

ATTACHMENT 3

List of Appellants and Statement of Representation

Appeal of Building Permits – Attachment 3
List of Appellants and Statement of Representation
Page 1

Names and addresses of organizational Appellants

Advisory Neighborhood Commission (“ANC”) 3/4G
Chevy Chase Office
5601 Connecticut Avenue, NW
Washington, DC 20015

5333 Connecticut Neighborhood Coalition (“5333CNC”)
P.O. Box 42023
Washington, DC 20015

Names and addresses of individual Appellants

NAME:

ADDRESS:

Jean G. Wittig	3740 Kanawha St. N.W., Washington, DC 20015
Richard Graham	3738 Kanawha St. N.W., Washington, DC 20015
JoAnna L. Graham	3738 Kanawha St. N.W., Washington, DC 20015
Daniel S. Greenberg	3736 Kanawha St. N.W., Washington, DC 20015
Wanda J. Reif	3736 Kanawha St. N.W., Washington, DC 20015
John F. Cooney	3735 Kanawha St. N.W., Washington, DC 20015
Elizabeth Kimball	3735 Kanawha St. N.W., Washington, DC 20015
Mariela Eberhardt	3734 Kanawha St. N.W., Washington, DC 20015
Lewis F. Smith	3733 Kanawha St. N.W., Washington, DC 20015
Priscilla Skillman	3733 Kanawha St. N.W., Washington, DC 20015
Franz Le Lesle	3732 Kanawha St. N.W., Washington, DC 20015
Vanessa Le Lesle	3732 Kanawha St. N.W., Washington, DC 20015
Thomas J. Beckman	3731 Kanawha St. N.W., Washington, DC 20015
Edith S. Levine	3731 Kanawha St. N.W., Washington, DC 20015
Susan Peterson	3730 Kanawha St. N.W., Washington, DC 20015
Archie V. Alexander	3730 Kanawha St. N.W., Washington, DC 20015
Anil Kumar Venkatenamiah	3726 Kanawha St. N.W., Washington, DC 20015
Suzanne Wethered	3726 Kanawha St. N.W., Washington, DC 20015
David Hollar	3717 Military Rd. N.W., Washington, DC 20015
Susan B. Hollar	3717 Military Rd. N.W., Washington, DC 20015
William J. Lenyk	3715 Military Rd. N.W., Washington, DC 20015
Elizabeth H. Lenyk	3715 Military Rd. N.W., Washington, DC 20015
Roger Reith	3713 Military Rd. N.W., Washington, DC 20015
Robert Gordon	3711 Military Rd. N.W., Washington, DC 20015
Leila Gordon	3711 Military Rd. N.W., Washington, DC 20015
Mark J. Ruggieri	3709 Military Rd. N.W., Washington, DC 20015

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Stephani Ruggieri	3709 Military Rd. N.W., Washington, DC 20015
Linda A. Strachan	3708 Military Rd. N.W., Washington, DC 20015
Peter J. Donahue Jr.	3707 Military Rd. N.W., Washington, DC 20015
Angela N. Donahue	3707 Military Rd. N.W., Washington, DC 20015
Marilyn J. Holmes	3700 Military Rd. N.W., Washington, DC 20015
Joseph E. Cicero	5310 Connecticut Ave. N.W., Wash., DC 20015

Description of Appellants' interests

Appellant ANC3/4G is a District of Columbia Advisory Neighborhood Commission, established under provisions of Section 1-207.38 of the District of Columbia Code. The subject property is located within the established boundaries of ANC3/4G. By Resolution adopted at a regular public meeting on April 8, 2013 (attached), the ANC formally expressed its disagreement with the decision under review and resolved to prosecute this appeal. Under the provisions of Section 1-309.10 (d)(3)(A), the DCRA and this Board are required to give "great weight" to the "issues and concerns" expressed by ANC3/4G.

