



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:                                                              | MILTON BRUCE MEREDITH                          |                                              |                                                                     |
| Address:                                                           | 3902 MCKINLEY STREET, NW, WASHINGTON, DC 20015 |                                              |                                                                     |
| Phone No(s).:                                                      | 202 957 9502                                   | E Mail:                                      | BMEREDITH@TRCIV.COM                                                 |
| I hereby request to appear and participate as a party in Case No.: |                                                | 18843A                                       |                                                                     |
| Signature:                                                         | Milton Bruce Meredith                          | Date:                                        | NOVEMBER 2, 2015                                                    |
| 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:         |  |         |  |
| 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;
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.

Board of Zoning Adjustment

District of Columbia

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.

## **PARTY WITNESS INFORMATION FOR CASE NUMBER 18843A**

1. **One witness**, Milton Bruce Meredith, will testify on the Party's Behalf.
2. **Statement Summary** - The proposed addition to the Pashby property, which includes a two story addition to the house along with a new garage, would exceed the 40% lot occupancy limit for this zone (R-2), and requires a BZA Special Exception. The standards of section 223.2.2 for a special exception stipulate that the addition "shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised."

The formal Burden of Proof statement for the Pashby request for special exemption states:" The proposed expansion and garage are consistent with other additions along this block and presents no impediment of light or privacy on the neighboring structures." My wife and I occupy the neighboring structure most impacted by the proposed construction, yet the Burden of Proof statement was not based on any discussion with us. There were no such discussions. The purpose of my testimony is to challenge that statement and establish that the requirements of section 223.2 are not met, and that a special exception should not be approved for this proposed construction. I will demonstrate that this Pashby Burden of Proof statement is preposterous, that his proposed construction does unduly affect the light and air available to my neighboring property, and that the proposed construction obviously does unduly compromise the privacy of use and enjoyment of my neighboring property.

3. **No expert witnesses.**
4. **Twenty – five minutes** requested to present my case.

## **PARTY STATUS CRITERIA FOR CASE 18843A**

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?**

My wife Deborah and I are owners and residents of 3902 McKinley Street, NW, which shares a north-south border with the Pashby property at 5526 39<sup>th</sup> Street, NW. The back of our house and our backyard on McKinley Street, NW face the side of the existing two story house and the proposed construction on 39<sup>th</sup> Street, NW. The proposed construction would extend the 22.5' high house all the way across the remainder of my southern property line, a total of 21'. (Please see Appendix A.) This 21' wide by 22.5' high barrier would take the place of the leafy open space that now welcomes sunlight and the movement of air. The impact of the wall on sunlight is all the more exacerbated by the fact that the wall will be on the southern exposure of our property.

The construction plans locate six windows, including two very large ones, in the 21' wall facing the back of our house and our brick patio. (Please see Appendix B.) The distance between the large windows in the proposed extension of the house, which look over our patio, is about 18.5'. To the bay window in our kitchen the distance is about 29'. We upgraded our windows years ago and installed large bay windows in our master bedroom on the second floor and in our dining room on the first floor, as well as the one in our kitchen. If the special exemption is granted, the view from all of these bay windows looking south from the back of our house would be limited to a very uninspiring wall.

2. **What legal interest does the person have in the property?** Deborah and I are owners of the property. I have lived in it for forth-six years.
3. **What is the distance between the person's property and the property that is the subject of the application before the Board?** The Pashby property is contiguous with ours on our southern property line. (Please see Appendix A.)
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 Board is approved or denied?**
  - **SEC 223.2(a)** - We now have a 21' long open space inviting light and movement of air and the visual pleasure of a leafy open space through the four seasons. The proposed construction would replace that with an overwhelming, confining, unrelenting two story high barrier. (Please see Appendix C.) Does this wall unduly affect the light and air available to our neighboring property? The indisputable answer is "yes." The request for a special exemption should be rejected on the grounds that it does not meet the standard of Sec. 223.2(a): "The light and air available to neighboring properties shall not be unduly affected...."
  - **SEC 223.2 (b)** – My family and our friends using our patio would suffer the loss of open space and the welcoming, visual pleasure of a leafy setting if the proposed construction is approved. Replacing it 18.5' away will be the confining, overbearing presence of the wall, dominated by those large windows glaring right down at us. Clearly this wall would have a negative impact on my family and friends trying to use and enjoy our patio in the backyard. The proposed construction unduly compromises the use and enjoyment of my neighboring property. The request for a special exemption should be rejected on the grounds that it does not meet the standard of Sec. 223.2(b).
  - **Sec. 223.2 (b)** – The six windows, including two large ones, looking directly down onto our patio and into the kitchen and bedroom bay windows on the face of it invade our privacy. (Please see Appendix B & C) These windows are one more reason to deny the request for special exemption on the grounds the proposed construction does not meet the standards of Sec. 223.2(b). They invade our privacy.

