

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:	Peter R. and Ann F. Kolker		
Address:	5524 39th Street, N.W., Washington, DC 20015		
Phone No(s):	202 256-6111 or 202 363-4552	E-Mail:	pkolker@verizon.net
I hereby request to appear and participate as a party in Case No.: 18843			
Signature:		Date:	9/22/14
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:	N/A		
Address:			
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; Peter or Ann Kolker
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? We are abutting property owners and residents whose privacy will be adversely affected by proposed addition.
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
We are owners and residents for 36 years.
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.) Adjacent, and with no setback for proposed deck.
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 attached
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 attached
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 attached

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.

**PETER R. AND ANN F. KOLKER
5524 39th STREET, N.W.
WASHINGTON, D.C. 20015**

pkolker@verizon.net
(202) 256-6111

September 22, 2014

To: The Board of Zoning Adjustment
Re: Case No. 18843

Please consider this as our request for Party Status and our request to remove this case from the expedited calendar so we can fully present our concerns relating to the construction proposed by the applicants in Case No. 18843.

We are the owners of and residents (for 36 years) in the adjacent property and will be adversely affected by the proposed construction. A large addition with a deck elevated above grade and abutting our property line with no set back and no screening would result in a dramatic reduction of our privacy as illustrated on the attached drawings and photographs (Exhibits A, B and C).

As Exhibit A and applicant's plans demonstrate, their existing residence is set back less than 3 feet from the property line separating their house from ours. Their proposed addition would include a deck built in the small side yard that extends right to the property line and that would be elevated, 2 feet, 8 inches above grade. The new construction would rise to a height of 21 feet and would expand the depth of the house by more than 20 feet. The need for screening for such an addition built in close proximity to our residence to protect our privacy is evident, but the construction of the new deck to the property line would destroy the existing screening and make replacement screening impossible. Exhibit A demonstrates schematically the negative effect the proposed construction would have on our privacy if the tree that now insulates our two properties were removed. Exhibit B shows a similar effect if the tree remains¹. As shown, an individual standing on the proposed deck would be elevated over the fence line and our rear yard, which we use frequently, would be visible from the deck, as indicated in the drawing (Exhibits A, B)..

Exhibit C compares a photo looking from our property towards that of the applicants under current conditions with the same photo on which the proposed construction has been

¹ We believe the property line may bisect the tree, but an updated survey is required and has been ordered to establish the location of the line.

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superimposed. The need for screening is apparent; yet the deck construction would preclude such screening.

Because the proposed construction would substantially and adversely affect our privacy, it is appropriate to remove this case from the expedited calendar so that the full BZA can address and resolve our concerns, if the applicants persist with their current plan. Similarly, as an abutting property owner, we are entitled to and request Party Status so that we can fully present our position.

Respectfully,

A handwritten signature in black ink, appearing to read "Peter R. Kolker".

Peter R. Kolker

A handwritten signature in black ink, appearing to read "Ann F. Kolker".

Ann F. Kolker

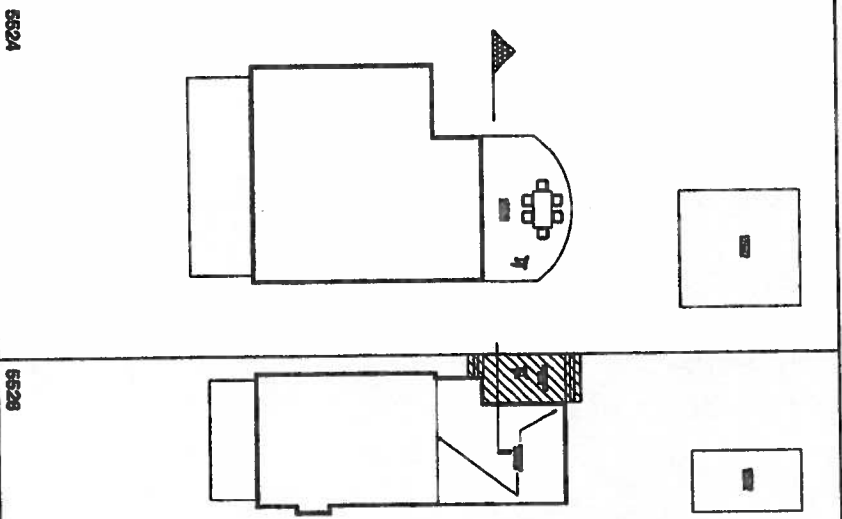
Certificate of Service

I hereby certify that I have personally served a copy of this Form 140 with exhibits on:
Christopher and Robyn Pashby, 5526 39th Street, N.W., Washington, D.C. this 22nd day of
September 2014.