Appellant 5333 Connecticut Neighborhood Coalition ("5333CNC") is an unincorporated membership association with over 500 members, individuals 5333CNC's members reside in the immediate neighborhood of the property on Military Road, Kanawha Street, or Connecticut Avenue, and include the 32 individual appellants who reside within 200 feet of structure the permits for which are challenged here. These members will be directly affected by the proposed development at 5333 Connecticut Avenue and are concerned about its impact of the quality of life in their neighborhood, the health of neighborhood residents, and the value of their property.

Members of 5333CNC are more aggrieved than the general public because the height, density, permit plans and FAR of this building exceed zoning regulations and unlawfully intrude into public space. This building, if approved despite non-compliance with zoning law, will have a serious adverse impact on the use and enjoyment of members' homes.

In addition, 5333CNC members' homes and the community in general are more aggrieved than the general public because their homes will be subject to light and noise pollution from this building. The development will result on significant traffic congestion on neighborhood streets, compromised pedestrian safety, and parking problems from its use of side streets and public alleys. These members will all be significantly more impacted than the general public by the traffic and noise during construction.

Those members (and individual appellants) who reside within 200 feet are more aggrieved than the general public because (1) many members' houses abut the ten-foot-wide alley, now in poor condition, which barely accommodates the city's trash trucks, let alone fire trucks, and which will experience significantly more traffic activity both during construction and throughout the life of the proposed building, (2) many members' houses are near the building's exhaust vent located

at ground level close to these homes, causing significant air pollution problems, (3) narrow streets will suffer significant traffic congestion, compromised pedestrian safety, and parking problems from the proposed building's use of side streets and public alleys, (4) the projections into public space on Kanawha and Military will reduce green space and overwhelm those narrow streets, and (5) members' homes will be significantly more impacted than the general public by the traffic and noise during construction and, because many members' homes are downhill from the construction site, by the downflow of water, mud, and other materials during construction.

Statement of Representation

The individual appellants and 5333CNC will be represented by the following legal counsel:

Andrea Ferster,
Attorney at Law
2121 Ward Court, NW.W. 5th Floor
Washington, DC 20037
(202) 974-5142
(202) 223-9257 (fax)
aferster@railstotrails.org

George Keys
Jordan and Keys, PLLC
910 17th Street N.W. Suite 317
Washington, DC 20036
(202) 483-8300
gkeys@jordankeys.com

Letters from 5333CNC and the individual appellants authorizing legal counsel to file this appeal are attached. The individual Appellants are all members of 5333CNC, are all represented by the same counsel as 5333CNC, and intend to present a joint case in this appeal.

ANC 3/4G will be represented by:
Jim McCarthy, Chair,
ANC 3/4G
5601 Connecticut Avenue, NW
Washington, DC 20015
(202) 363-5802 (phone)
(202) 686-4366 (fax)
chevy ChaseANC3@verizon.net



Chevy Chase

Advisory Neighborhood Commission 3/4G

MAILING ADDRESS: P.O. BOX 6252 Northwest Station Washington, DC 20015

CHEVY CHASE OFFICE
5601 Connecticut Ave. NW

Washington, DC 20015

(202) 363-5803

FAX (202) 686-4366

Email: ChevyChaseANC3@verizon.net

April 9, 2013

Mr. Nicholas A. Magett, Director
DC Department of Consumer and Regulatory Affairs
1100 4th Street, Room 3100
Washington, DC 20024

Re: Permits Issued for 5333 Connecticut Avenue NW

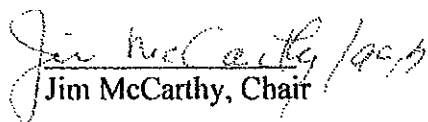
Dear Mr. Magett,

Please find below the resolution passed by vote of 6-0 at the ANC 3/4G public meeting on April 8.

