

THIS REQUEST AMENDS REQUEST SUBMITTED NOVEMBER 2, 2015.



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@rcn.com
I hereby request to appear and participate as a party in Case No.:		18843A	
Signature:			Date:
Will you appear as a(n)		December 8, 2015	
☐ Proponent	☒ Opponent	Will you appear through legal counsel?	☒ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

Name:	Claude Bailey		
Address:	575 7th Street, NW Washington, DC 20004		
Phone No(s):	202 344 8057	E Mail:	CEBailey@venable.com

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.

CASE NO. 18843A
EXHIBIT NO. 47

PARTY WITNESS INFORMATION FOR CASE NUMBER 18843A
(Amending Party Witness Request Submitted on November 2, 2015)

1. **Witnesses.** Milton Bruce Meredith, will testify as resident and owner of 3902 McKinley Street, NW. Claude Bailey will represent as Counsel. David Martin will be expert witness on sunlight study.
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 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 **Expert witnesses.** Expert witness will be David Martin on sunlight study of 3902 McKinley Street, NW. Please see his resume attached.

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 39th 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 39th Street, NW. The proposed construction would extend the 22.5' high house 21 feet all the way across the remainder of my southern property line, a total of 46 feet. (Please see Attachments.) This 21' wide by 22.5' high barrier would take the place of the leafy open space that now welcomes sunlight light and the movement of air, cutting off 100% of the sunlight now available through that space. None is now available through the 25 feet along my property line that the existing house now blocks.

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 Attachments.) They will look directly onto our patio and into bay windows in our kitchen and bedroom. Moreover, the plans allow only six inches between the construction (a stairway to the cellar) and my property line, leaving no room now or ever in the future for screening privacy plantings.

2. **What legal interest does the person have in the property?** - We own and live in the property.
3. **What is the distance between the person's property and the property that is the subject of the application before the Board?** We share a property line. (Please see Attachments.)
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 enhancing visual pleasure through the four seasons. The proposed construction would replace that with an overwhelming, confining, unrelenting two story high barrier. (Please see Attachments.) Does this wall unduly affect the light and air available to our neighboring property? The indisputable answer is "yes."
 - **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.
 - **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 invade our privacy. (Please see Attachments.)
 - **Sec. 223.2 (b)** -As indicated above the plan proposes to demolish the existing garage and replace it with a structure that would be higher than the existing garage. 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 7 feet above the existing 6' privacy fence in our neighbor's yard at 3904 McKinley Street, NW. This proposed garage construction also will "unduly compromise" the enjoyment of our neighboring property.
 - **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 Attachments.) That allows no space for the current or future occupants of 5526 39th Street, NW to plant a row of privacy hedges along the Meredith property line. In all respects this proposed construction fails to meet the standards of Sec. 223.2.

- **Economic Impact** - 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.** - Six months to a year 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 39th 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.



BEFORE

NOON DECEMBER 7, 2015

SUNLIGHT FROM

21 FOOT OPEN SPACE

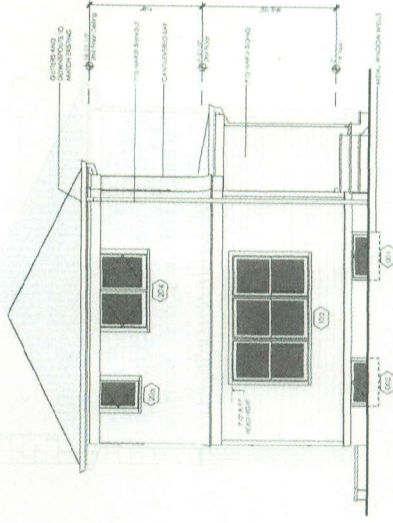
**SHADOW FROM EXISTING HOUSE
AT 5226 39TH ST, NW**

