused by 2130
- Noise Pollution - From construction and new condensing units on their two new proposed rooftops One will be adjacent to our outdoor terrace and the other adjacent to our roof deck seating area
- Dust Pollution - Created by demolition and construction
- Access and Parking Issues - For all of us due to cranes, delivered materials, dumpster, etc blocking the alley or street There is no staging area
- Destruction of Green Space - We and the surrounding neighbors have derived a great deal of pleasure over the years from the beautiful foliage of 2130's garden We now get to enjoy from our kitchen window, terrace and roof deck the magnificent magnolia tree It's waxy, dark leaves and huge white fragment flowers create a wonderful habitat for many species of birds
- Social Impact - 2130 is unique in our neighborhood because it used to be the ballroom for 2128 It's one of a kind
- Economic Impact – We believe that our property will be devalued due to the proposed, radical changes

- 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.**

If approved we believe that a horrible precedent will be created for our neighbors and the entire city for the following reasons

- Excess Lot Coverage – By adding on to both buildings and creating an interior space, covering the garden with a glass structure, seems excessive
- Elimination of open space
- Scenic views will be compromised
- Façade Easement Violation – Le Enfant Trust Easement – Even if the new front façade is set back, it seems to contradict the spirit and intent of the easement
- Need – It is my understanding that the Owners must show a compelling need for their proposed construction project in order to obtain a variance to zoning What is the critical need?

- 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**

Living next door will impact us the most We will have the burden of living next to the construction for an extended period of time Once, completed the project will impair our property in a major way, that in our opinion is avoidable and unnecessary