



November 15, 2017

**Meridith H. Moldenhauer**

Direct Phone 202-747-0763  
Direct Fax 202-683-9394  
mmoldenhauer@cozen.com

**VIA IZIS**

Frederick L. Hill, Chairperson  
Board of Zoning Adjustment  
441 4th Street, NW  
Suite 210S  
Washington, DC 20001

**Re: Application No. 19659 (Federation of State Medical Boards) – Party status  
Application in Opposition from the Sheridan Kalorama Historical Association**

Chairperson Hill and Honorable Members of the Board:

The Sheridan Kalorama Historical Association (“SKHA”), through its undersigned attorneys, respectfully requests party in opposition status to the above-referenced case, scheduled for hearing on December 20, 2017.

The Applicant seeks variance and special exception relief to allow a non-profit office in the building located at 2118 Leroy Place NW (the “Property”), which is a contributing structure to the Sheridan-Kalorama Historic District (the “Historic District”). The Property is directly adjacent to two single-family residential homes that are also within the Historic District. The Property, and the use of the Property is of critical importance to the Historic District, as it is a narrow, tree-lined, one-way street in the Sheridan-Kalorama residential neighborhood. Also, the amount of interior demolition of the Property is not clear from the plans included in the BZA record.

The SKHA submits its request for advanced party status in opposition, to be considered at a public meeting on either November 15, 2017 or November 29, 2017.

The requesting party is Kindy French on behalf of SKHA. See Agent Authorization letter at **Exhibit A**. The SKHA is a non-profit organization and satisfies the requirement for Party in Opposition because:

- a. The purpose of the SKHA is to preserve the Sheridan Kalorama neighborhood’s avenues and streets and monitor all issues concerning preservation (including renovation) on behalf of current and future members of the community.
- b. The non-profit office use proposed in the BZA Application threatens to disrupt the historic balance of residential and non-residential use of buildings in the neighborhood.

LEGAL\33368075\1

Form 140 is enclosed in this filing, and the answers to the questions therein are addressed in turn below:

### **Party Witness Information**

1. *A list of witnesses who will testify on the party's behalf;*

Kindy French, and/or other SKHA Members

SKHA reserves the right to add witnesses at the time of the public hearing.

2. *A summary of the testimony of each witness;*

The witness(es) will argue, collectively or individually, that the proposed use is out of character with the Historic District and would serve to upset its continuity. Further, the SKHA could also argue that because the amount of interior demolition is not known, the proposed level of demolition proposed to implement the proposed use could be out of character of the Historic District. The SKHA witnesses could also argue that approval of the requested application could establish a negative precedent for the use of these on low-density residentially-zoned properties in the Historic District.

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; and*

SKHA reserves the right to supplement the record and provide information pertaining to expert witnesses at a future date before the hearing.

4. *The total amount of time being requested to present your case.*

SKHA anticipates presenting its case in chief in approximately 20 minutes.

### **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?*

As will be addressed more fully at the hearing, SKHA is concerned that the Federation of State Medical Boards' ("FSMB") use of the Property will cause undue traffic, parking congestion and noise impacts for neighboring properties that constitutes a dramatic departure from the historically residential purpose of the neighborhood. Further, the SKHA witnesses could testify that granting of the requested special exception and variance relief will unduly affect the Sheridan Kalorama neighborhood due to an anticipated "domino" effect if other property-owners attempt to use their buildings for office uses in this residential neighborhood.

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

SKHA is a non-profit organization promoting the interests of the Sheridan Kalorama Historic District, within which the subject property is located. SKHA has been granted party status in BZA cases in the past.

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.)*

N/A – SKHA represents the interests of the entire Sheridan Kalorama Historic District, including neighbors who live within 200 feet of the subject property.

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 anticipated impacts of this application are wide-ranging. Environmental impacts could include traffic congestion caused by employees, visitors and guest to the Property. Additionally, noise pollution may be caused by FSMB employees and visitors.

The economic impacts include the possible decline in property value for surrounding residential properties in the Historic District due to quality-of-life impacts brought about by the non-residential use of the subject property. These impacts would be magnified as other similar non-residential uses follow precedent, thereby threatening the historically residential character of the community.

The social impacts include loss of enjoyment of neighboring properties due to the use of the subject property as a place of business.

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.*

SKHA reserves the right to supplement the record to include additional evidence on this matter, including methods of demonstrating matter-of-right, residential uses for the subject property.

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.*

SKHA seeks to participate in BZA cases that threaten to upset the delicate historic balance of uses in the Sheridan Kalorama Historic District as is being proposed by the Applicant.

In conclusion, SKHA respectfully requests that the Board grant their request for party status in opposition. Thank you for your attention to this matter, and we look forward to advanced party status discussion to be scheduled in November.

Sincerely,

COZEN O'CONNOR



BY: MERIDITH H. MOLDENHAUER

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2017, I had served a copy of this Party Status request in opposition via e-mail, to the following:

Martin Sullivan  
Sullivan & Barros, LLP  
1990 M Street  
Washington, DC 20036  
[msullivan@sullivanbarros.com](mailto:msullivan@sullivanbarros.com)

District of Columbia Office of Planning  
c/o Joel Lawson  
1100 4<sup>th</sup> Street, SW, Suite E650  
Washington, DC 20024  
[planning@dc.gov](mailto:planning@dc.gov)

District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003  
[Anna.Chamberlin@dc.gov](mailto:Anna.Chamberlin@dc.gov)

Advisory Neighborhood Commission 2D  
c/o David R. Bender, Chairperson  
2126 Connecticut Avenue, NW #34  
Washington, DC 20008  
[2D01@anc.dc.gov](mailto:2D01@anc.dc.gov)

Advisory Neighborhood Commission 2D  
Ellen L. Goldstein, SMD 2D02  
2129 Florida Avenue, NW #501  
Washington, DC 20008  
[2D02@anc.dc.gov](mailto:2D02@anc.dc.gov)



By: Meredith H. Moldenhauer