PROPOSED HOUSE ADDITION UNDER BZA CASE NUMBER 18843A

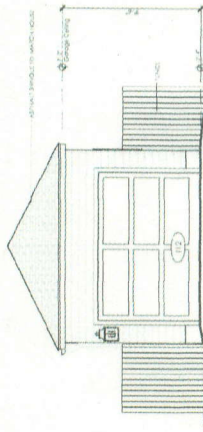
5526 39th ST NW

AFTER



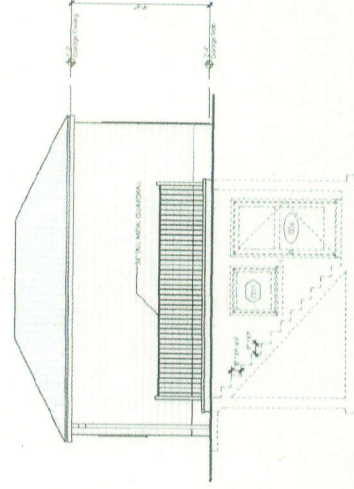
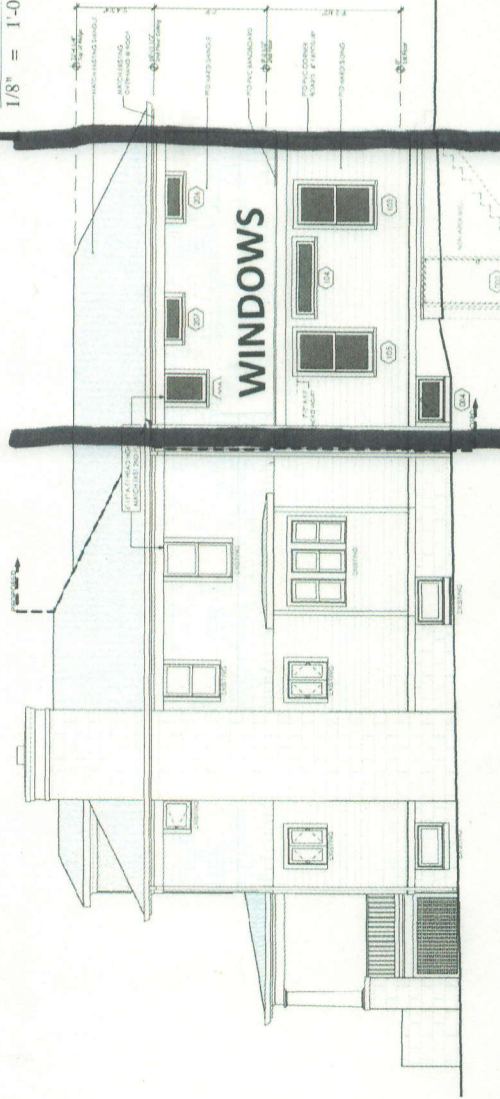


