



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:	Elizabeth & Brandon Prelogar		
Address:	402 Independence Ave. SE, Washington DC 20003		
Phone No(s):	208-863-0158	E Mail:	embarchas@yahoo.com
I hereby request to appear and participate as a party in Case No.:		18641	
Signature:		Date:	10/10/13
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.

Name:	BOARD OF ZONING ADJUSTMENT District of Columbia		
Address:	CASE NO. 18641		
Phone No(s):		E Mail:	EXHIBIT NO. 25

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.

Board of Zoning Adjustment
District of Columbia
CASE NO.18641
EXHIBIT NO.25

**Elizabeth and Brandon Prelogar
Form 140 - Party Status Request**

Party Witness Information

1. Provide a list of witnesses who will testify on the party's behalf

Elizabeth Prelogar
Brandon Prelogar
Bill Prelogar (architect)

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 row home at 402 Independence Ave. SE lies immediately to the west of and is attached to 404 Independence Ave. SE. It will be affected because the special exception sought by our neighbors would add a two-level rear addition alongside the entire eastern edge of our property line, creating a wall that towers over our outdoor living space and unduly affects our air, light, and sense of space.

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

We are the owners of 402 Independence Ave. SE.

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.)

Our row home is attached to and so shares a wall with 404 Independence Ave.

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?

The proposed addition at 404 Independence Ave. entails demolishing the single-story structure at the rear of the house that runs alongside our outdoor patio and replacing it with a two-story structure on a much larger footprint. The new two-level addition will directly abut and tower over our outdoor space, effectively caging us in on the east side of our patio.

In several respects, the proposed addition will have a substantial deleterious impact on our property and its value. First, the proposed addition will unduly affect our air and sense of space. By replacing a single-story structure with an imposing two-story wall, the proposed addition will box in our outdoor living space and dramatically reduce its openness. It will also impact the sense of space we experience when we look to the northeast from the windows in our master

bedroom by replacing our view of urban rooftops, blue sky, and greenery with a view of our neighbor's wall.

Second, the proposed addition at 404 Independence will unduly affect our light. Our rear bedrooms currently receive strong light in the morning, but the new addition will block that light from the east. We expect those rooms to be much darker, with a particularly pronounced effect in the master bedroom, which sits lower than the planned two-story addition. The addition will also dramatically reduce the sunlight in our outdoor patio, starving the rich vegetation growing on the back (north) wall in a built-in planting bed that serves to green and beautify our outdoor living 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.

In recognition of the substantial negative impact the proposed addition at 404 Independence will have on our light, air, and space, our ANC voted to oppose the addition, specifically citing the deleterious effects on our home as the reason for that opposition.

6. Explain how the person's interests 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.

Our home lies immediately to the west of 404 Independence and shares a wall with that property. The proposed two-story rear addition at 404 Independence will directly abut and run alongside the entire eastern edge of our property line. Our interests are more significantly and uniquely affected in both character and kind than the general public because the two-story addition will dramatically alter the air, light, and sense of space on our outdoor patio and in the rear bedrooms of our home. The ANC recognized that our home was uniquely impacted by the proposed addition and so voted to oppose the addition based on the negative effects the project would have on our property.