- **Sec. 223.2 (b)** -As indicated above the plan proposes to demolish the existing garage and replace it with a structure that would be significantly higher compared to the existing garage. It would destroy a fully grown holly tree that enhances the beauty of the scene from our backyard. The proposed plan allows only about six inches between the steps to the garage cellar and the property line. That means all the current bucolic wonders looking west from my property would disappear, and in their place, dominating the short view west from our backyard would be a garage rising 8.5' above the existing 6' privacy fence in our neighbor's yard at 3904 McKinley Street, NW. We claim that this proposed garage construction also will "unduly compromise" the enjoyment of our neighboring property, and therefore fails to meet the standards of Sec. 223.2 (b). The request for a special exception should be rejected.
- **Sec. 223.2 (b)** - Finally, the plans as proposed leave no available approaches for diminishing the impact of the new construction with privacy hedges, or other suitable plantings. The stairwell to the new construction cellar of the house extension allows only six inches between it and my property line. (Please See Appendix A .) That allows no space for the current or future occupants of 5526 39<sup>th</sup> Street, NW to plant a row of privacy hedges along the Meredith property line. Since the construction establishes a barrier to the sun on the southern exposure of my property, the success of a privacy hedge planted on my property is severely compromised. No light, no growth. In all respects this proposed construction fails to meet the standards of Sec. 223.2.
- Given all of the conditions described above, is there any doubt that this proposed construction would diminish the economic value of 3902 McKinley Street, NW? No. This request for a special exemption for construction should be denied. It is an assault on the interests of all neighbors living in adjacent properties.

**5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action request of the Board is approved or denied.**

- Many months of construction will be no picnic. Two giant trees will have to be cut down. Cellars will have to be dug for the house extension and the garage. Bull dozers and trucks no doubt will be cluttering up, if not damaging, our newly paved alley that fronts on the Pashby garage construction site.

**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.**

- The configuration of the Pashby and the Meredith property lines is unique. The backyard and the back of the Meredith house face south, abutting the side of the Pashby house, which faces east to west on 39<sup>th</sup> Street, NW. The entire 46' wide Meredith southern property line would be facing nothing but the side of the Pashby house. Other neighbors will be affected by the Pashby construction, but because of the configuration of the Pashby and the Meredith properties, our situation is distinctive and unique.

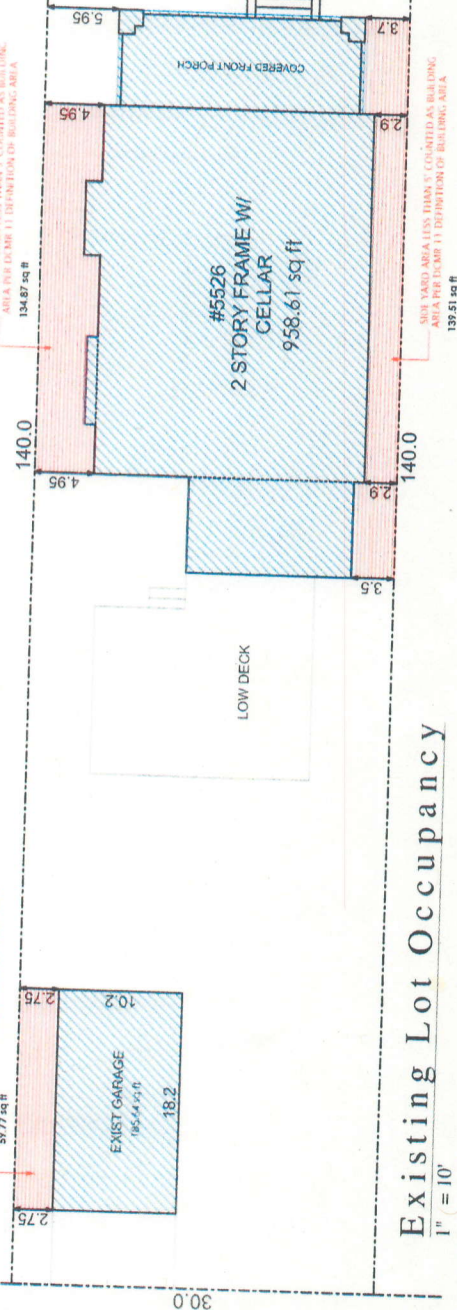
LOT 53  
MEREDITH  
PROPERTY

WHEN YARD AREA LESS THAN 5' COUNTED AS BUILDING AREA PER DCMR 11. DEFINITION OF BUILDING AREA.


$$1'' = 10'$$

SIDE YARD AREA LESS THAN 5' COUNTED AS BUILDING AREA PER DECREE 11 DEFINITION OF SIDE YARD AREA

**SIDE YARD  
AREA PER D  
134.67 sq ft**

 $1'' = 10'$ 

SIDE YARD AREA LESS THAN 5' COUNTED AS BUILDING AREA PER DCMR 13 DEFINITION OF BUILDING AREA.