Peter R. Kolker

EXHIBIT A

PUBLIC ALLEY



39TH STREET

1/8" = 1'-0"

SCHEMATIC SITE PLAN AND X-SECTION SHOWING PROPOSED DECK PLACEMENT
KOLKER EXISTING RESIDENCE / PASHBY PROPOSED CONSTRUCTION

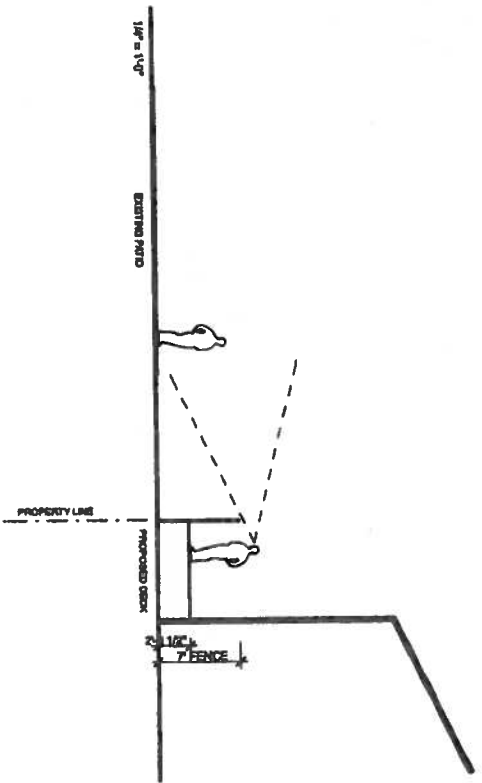


EXHIBIT B

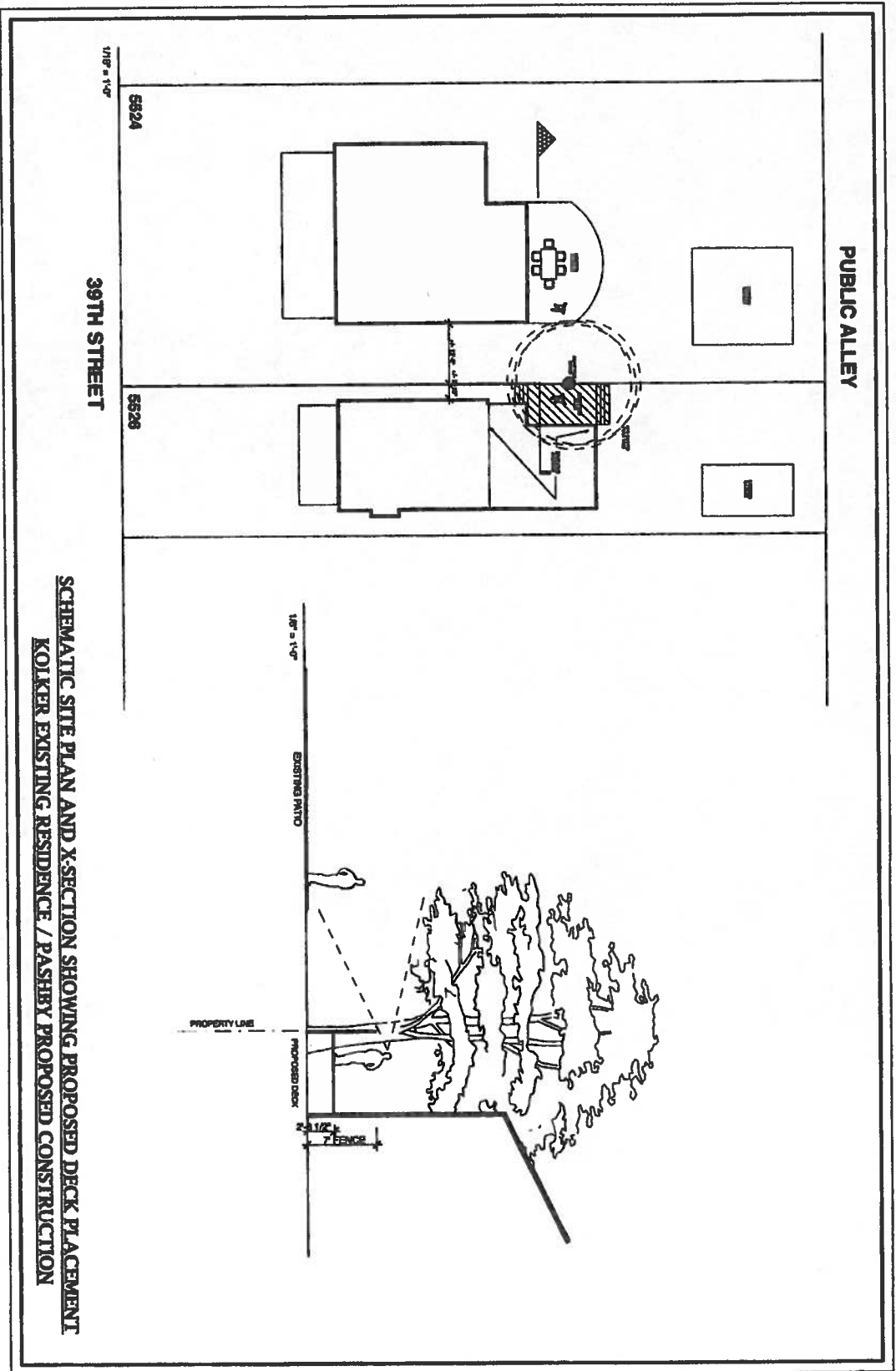


EXHIBIT C



KOLKER EXISTING
RESIDENCE



PASHBY PROPOSED
CONSTRUCTION