Form 140
(Revised 03/15/02)

Case No. 17352

PARTY STATUS APPLICATION

Notice: Click Here for Application Form Instructions

Name:* DANA F. HUBBARD					
Address:* 1477 Harvard St. NW.	City:* D C.	State:*	Zip:* 20009		
Phone:* 202-462-4620	Fax: 2024624620	Email: RAVASUTRA@msn.com			
I, hereby request to appear and participate as a party.	Signature:	Date:* July 5, 2005			
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:			
Address:	City:	State:	Zip:
Phone:	Fax:	Email:	

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?*

If the variance or other variances are granted the R5B property abutting my own house and elsewhere on the block is threatened. The backyards will disappear See attached Statement

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

Own my house and live in it with my family.

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.)*

250 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 Board is approved or denied?*

abutting backyards - the 40 ft backyard requirement of R5B are threatened. The traffic + parking in the area will be adversely affected.

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

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BZA
Case No. 17352
Exhibit No. 25

Before the Board of Zoning Adjustment
District of Columbia
CASE NO. 17352
EXHIBIT NO. 25

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.*

This project contributes to destabilizing the neighborhood, including my particular house.
See attachements

Print Preview | Clear Form

July 5, 2005
1477 Harvard Street, NW
Washington, DC 20009
Tel: 202 462 4620

Request for Party Status
BZA # 17352

Board of Zoning Adjustment
Washington, D.C.

Gentlemen:

My name is Dana F. Hubbard. I own the property and reside, with my husband and two children, at 1477 Harvard Street, which is on the North side of the street and within the 200-foot zone. I appear in opposition in this case and request party status.

I will be represented by my mother in this case but I will also appear at the hearing. My mother's name is Harriet B. Hubbard, who resides at 2039 New Hampshire Avenue NW. My mother is a resident of the ANC in which this case exists. Mrs. Hubbard is empowered to bind me as the owner, as is required by your regulations. This case involves two ANC's. The dividing line is Harvard Street.

With gratitude for your consideration, I am,

Sincerely,

Dana Hubbard

Opposition Statement in Case 17352

BZA Case Testimony

July 5, 2005

This is a general statement of opposition to case 17352. My name is Dana Hubbard and I own property across the street within the 200-foot limit of the subject site of the hearing. I am opposed to the applicant in this case for several reasons. This case represents an attack on the stability and intent of the R5B district including the maintenance of the 60-40 ratio with regards to backyards and built-on space, and on the necessity of having a proper FAR in the R5B zone. On my side of the block, I have often invoked the powers of the zoning administrator to try to maintain the 60-40 ratio in the R5B area. I feel if this application is granted, the fate of the entire block will be adversely affected.

Of course, the most obvious reason why the applicant's case should not be granted is because the hardship that is claimed to exist in the case is one that has been produced by the applicant himself. This is perfectly obvious. If the facade was retained, it was at the owner's own doing and discretion. The builder could not claim that the retention of the façade is a hardship because Harvard Street is not in an historic district.

The set of architectural drawings and maps submitted with the application for this case do not actually represent what is being built on the property. The owners have submitted two other sets of plans to the zoning administrator's office and were caught in infractions of the approved plans. A "Stop Work" Order was issued. We have been trying to get copies of these plans, which are actually the ones that may be being used. We have no

reason to believe that the plans submitted for your consideration in this hearing are the ones in the zoning administrator's office. Ward 1 Councilmember Jim Graham is trying to get copies of these plans, as we have tried to get them for many months. We have also tried to get copies of the building permits, as well as the applications for the building permits so that we can present a complete history in this case, as the law requires.

Furthermore, we feel that more than one variance is required. There seems to be a violation of the FAR requirements on the site as well as the requirement for open courts, even in the plans which have been submitted to you. We feel that there are other violations of law in this case, which we will try to substantiate at the hearing, including the violations of going ahead with work and getting permits in spite of being in violation of the DC zoning code.

In this particular part of town, which is extremely active now as far as remodeling and real estate are concerned, the dangers to the entire area from granting the variance requested are very great. The building, as conceived, would be a monstrous intrusion in the R5B zone.

When R5B was created in 1958, the idea was that the backyards of the buildings should contain 40 percent of the area and that this land should be open space planted with trees and gardens. Non-conforming buildings, such as garages, which had been built prior to the 1958 ruling, were required to be registered by the owners as non-conforming. However, many owners did not comply with this requirement, which has been dropped,

so we do not have a complete list of non-conforming lots in the area. On the other hand, the existence of some garages in this area is an existing threat to the R5B area. On my side of the street I have been concerned for many years with questions of tearing down the trees, paving over the land, and with other matters that have attacked the backyard conception embodied in the original R5B code as it was drawn up in 1958. We would like to point out that on the south side of the street where the present case is located there are other buildings very similar to the one that the applicant is involved with that present the same dangers to the R5B vacant space that the applicant does.

We are unable at this time to present a list of witnesses, inasmuch as we have been unable to actually get hold of the architectural plans, demolition and building permit applications, and the building permits approved by the zoning administrator. As you know, Mr. Bello, who was originally involved in this case, has left the government. In spite of our repeated efforts, over many months, we have been unable to secure the documents that are absolutely essential for the consideration of this case. It may be that, owing to the efforts of the planning office, which we have requested, and of Mr. Jim Graham's office, we will be able to get hold of these plans and in the coming week. In this case, we will submit further information for the consideration of the board, before the hearing.

. Right now, we see serious violations of the zoning code, perhaps of the fire code, a burden on the traffic in the area, over-use of land, and other defects in the application, all

of which would be extremely inappropriate for the R5B zone. The threat to the existence of other buildings in the area is very great.

ANC Meeting June 8
Statement: Dana Hubbard
(202 462 4620)

I'm here to make a short presentation about a construction project at 1464 Harvard St. The Board of Zoning Adjustment has scheduled a hearing for July 19. At that hearing, the developers of the project will be asking for a variance of the building regulations. Before coming to a decision, the commissioners listen to testimony from concerned parties: the developers, the neighbors and the ANC's and others.

I'm not sure how exactly the ANC's position is determined, but I'm here to ask you to think about what your position may be on the issue that will be discussed at that hearing, namely the percentage of the lot that is occupied by the building. This is the issue that attracted my attention (my house is on the same block, across the street). My understanding of the regulations is that 60 percent of the lot can be occupied by the building. When I looked at the building that was being put up, it seemed clear that it occupies much more than 60 percent of the lot. Upon closer examination of the permit by the Regulatory Affairs Department, it was determined that a variance would be needed for the builders to be able to break this rule. This is why there will be a hearing on July 16th.

The Position of the ANC for or against granting this request is an important part of the decision by the BZA board.

I am against granting this variance for four main reasons

The project is too big for the lot

There are too many units (Fourteen where there once was a single family house, a rather lovely one at that!)

This will aggravate our already bad traffic, and deteriorating parking situation

Granting this variance would set a bad precedent, and goes contrary to the purpose of the R5B zoning in which we live. The ultimate purpose of the R5B zoning is to promote stable residential neighborhoods. This project is the ultimate "fast turn around" speculative real estate deal which typically destabilizes neighborhoods.