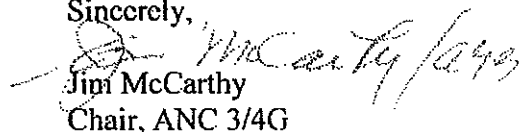
After discussion of the two permits issued by DCRA with respect to the planned development at 5333 Connecticut Avenue and the legal issues raised by the 5333 Connecticut Neighborhood Coalition in its memorandum submitted to the ANC 3/4G, the following resolution was approved by vote of 6-0 (a quorum being 4):

RESOLVED, that the ANC 3/4G hereby agrees to join the appeals of the two permits issued on April 3, 2013, by DCRA for 5333 Connecticut Avenue, NW, one for sheeting and shoring and the other for the foundation, and authorizes the Chair, Jim McCarthy or his designate Commissioner, to sign the appeals on behalf of the ANC.

Signed:


Jim McCarthy, Chair

Sincerely,


Jim McCarthy
Chair, ANC 3/4G

5333 Connecticut Neighborhood Coalition

a/k/a 5333 CNC

P.O. Box 42023
Washington, DC 20015
www.5333CNC.org

April 30, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

Re: Appeal of Permits # SH1200128 And #FD1200052 (5333 Connecticut Ave.) N.W.)

Dear Ms. Bardin:

Please be advised that Andrea C. Ferster is authorized to represent our organization as our legal counsel in the above-referenced zoning proceeding, and for any additional zoning appeals of permits issued concerning 5333 Connecticut Avenue NW. Our neighborhood organization, the 5333 Connecticut Neighborhood Coalition, represents over 500 residents in the immediate vicinity of the proposed 5333 Connecticut Avenue building, including 32 within 200 feet of this planned structure.

Our members are more aggrieved than the general public because the height, density, permit plans and FAR of this building exceed zoning regulations and unlawfully intrude into public space. This building, if approved despite non-compliance with zoning law, will have a serious adverse impact on the use and enjoyment of our members' homes.

In addition, all members' homes and the community in general are more aggrieved than the general public because our homes will be subject to light and noise pollution from this building, our streets will suffer significant traffic congestion, compromised pedestrian safety, and parking problems from its use of side streets and public alleys, and we will all be significantly more impacted than the general public by the traffic and noise during construction.

Those members within 200 feet are more aggrieved than the general public because (1) many members' houses abut the ten-foot-wide alley, now in poor condition, which barely accommodates the city's trash trucks, let alone fire trucks, and which will experience significantly more traffic activity both during construction and throughout the life of the proposed building, (2) many members' houses are near the building's exhaust vent located at ground level close to these homes, causing significant air pollution problems, (3) our narrow streets will suffer significant traffic congestion, compromised pedestrian safety, and parking problems from the proposed building's use of side streets and public alleys, (4) the projections into public space on Kanawha and Military exceed legal limitations and will reduce green space and overwhelm those narrow streets, and (5) members' homes will be significantly more impacted than the general public by the traffic and noise during construction and, because many members' homes are downhill from the construction site, by the downflow of water, mud, and other materials during construction.

Very truly yours,

5333 CONNECTICUT NEIGHBORHOOD COALITION

By :


Richard Graham, Chair

Address:

3738 Kanawha St NW
Washington, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

Re: Appeal of Permits # SH1200128 And #FD1200052 (5333 Connecticut Ave.) N.W.)

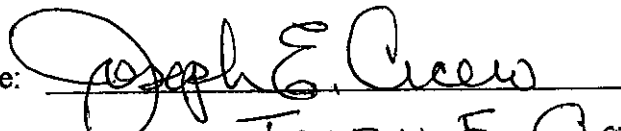
Dear Ms. Bardin:

Please be advised that Andrea C. Ferster is authorized to represent me/us as my/our legal counsel in the above-referenced zoning proceeding, and for any additional zoning appeals of permits issued concerning 5333 Connecticut Avenue NW.

I/We live within 200 feet of the 5333 Connecticut Avenue NW proposed building. The height, density and FAR of this building exceed zoning regulations and unlawfully intrude into public space. This building, if approved despite non-compliance with zoning law, will have a serious adverse impact on the use and enjoyment of my/our property.