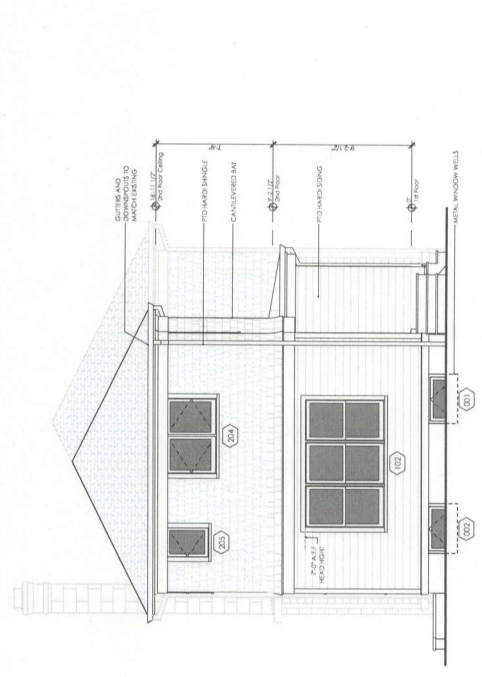
139.51 sq ft

## APPENDIX A

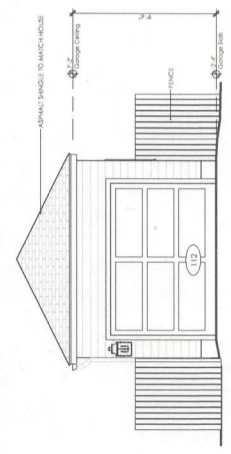
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| BZA<br>AMENDMENT | 9-22-15 |  |  |  |
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A2-1

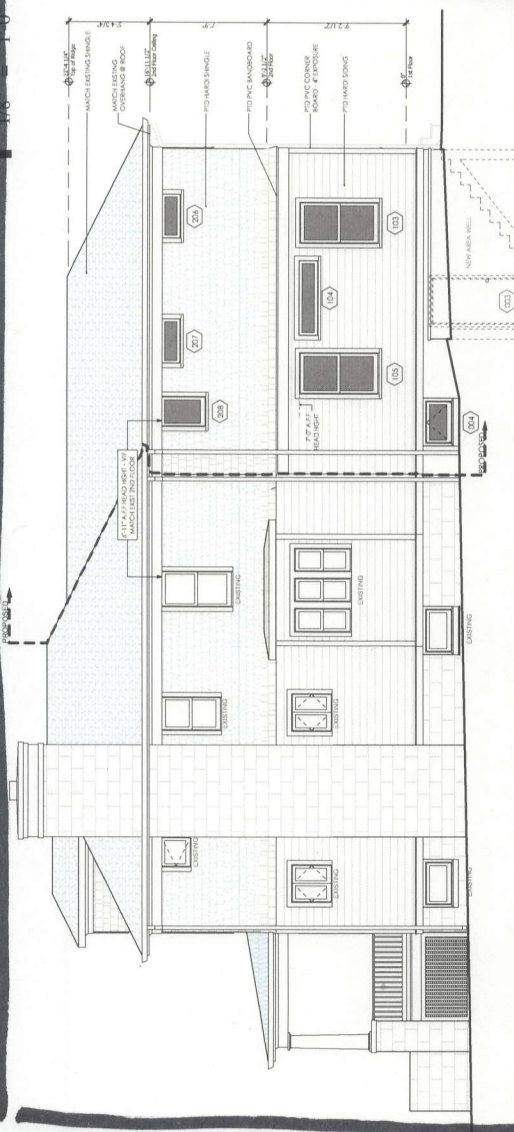
APPENDIX B



1 Rear Elevation  
 1/8" = 1'-0"

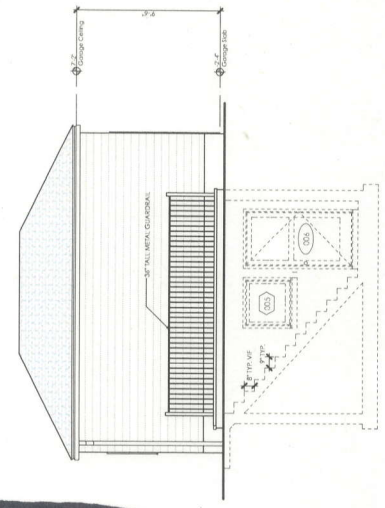


4 Garage Rear Elevation  
 1/8" = 1'-0"



2 Right Elevation  
 1/8" = 1'-0"

3 Garage Right Elevation  
 1/8" = 1'-0"



FACING MEREVITH PROPERTY

## APPENDIX C

MEREDITH BACKYARD

FACING SIDE OF

PASHBY HOUSE AND

NEW CONSTRUCTION

PROPOSED  
EXTENSION  
OF HOUSE

WINDOW

WINDOW

WINDOW