



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:	Foxhall Crescents Homeowners Association, Inc., c/o Gene E. Godley, President		
Address:	4500-4527 Foxhall Crescents, NW, Washington, D.C. 20007 (26 homes)		
Phone No(s):	202 460-4088	E Mail:	gene.godley@bgllp.com
I hereby request to appear and participate as a party in Case No.:		18708	
Signature:			Date: January 27, 2014
Will you appear as a(n)	<input type="checkbox"/> Proponent <input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please enter the name and address of such legal counsel.			

Name:	BOARD OF ZONING ADJUSTMENT District of Columbia		
Address:	CASE NO. 18708		
Phone No(s):	E Mail:	EXHIBIT NO. 26	

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; (SEE ATTACHED)
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 ATTACHED)
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
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EXHIBIT NO. 26

Case No. 18708

Supplement to Form 140 – Party Status Request of the Foxhall Crescents Homeowners Association, Inc., c/o Gene E. Godley

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PARTY WITNESS INFORMATION

1. A list of witnesses who will testify on the party's behalf:
 - Gene Godley, President, Board of Directors, Foxhall Crescents Homeowners Association, Inc. ("FCHOA")
 - Robert Sharkey, Resident and Member of FCHOA
 - Irving Kuczinsky, Resident and Member of FCHOA
 - Andy Wong, Member of Board of Directors and Chair of Architectural Committee, FCHOA

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 Board?

Foxhall Crescents is a residential community built in the 1980s. The Foxhall Crescents Homeowners Association, Inc. ("FCHOA") was incorporated in 1981 to provide for the maintenance, preservation, and environmental and architectural control of the sites and homes in Foxhall Crescents, and to promote the health, safety, and welfare of the residents. The Board's granting of a Special Exception requested by the Applicant would allow him to build a house on a heretofore undeveloped lot in Foxhall Crescents. Such construction will increase traffic, noise, congestion, constricted residential and guest parking, dust and construction refuse on the single private street that provides residents access to their homes. It will also threaten damage to existing homes from increased storm water and surface water run-off from Applicant's property both during and after construction.

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

Under Covenants, Conditions and Restrictions filed and recorded at the D.C. Recorder of Deeds, the FCHOA provides for the maintenance, preservation and environmental and architectural control of Foxhall Crescents properties and is required to promote the health, safety and welfare of Foxhall Crescents residents pursuant to the terms of the FCHOA Bylaws. The Application is subject to the Bylaws, which require Applicant to obtain FCHOA approval before construction of the project he proposes, and the FCHOA regulates many of the terms and conditions of construction.

3. What is the distance between the person's property that is the subject of the application before the Board?

Of the 26 homes in Foxhall Crescents, nine are within 200 feet from Applicant's property. While the other Foxhall Crescents homes are located more than 200 feet from the subject property, they would be significantly affected by the construction proposed in the Application.

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

- Potential damage to existing residences from water runoff from the subject property during and after construction.
 - Applicant's failure to comply with FCHOA Bylaws.
 - Adverse effect on adjacent properties during construction.
 - Failure to protect all homeowners and their properties during construction.
 - Failure to protect the Homeowners against harm in the event of Applicant's failure to complete the project after construction commences.
5. Describe the other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested by the Board is approved or denied.

Other issues may arise as the record of this proceeding is more fully developed.

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.

Each property in Foxhall Crescents is owned by a Member of the FCHOA, not by any other person in the general public, and each property would be adversely affected by the construction as proposed in the Application if the Board were to grant the special exception as requested by Applicant. Applicant proposed to construct a dwelling on Foxhall Crescents Drive. Each existing home in Foxhall Crescents is located on Foxhall Crescents Drive, which is owned by the Members of the FCHOA, not by any other member of the general public. The project proposed by the Applicant is subject to the FCHOA Bylaws, and must be approved and regulated by the FCHOA, not any other persons in the general public. The Board of Zoning Adjustment's approval of the Application therefore would more significantly and uniquely affect the interests of the FCHOA and its members than those of any other persons in the general public.