Very truly yours,

Signature: _____


Print Name: JOSEPH E. CICERO

Signature: _____

Print Name: _____

Address: 5310 CONNECTICUT AVE NW #18
WASHINGTON, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

Re: Appeal of Permits # SH1200128 And #FD1200052 (5333 Connecticut Ave.) N.W.)

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Very truly yours,

Signature: Marilyn J. Holmes

Print Name: Marilyn J. Holmes

Signature: _____

Print Name: _____

Address: 3700 Military Rd., NW

Washington, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

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Very truly yours,

Signature: Angela N. Donahue

Print Name: Angela N. Donahue

Signature: Peter John Donahue Jr

Print Name: Peter John Donahue Jr

Address: _____

3707 Military Rd NW
Washington, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

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Very truly yours,

Signature: Linda A. Strachan

Print Name: LINDA A. Strachan

Signature: _____

Print Name: _____

Address: 3708 Military Rd NW
WASH, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

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Very truly yours,

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Address: _____

3709 Military Rd NW
MD 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

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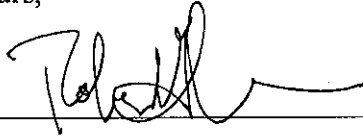
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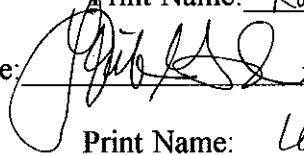
Very truly yours,

Signature: _____



Print Name: Robert Gordon

Signature: _____



Print Name: Leila Gordon

Address: _____

3711 Military Rd. NW
Washington DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
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Very truly yours,

Signature: Roger Reith

Print Name: Roger Reith

Signature: Roger Reith

Print Name: Roger Reith

Address: 3713 Military Road NW
Washington DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

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Very truly yours,

Signature: Elizabeth H. Lengyk
Print Name: Elizabeth H. Lengyk
Signature: Wm. J. Lengyk
Print Name: WILLIAM JOHN LENGK
Address: 3715 MILITARY ROAD NW
WASHINGTON, DC 20015

April 13, 2013

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D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
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I/We live within 200 feet of the 5333 Connecticut Avenue NW proposed building. The height, density and FAR of this building exceed zoning regulations and unlawfully intrude into public space. This building, if approved despite non-compliance with zoning law, will have a serious adverse impact on the use and enjoyment of my/our property.

Very truly yours,

Signature: David Hollar

Print Name: David Hollar

Signature: [Signature]

Print Name: SUSAN B HOLLAR

Address: 3717 Military Rd NW
Washington DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

Re: Appeal of Permits # SH1200128 And #FD1200052 (5333 Connecticut Ave.) N.W.)

Dear Ms. Bardin:

Please be advised that Andrea C. Ferster is authorized to represent me/us as my/our legal counsel in the above-referenced zoning proceeding, and for any additional zoning appeals of permits issued concerning 5333 Connecticut Avenue N.W. . I/We are members of the 5333 Connecticut Neighborhood Coalition.

The height, density and FAR of this building exceed zoning regulations and unlawfully intrude into public space. This building, if approved despite non-compliance with zoning law, will have a serious adverse impact on the use and enjoyment of my/our property.

Very truly yours,

Signature: Suzanne Wethered
SUZANNE WETHERED

Print Name: _____

Signature: Aril Kuman Venkatarani

Print Name: Aril Kuman Venkatarani

Address: 3726 Kenawha St NW,
Washington DC 20015

April 13, 2013

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D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

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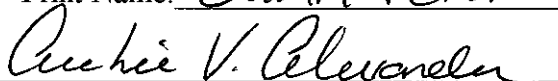
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Very truly yours,

Signature: 

Print Name:

Susan Peterson

Signature: 

Print Name:

Archie V. Alexander

Address: 3730 Kanawha St.

Washington, D.C. 20015

April 13, 2013

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I/We live within 200 feet of the 5333 Connecticut Avenue NW proposed building. The height, density and FAR of this building exceed zoning regulations and unlawfully intrude into public space. This building, if approved despite non-compliance with zoning law, will have a serious adverse impact on the use and enjoyment of my/our property.