4 Garage Rear Elevation
1/8" = 1'-0"



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

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



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

WINDOWS FACING 3902 MCKINLEY ST, NW

3904 McKinley Street, NW

Terry Property

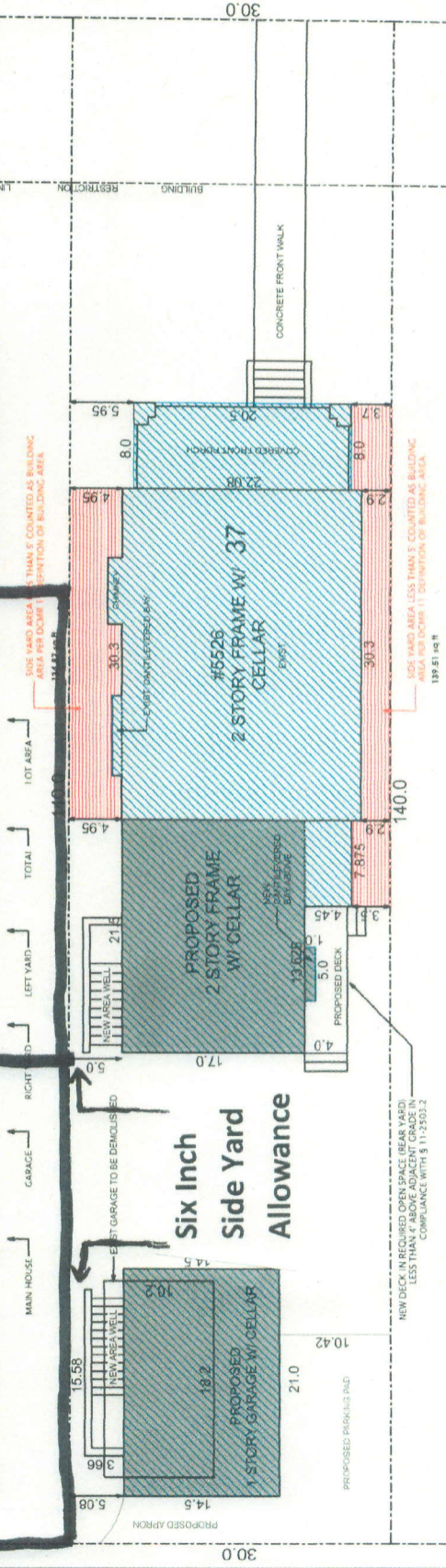
Faces South

3902 McKinley Street, NW

Meredith Property

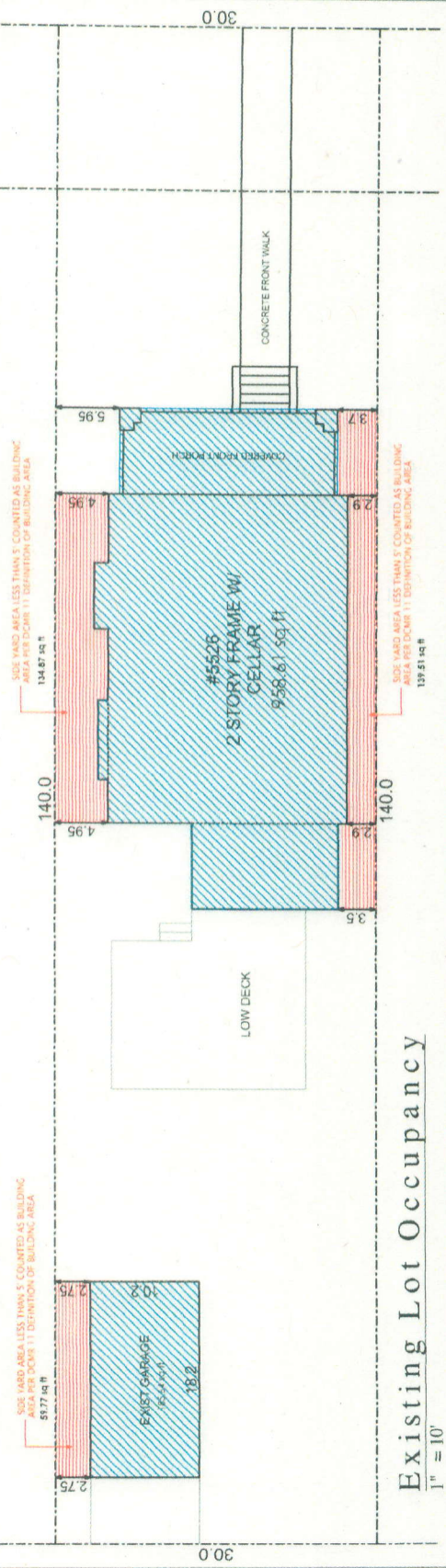
Faces South

TOTAL BUILDING AREA = 1,256.88 SF + 304.5 SF + 34.87 SF + 139.51 SF = 1,835.76 SF / 4,200 SF = 43.7 % PROPOSED LOT OCCUPANCY



Proposed Lot Occupancy
1" = 10'

TOTAL BUILDING AREA = 958.61 SF + 185.64 SF + 134.87 SF + 139.51 SF + 59.77 SF = 1,478.4 SF / 4,200 SF = 35.2 % EXISTING LOT OCCUPANCY



Existing Lot Occupancy
1" = 10'

Thomson & Cooke
ARCHITECTS

5233 Chevy Chase Parkway NW
Washington, DC 20015
202.747.4823
www.thomsoncooke.com

Pashby Residence
5526 39th Street NW Washington DC 20015

BZA AMENDMENT SUBMISSION

Lot Occupancy Diagram

BZA AMENDMENT	9.22.15
T4	

CURRICULUM VITAE



DAVID W. MARTIN
Appraise & Advise Associates
10506 Deakins Hall Drive
Adelphi, MD 20783
Cell 301-337-0493
davidwmartin5@verizon.net

PROFESSIONAL EXPERIENCE

Green Consulting Services

Green Consultant / Energy Broker (September 2008 - present)

Provide systems and energy efficiency design, lighting audits and consulting for Solar and LED systems and energy supply options. Trade ally for various utility and federal rebate programs, and solar site analyst.

Founder Appraise & Advise Associates - (1994 – 2014)

Appraise real properties including vacant land, multi-family and single-family improvements, religious facilities, historical and commercial properties.

Provide expert witness testimony Federal and State courts since 1998

Contract Appraiser (1989 - 1994)

HSBC- Jessup, Md.

Appraiser (1986 - 1989)

Alexandria Appraisal Service - Alexandria, VA.

Solar Systems Site Engineer (1984 - 1985)

Atlantic Solar- Lanham, Md.

Site engineer for thermal heating systems

Sales Manager (1981 - 1984)

Monegon Inc., a subsidiary of Solarex (BP Solar) Frederick, Md.

Managed sales reps for solar applications of thermal pool heating systems and domestic hot water systems

Acted as company liaison to manufacturers of various types of solar equipment

Sales Representative (1979 - 1981)

Koolvent Inc. Beltsville, Md.

Sold thermal efficiency products - residential

Advertising Representative (1976 - 1979)

Baltimore Magazine, Washingtonian Magazine and

Media Associates, Inc.- Columbia, Md.

PROFESSIONAL EDUCATION

University of Maryland, College Park (UMCP)

Bachelor of Arts in Economics and Psychology 1973

Real Estate and Green Science-continuing education

PROFESSIONAL BACKGROUND

Member in good standing of the Maryland Association of Appraisers 1990-2013 (retired)

Expert witness on the Appraiser Roster for Prince George's County

Rendered expert opinions in Howard, Prince George's, and Montgomery Counties, Baltimore City courthouses, and in the federal court system

Green Audits-LED lighting audit for retrofitting.

Developed ROI program for LED replacement lighting.

Alumni ~ University of Maryland ~ Phi Kappa Sigma Fraternity- AZ Chapter

Interests

Art, Music and Martial Arts ~Instructor -Teng Su Do Karate and Ju Jitsu