



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:	L. Palmer Foret		
Address:	5069 Overlook Road, NW, Washington D.C. 20016		
Phone No(s):	(202) 363-7480	E Mail:	LPForet@Foretlaw.com
I hereby request to appear and participate as a party in Case No.:		18543	
Signature:	[Signature]		Date: 4/12/13
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.

		BOARD OF ZONING ADJUSTMENT District of Columbia	
Name:		CASE NO.	18543
Address:		EXHIBIT NO.	23
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.

EXHIBIT NO.23

RECEIVED
D.C. OFFICE OF ZONING
2013 APR 12 AM 11:30

L. Palmer & Mari Tuma Foret are the residents, and owners as tenants by the entirety, of 5069 Overlook Road. They will each testify as witnesses. 5069 is the property bordering on the north side of the applicant property located at 5063 Overlook Road. The distance between the two properties is they border upon each other. As the Application for Special Exception states, if one looks at the applicant property from the front, 5069 is located to the left. The special exception, if granted, will have a substantially adverse effect on the use and enjoyment of the 5069 property in violation of 11 DCMR §§ 3104 & 223, including environmental, economic, social, and other impacts. The interests of the 5069 residents/owners are more significantly, distinctively, and/or uniquely affected in character or kind by the proposed special exception than that of other persons in the general public because 5069 borders on the side of the applicant property where the structure, that is the subject of the Application, is proposed to be built, and 5069 has a direct sight line of said structure.

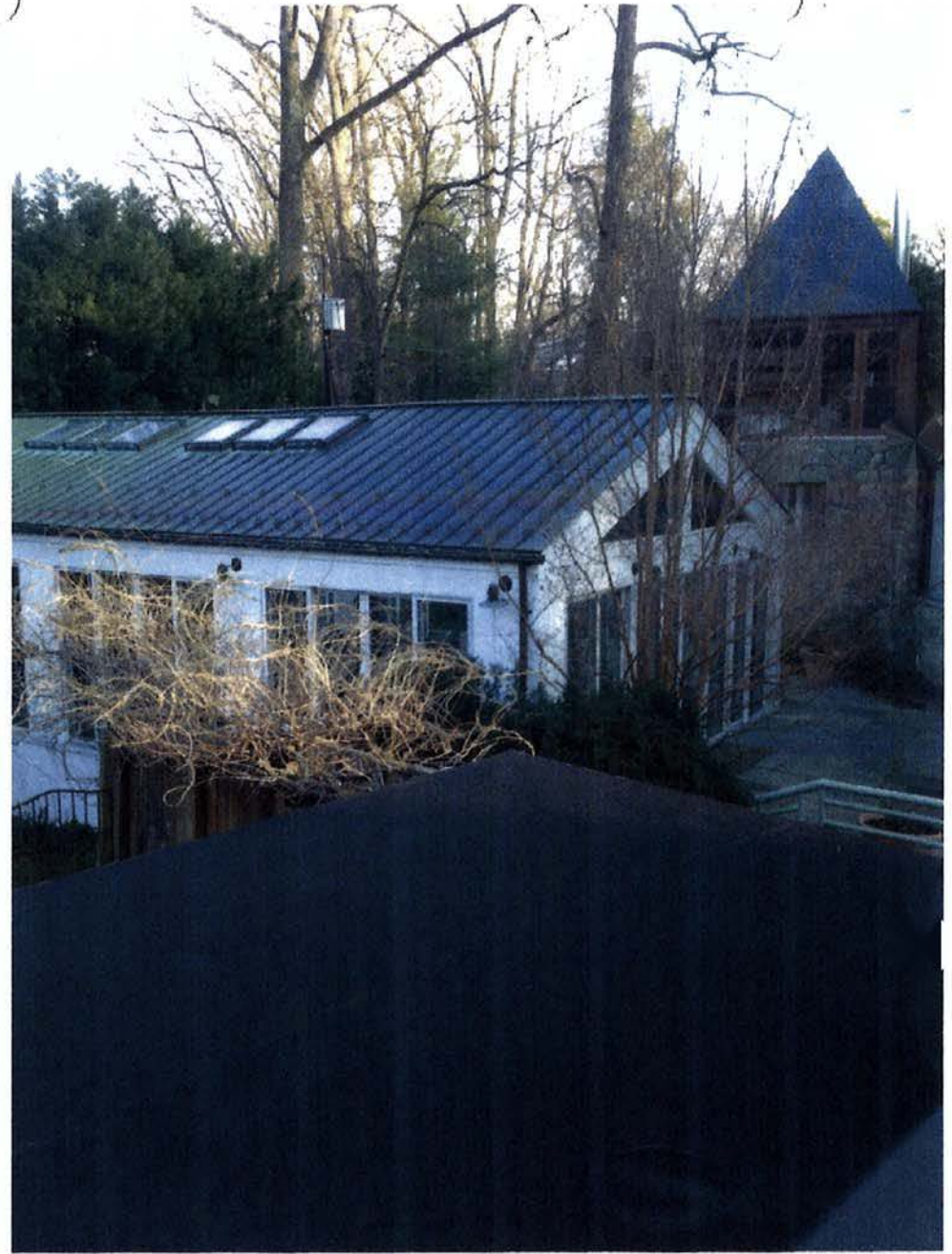
First, the Application several times states that the proposed special exception will not affect the light and air available to, nor the privacy of use and enjoyment of, the 5069 property because it is not visible from any window in said home. This is absolutely false. Attached are four photographs [Exhibits 1-2], taken from four different windows in the 5069 home, each clearly showing the area where the special exception building is proposed. Said building takes away the last remaining "sight line" that allows some resemblance of a view from the 5069 home towards the applicant's rear yard that does not contain concrete, stone and/or glass. The addition already made to the applicant property main building has removed most of the backyard. The pool house is almost on the property line, sitting only 22 inches away. The proposed special exception building would become "the straw that breaks the camel's back" in terms of removing this remaining site line. This aspect of the proposed special exception violates 11 DCMR §§ 223.2 (a) [light and air] & (b) [privacy of use and enjoyment].

