
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:	Gary B Garofalo		
Address:	5132 Rockwood Parkway NW Washington DC 20016		
Phone No(s):	202-776-3970; 202-244-6816	E Mail:	ggarofalo@ggh-airlaw.com
I hereby request to appear and participate as a party in Case No.:		18543	
Signature:			
Date:	April 16, 2013		
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:	George R. Keys, Jr.; Jordan & Keys PLLC		
Address:	910 17th Street NW, Washington, DC 20006		
Phone No(s):	202-483-8300	E Mail:	gkeys@jordankeys.com

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? See Exhibit A to this Request.
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) See exhibit A to this Request.
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.) See Exhibit A to this Request.
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? See Exhibit A to this Request.
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. See Exhibit A to this Request.
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. See Exhibit A to this Request.

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.

Board of Zoning Adjustment
District of Columbia
CASE NO. 18543
EXHIBIT NO. 25

Exhibit A

To

Request of Gary B. Garofalo for Party Status in Case # 18543

Answer to Question #1 under "Party Status Criteria"

At the present time, the 1-story pool house, which will be connected to the main house by the proposed addition, i.e. the enclosed breezeway, "sits" on my rear property line, which slopes upward from my house. Several years ago, we took steps to oppose construction of the pool house to no avail. We were informed after informal discussion with BZA staff that a building qualifying as an "accessory structure" could be constructed on 5063 Overlook Rd. NW with no setback from my property line—which occurred.

In an effort to minimize the intrusion of this massive structure into our living space, we spent approximately \$10,000 to plant Leyland Cyprus trees in an effort to "wall off" the pool house structure from our yard and preserve our use and enjoyment of the backyard.

We are now advised that the special exception requested by our neighbor, if granted, will result in the main house and pool house being considered as a single structure, which will afford the property owner (currently Mr. Balcer), as a matter of right, to substantially increase the height of the pool house.

Answer to Question #2.

I own 5132 Rockwood Parkway NW jointly with my wife.

Answer to Question #3.

The distance from my property to the closest point of the proposed addition (i.e. the enclosed breezeway) connecting the house to the pool house is approximately 53 feet. The distance from my property line to the pool house itself ranges from one (1) foot to approximately 3 feet.

Answer to Question #4.

BZA approval of the addition of the proposed breezeway, which would then provide the property owner (Mr. Balcer and any successor) a right to substantially increase the height of what was previously an accessory building would have a negative impact on the value of my property at 5132 Rockwood Parkway.

Answer to Question #5.

See Answer to Question #1.

Answer to Question #6.

See Answer to Question #1. In addition, I am the only property owner whose property abuts the Applicant's rear yard and is directly affected by the right to increase the height of the pool house if BZA approval of the Special Exception is granted.