

Supplemental Documentation submitted by Charlene Patton in support of her
Party Status Request
(see form 140 attached hereto and incorporated by reference)

re: Area Variance #19593;

NOTE: In addition to seeking party status, Mrs. Patton is seeking a continuance from the December 13, 2017 hearing to January 17th or 24th at 9:30am in order to allow time for further scientific studies, to allow counsel time to review the current case, relevant laws and judicial decisions and to explore possible settlement options. Although not currently available, it is anticipated that results from scientific studies will support Mrs. Patton's request for party status and support her opposition to the application.

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Party Witness Information

1. A list of witnesses who will testify on the party's behalf. N/A
2. A summary of the testimony of each witness. N/A
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. N/A; and
4. The total amount of time being requested to present your case.
Mrs. Patton, by and through counsel, requests 15-20 minutes to present her opposition to the area variance/special exception* requested by Griffin.

Party Status Criteria

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?

The property, 1230 North Carolina Ave, NE, (hereinafter referred to as "1230" and/or "Patton property") and is owned by Charlene Patton. Granting the variance will cause substantial detriment to the public good because it will substantially interfere with her enjoyment of light and air pursuant to *11-X DCMR § 1002.1(a) and (b)*. The view will no longer be the sky and air, but will be a complete wall of manufactured siding. If the area variance is granted, it will block the existing light source for one half of all of the rooms on the Patton property. The variance will completely eliminate the existing light, air and enjoyment of west facing views. Her property will suffer significant adverse

Supplemental Documentation submitted by Charlene Patton re: Party Status Request and Form 140
re: Area Variance/Special exception #19593

Board of Zoning Adjustment
District of Columbia
CASE NO.19593
EXHIBIT NO.46

effects if the proposed area variance is granted. Granting the area variance will decrease in economic value of 1230 because the property's unique feature, rare and highly sought after side windows, will no longer provide an aesthetically pleasing view from any of the side windows. If the Griffin's application for a special exception is granted it will tend to affect adversely the use of neighboring property pursuant to *11-G DCMR § 901.2(a)(b) and (c)* for the reasons stated in opposition of the proposed variance. Finally, in July, 2017, Mrs. Patton decided to install solar panels on her roof in order to decrease her dependence on traditional energy sources and contacted Solar Solution. She received a written estimate and was prepared to proceed until she received notice of the proposed variance (see Exhibit A, attached herein and incorporated in its entirety by reference). Mrs. Patton understands that if the variance is granted, it will significantly decrease the possibility of installing cost effective solar panels on her home. This fact, standing alone, should render the application moot, since applicant will be unable to prove, that if granted, the special exception shall have no undue or adverse impact (see *11-X DCMR § 901.3 et.al.*).

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

1230 North Carolina Ave, NE, is owned by Charlene Patton, who has resided in the house since 1980.

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.)

The distance between the nearest property lines is seventeen (17) feet. The distance between the proposed addition and the impacted structure is approximately twenty-one (21) feet (see Exhibit B and B1 attached herein and incorporated in its entirety by reference).

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?

The 1230 property is a two story structure with a cellar as defined by *11-B DCMR §100.2*. The 1230 property is attached to the adjoining townhouse on the east side, (1232) but is only partially attached to the adjoining townhouse on the west side, (1228). The remaining back roughly two-thirds of the 1230 property is completely open on the west side and has west facing windows on each floor. The proposed addition is approximately twenty-one (21) feet west of and one half story above the rear two stories of the 1230 property. The 1230 property will suffer significant adverse effects if the proposed area variance is granted. Granting the area variance will undoubtedly decrease in economic value of 1230 because the property's unique feature, rare and highly sought after side windows, will no longer provide an aesthetically pleasing view. The view will

no longer be the sky and air, but will be a complete wall of manufactured siding from the proposed addition that towers above the much shorter 1230 property. If the area variance is granted, it will block the existing light source for one half of all of the rooms on the Patton property and the only light source from the west. (see Exhibit C and D attached herein and incorporated in its entirety by reference). The variance will substantially eliminate the existing light, air and enjoyment of all the west facing views. Finally, in July, 2017, Mrs. Patton decided to install solar panels on her roof in order to decrease her dependence on traditional energy sources and contacted Solar Solution. She received a written estimate and was prepared to proceed until she received notice of the proposed variance (see Exhibit A, attached herein and incorporated in its entirety by reference). Mrs. Patton understands that if the variance is granted, it will significantly decrease the possibility of installing cost effective solar panels on her home. As previously stated, This fact, standing alone, should render the application moot, since applicant will be unable to prove, that if granted, the special exception shall have no undue or adverse impact (see *11-X DCMR § 901.3 et.al.*).

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.

If the area variance is granted, Mrs. Patton will experience a decline in her physical and mental health due to her pre-existing seasonal affect disorder. Additionally, the recent and unexpected death of her only son has caused Mrs. Patton to suffer some depression and anxiety issues. The existing natural light that enters her house from rarely found side windows, operates to alleviate the above identified issues. Additionally, Mrs. Patton's ability to work in and tend a garden brings her immeasurable relief from anxiety and depression. If the variance is granted, the current garden area will not be sustainable (see *11-X DCMR § 1002.1(a) and (b)*; see also to *11-G DCMR § 901.2(a)(b) and (c)*). See also above discussion regarding solar panels.

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

Because of the unique features of the homes on North Carolina Avenue, NE, the rear property lines, homes and significantly, rooflines are staggered. The staggered house line and the fact the intervening property, located at 1228 North Carolina Ave., NE, (hereinafter referred to as "1228") is in full compliance with the zoning ordinance and does not have any structure forming a "third" floor, results in the Griffin abandoned deck being very close to the Patton property. The result is that the deck on the Griffin's

property is extremely close to the back portion of the Patton property. The Patton property has a small side yard which currently receives enough sun to allow for the growth of vegetables and herbs. The side yard also allows the 80-year old Mrs. Patton to garden in an area where she feels safe and protected. If the area variance and/or special exception is granted, the light and air view from each and every one of the Patton property west facing windows will be significantly blocked (see Exhibit C and D attached herein and incorporated in its entirety by reference). The obstruction of existing natural light sources will affect all of the rooms on back two-thirds of Mrs. Patton's property and render her garden moot.). See also above discussion regarding solar panels

*It is unclear whether or not Griffin has properly filed an application to seek a special exception. However, for the purposes of being granted party status, Mrs. Patton seeks party status in order to oppose such a special exception application, in the event such application is deemed proper and deemed properly applied for. Mrs. Patton does not concede that a special exception application has been properly filed, nor does she concede that a special exception, and not a variance, is needed.