Second, there may be a significant discrepancy regarding the lot occupancy of the applicant property. As an example, attached to the initial Application for the Special Exception is the 1/24/13 Memorandum from the Zoning Administrator, which include the Notes and Computations regarding lot occupancy. Those concluded that the lot occupancy was 32%. The Zoning Administrator's Revised Memorandum of 4/2/13 calculates lot occupancy at 38%. The structure dimensions provided on the Wall Test Report approved on September 10, 2010 [Exhibit 3] are different than those on the plat submission approved on December 4, 2012 [Exhibit 4]. If a current wall test report is done, those measurements may differ from the December 4, 2012 plat submission, resulting in lot occupancy greater than the allowable 40%. This would cause substantial visual intrusion upon the character, scale and pattern of houses along the subject street frontage in violation of DCMR § 223.2 (c).

Finally, if the special exception is granted then the owner of 5063 may develop said property in ways not currently allowed under D.C. zoning law. The pool house is currently an accessory structure which is presumably the reason it is only 22 inches from the 5069 property. The special exception, if granted, would convert the pool house into the principle structure since it would then be connected with the main house. The owner of the applicant property could then tear down the pool house and build a new three story structure to the maximum height of 40 feet. This would be a major disruption to the use and enjoyment of 5069, particularly since such an addition would be only 22 inches away. This is of particular concern because during the recent renovation of the applicant property, many changes were made to the initial proposed building plans, resulting in a structure that is nonconforming and out of place with the rest of the homes in the neighborhood.



view from family room



view from bedroom #1



view from bedroom #2, window 1



view from bedroom #2, window 2

DISTRICT OF COLUMBIA GOVERNMENT
Office of the Surveyor

J.E.S.
8/26/10

Wall Report for: SQUARE 1430 LOT 6

Scale: 1 inch = 20 feet Recorded in Book 188 Page 72

S.O. SEAL

S.O. Receipt No: 50-00743

Received by: [Signature]
SURVEYOR, D.C.

