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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

July 23, 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,

I am attaching my 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. I am opposed to the present plan which was presented on June 18. I have attached a letter dated July 23, 2012 signed by Chair ANC 2D David Bender outlining their reasons for their request for postponement.

I believe that I will not have sufficient time between September 10 and September 18 to prepare my case. I am also currently interviewing potential attorneys to represent me

Should you have any questions, I can be reached via email at carstens55@gmail.com

Sincerely,

Deborah Carstens

Deborah Carstens

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. 26



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:	Deborah G. Carstens		
Address:	2128 Bancroft Place NW, Washington DC		
Phone No(s):	602 363 5801	E Mail:	carstens55@gmail.com
Signature:			Date:
			18398 (2130 Bancroft Pl NW)
			7-19-12
Will you appear as a(n)	☐	☒	Will you appear through legal counsel?
			☒ ☐

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

Name:	pending		
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

CARSTENS/ BANCROFT IRREVOCABLE TRUST 2011

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?**

Our home is next door at 2128 Bancroft We will be severely affected visually, economically, possibly structurally

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

Deborah purchased the home in 2007 After 5 years of enjoyable use by herself and her family, she transferred title to an Irrevocable Trust naming her daughter and two granddaughters as beneficiaries, so that her family is assured use and ownership of the property for generations Deborah is now a tenant

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

2130 was previously the ballroom for our home, we share an interior wall. Additionally, in the garden area, we share a slated wooden fence which sits on or near the property line

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

If all variance requests are DENIED, which we hope, our property will remain beautiful and serene, nor will there be any adverse economic affects.

If the addition of the 2nd story on the garage is approved, we will be suffer a loss of sunlight into all four ground-floor rooms of our home. Rather than looking at greenery and open space, we will look at the side of a building

If the addition of a 2nd story on the front façade is approved, we will feel the negative effects of a year of construction and possible structural damage to our adjoining interior wall.

If all the mature trees and plants in the garden area are allowed to be ripped out and replaced by a glass room, the loss of beauty and serenity is incalculable

If any or all of the changes are approved, it will devalue our property's sale and rental value, to the point that we would ask for reassessment of our property tax, which is one of the highest in the area.

- 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.**

The immediate neighborhood is opposed because the requested changes are large and are permanent Almost every house on our block of Bancroft enjoys the protection of L'Enfant Conservation Easement Our hope is that the new owners of 2130 will honor and enjoy the benefits of living in a neighborhood protected by historic easements These easements were in-place when the property was purchased by the Marks. If BZA or any other governing entity allows these restrictions to now be ignored or 'governed' away, the charm, beauty and historic aspects of Sheridan-Kalorama will diminish

More importantly, others will wonder why they voluntarily gave away certain rights and agreed to self-restrictions on their own property, if others can come in and ignore or circumvent the rules.

- 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 we have a beautiful view of the adjoining garden with its mature landscape, fountain, open space and sunshine. We have a patio-deck that runs the length of the garden area. We have 5 windows and 2 glass French doors that bring in sunlight and the beauty of the neighboring greenery. The current configuration is beautiful and intrinsically valuable. We have yet to hear a compelling reason why this lovely property should be altered.

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.

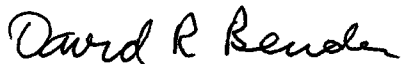
Following the request of the applicant to postpone any action by the ANC, it was anticipated by the residents and the Commissioners, that the applicant would be requesting a postponement of the scheduled September 18th BZA hearing. Since this has not occurred, it is our purpose to seek your

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