Form 140
(Revised 03/15/02)

Case No. 16992

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions. CLICK HERE.

NAME: Last	First	Middle I.
Trotter	Daphne	W.

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
5015 44th Street, N.W.		Washington	D.C.	20016

Phone No.	Fax No.	E-Mail
(202) 756-8043 (w) (202) 537-1199 (h)	(202) 756-8087	dtrotter@mwe.com

I, hereby request to appear and participate as a party. Signature: Daphne W. Trotter Date: 3-2-2003

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: Last	First	Middle I.

ADDRESS: Street	Ste. # (if any)	City	State	Zip Code

Phone No.	Fax No.	E-Mail

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

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?

Please see the attached sheets for the answers to questions 1 through 6.

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 appeal or application before the Board? (Preferably no farther than 200ft.)

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?

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the 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 person's in the general public.

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BZA
Case No. 16992
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO. 16992
EXHIBIT NO. 33

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?

   David and Jana Frankel ("Applicants") have applied for a special exception to install an accessory apartment, as part of a newly constructed addition to their single-family detached house located at 4336 Garrison Street. Our family home and backyard face the entrance, walls, and windows of the proposed apartment. The proposed apartment's entrance and windows are partially above grade and are not screened in any way. Our property is lower than the Applicant's property, which makes the newly constructed entrance and windows to the apartment very apparent from our point of view. The occupancy of the proposed apartment would expose our property directly to the activity of tenants, their comings and goings through the entrance, window lighting, and exterior lighting over the entrance.

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

   Andrew Trotter and I are the mortgagees of the property at 5015 44th Street, N.W., Washington, D.C. 20016.

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

   Our property is directly adjacent to the Applicants', sharing a boundary line.

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?

   The newly constructed front entrance and windows of the proposed apartment are less than 15 feet from our property line and approximately 80 feet from our back door. As shown in the photograph attached to Andrew Trotter's party status application, which was taken last month from the back door of our house, no screening exists in front of the proposed accessory apartment and its entrance. As a result, we and our property will be directly exposed to the activity of tenants of the accessory apartment and their guests, their comings and goings through the entrance, window lighting throughout the dark hours of the day, and exterior lighting that may be added over the entrance. These activities will be visible from every window on the back side of our house and our backyard, where we spend a lot of time and where our two small children often play alone or with friends. Without any screening, the activities associated with the proposed apartment will significantly intrude on our privacy. We are also very concerned that our direct exposure to these activities would affect the value of our property.

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

We believe that the application for a special exception does not meet all the requirements for a special exception and that this should be drawn to the Board's attention. Section 202.10(d) of the zoning regulations require that an accessory apartment be created only through internal conversion of the house, without any additional lot occupancy or gross floor area. The proposed apartment would be contained completely within the bottom floor of a brand new, 3-story addition—an addition which the Applicants have built in the last four to five months, which is not yet finished, and which has never been occupied, by the Applicants or anyone else. Put another way, the proposed apartment is not in the Applicants' house as it existed in September 2002, less than 5 months ago. It is clear to us that the proposed accessory apartment would not be possible without the additional lot occupancy and gross floor area of the unfinished addition. The proposal therefore does not satisfy the requirement of Section 202.10(d). Although the Board of Zoning Adjustment has the authority to waive this requirement, we do not believe that the Board should do so without hearing our point of view.

The ANC-3E has recognized our concern. Its report recommends that the Board approve the Frankels' application for a special exception for an accessory apartment in their single-family detached house at 4336 Garrison Street, N.W., Washington, D.C. 20016 (Square 1655, Lot 0016, Zone R-2) **with the caveat** that within six months of completion the Applicants design and provide for adequate screening and lighting for the accessory apartment. The ANC-3E also recommended that we be given party status to this application with the right to appeal to Board of Zoning Adjustment beginning six months after the completion of the project has expired.

6. Explain how the person's interest will be more significantly, distinctly, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

   Our house is the only house whose back windows and backyard directly face the entrance and facade of the proposed accessory apartment. As a result, we and our property are more affected by the proposed accessory apartment than members of the general public, who cannot see, and will not be exposed to, the accessory apartment in this intimate and permanent way.

7. At this time I expect to call myself and Andrew Trotter as witnesses. I reserve the right to supplement this list.