Date: September 10, 2010

REGISTERED LAND SURVEYOR'S CERTIFICATION

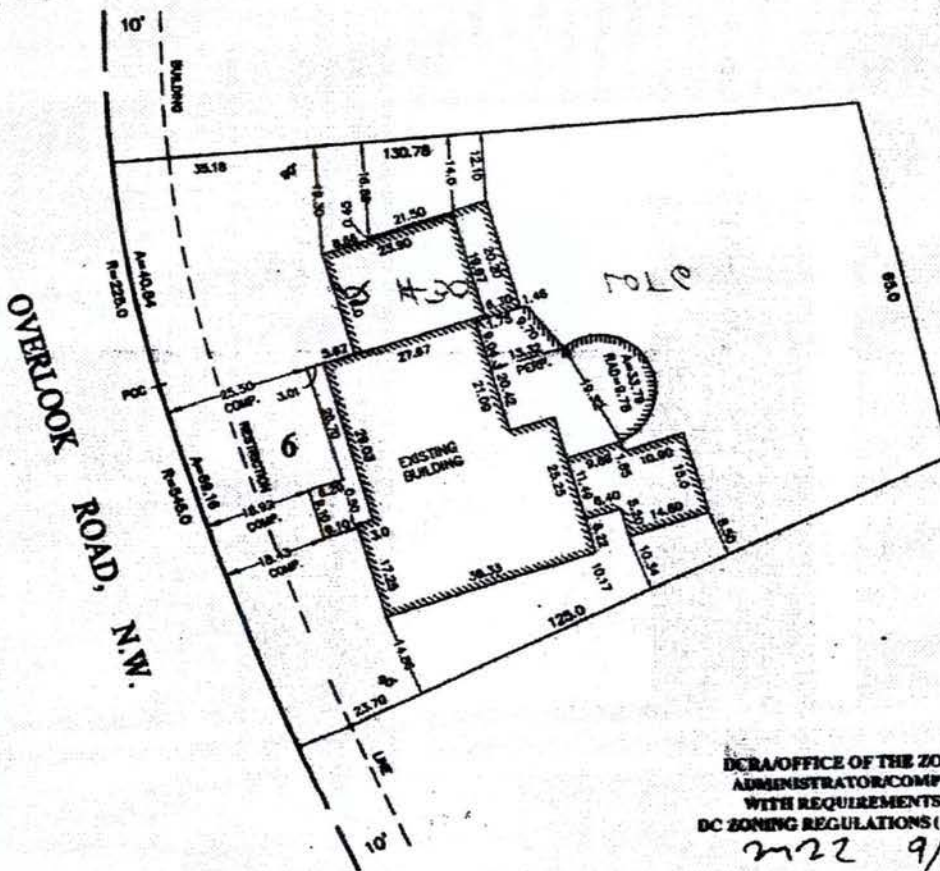
I certify that the wall locations shown herein have been determined by me or under my direction, in accordance with Chapter 28 of Title 10 DCMR, and that I have not engaged in the construction layout of this site.

[Signature]
Signature
9/7/2010
Date

RLS SEAL



WALL TEST REPORT



DCRA/OFFICE OF THE ZONING
ADMINISTRATOR/COMPLIES
WITH REQUIREMENTS OF
DC ZONING REGULATIONS (11DCMR)

m22 9/15/10

STONE WALLS
LOCATED

Blumberg No. 5118

EXHIBIT
3

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., November 1, 2012

Plot for Building Permit of SQUARE 1430 LOT 6

Scale: 1 inch = 20 feet Recorded in Book 182 Page 72

Receipt No. 13-00577

Furnished to: MORGAN WELCH

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly plotted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plans as shown hereon are drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

[Signature]
Surveyor, D.C.

Date: 12/4/2012

[Signature]
(Signature of owner or his authorized agent)

By: AS. *[Signature]*

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