Very truly yours,

Signature: Edith S. Levine

Print Name: Edith S. Levine

Signature: ~~Edith S. Levine~~ Thomas J. Beckman

Print Name: Tom Beckman

Address: ~~Edith S. Levine~~ 3731 Kanawha
Washington DC 20015 NW

April 13, 2013

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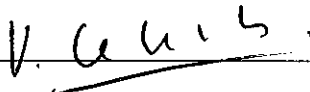
Very truly yours,

Signature: _____



Print Name: FRANZ LE VESLE

Signature: _____



Print Name: VANESSA LE VESLE

Address: 3732 KANAWHA ST NW

WASHINGTON, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
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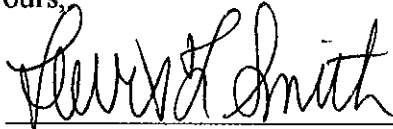
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Very truly yours,

Signature:



Print Name:

LEWIS F Smith

Signature:



Print Name:

Priscilla Skillman

Address:

3733 Kanawha Street, NW

Washington, DC 20015

April 13, 2013

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D.C. Office of Zoning
Board of Zoning Adjustment
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Very truly yours,

Signature: Mariela Eberhardt

Print Name: MARIELA EBERHARDT

Signature: _____

Print Name: _____

Address: 3734 KANAWHA ST NW

WASHINGTON, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

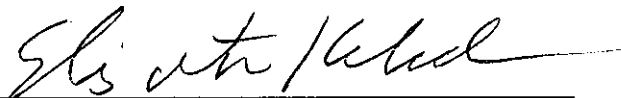
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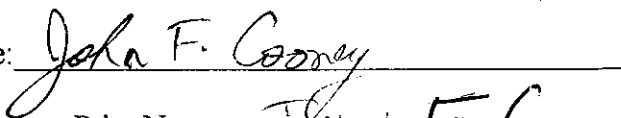
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Very truly yours,

Signature: 

Print Name: Elisabeth Kimball

Signature: 

Print Name: JOHN F. COONEY

Address: 3735 Kanawha St. NW
Washington, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
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Very truly yours,

Signature: 

Print Name: DANIEL J. GREENBERG

Signature: 

Print Name: WANDA J. REIF

Address: 3736 KANAWHA ST. N.W.
WASHINGTON, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

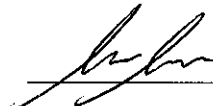
Re: Appeal of Permits # SH1200128 And #FD1200052 (5333 Connecticut Ave.) N.W.)

Dear Ms. Bardin:

Please be advised that Andrea C. Ferster is authorized to represent me/us as my/our legal counsel in the above-referenced zoning proceeding, and for any additional zoning appeals of permits issued concerning 5333 Connecticut Avenue NW.

I/We live within 200 feet of the 5333 Connecticut Avenue NW proposed building. The height, density and FAR of this building exceed zoning regulations and unlawfully intrude into public space. This building, if approved despite non-compliance with zoning law, will have a serious adverse impact on the use and enjoyment of my/our property.

Very truly yours,

Signature:  _____

Print Name: Stephen McGuire

Signature:  _____

Print Name: Rebecca Affowicz

Address: 3737 KANAWHA SE. NW

WASHINGTON D.C.


Rebecca Ferster

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
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Very truly yours,

Signature: JoAnna L. Graham
Print Name: JoAnna L. Graham
Signature: Richard Graham
Print Name: Richard Graham
Address: 3738 Kanawha St NW
Washington, DC 20015

April 13, 2013

Sara Bardin, Director
D.C. Office of Zoning
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441 4th Street, N.W. Room 210
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Very truly yours,

Signature: Jean G. Wittig
Print Name: Jean G. Wittig

Signature: _____

Print Name: _____

Address: 3740 Kanawha St. NW
Washington, DC 20015