

December 20, 2018

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VIA IZIS

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

Re: Application No. 19899 (Christopher Turner and Elizabeth Repko) – Party status Application in Opposition from Alexander McDonough and Jetta Wong and Request for Advance Party Status Hearing on January 9, 2018

Chairperson Hill and Honorable Members of the Board:

Alexander McDonough and Jetta Wong, through undersigned counsel, the owners of 1320 D Street SE (the “Immediate Neighbors”) respectfully request party status in opposition to BZA Case No. 19899 (the “BZA Case”). As shown below, the Immediate Neighbors share a party wall with 1322 D Street S.E. (the “Turner/Repko Property”), which is the subject of the BZA Case (identified with the purple arrow below). The Immediate Neighbors have substantially landscaped and improved their back yard. The BZA Case requires special exception relief to allow a 20 foot rear addition to the Turner/Repko Property. This addition will have a specific and substantially detrimental impact on the Immediate Neighbors’ use of their property.



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The Immediate Neighbors submit their request for advanced party status in opposition, to be considered at a public meeting on January 9, 2019.

A copy of the Immediate Neighbor's Agent Authorization letter is at **Exhibit A**. The Immediate Neighbors satisfy the requirement for Party Status in Opposition because:

- a. They are the owners of 1320 D Street SE which is directly adjacent to the Applicant's project.
- b. The rear addition proposed in the BZA Case threatens to significantly impact the light and air on the Immediate Neighbor's property and will unduly impact the use and enjoyment of their property.

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;*

An architectural expert and potentially a land use expert, to be named before the hearing on Advanced Party Status.

The Immediate Neighbors reserve the right to add witnesses at the time of the public hearing.

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

Any witness(es) will argue, collectively or individually, that the proposed rear addition to the Turner/Repko Property will substantially and adversely impact the Immediate Neighbors' property. In particular, in light of the substantial investment the Immediate Neighbors have made in landscaping their rear yard, the use and enjoyment of their home will be unduly compromised by additional shadows over that area. Further, the size of the proposed rear addition is out of character with the neighborhood and is not in harmony with the intent of the Zoning Regulations that seek to limit the size of rear additions that will have a negative impact on the adjacent property.

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*

The Immediate Neighbors reserve 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.*

The Immediate Neighbors anticipate presenting their 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, the proposed rear addition will unduly impact the light and air of the Immediate Neighbors' property, as well as their privacy. The Immediate Neighbors use their rear yard as an extension of their living space and value their rear yard immensely, as demonstrated by the substantial investment that Immediate Neighbors have made to create a landscaped outdoor room. Further, the Immediate Neighbors' witnesses would testify that granting the requested special exception will unduly affect the light and air on their property, thereby limiting the ability to use their back yard.

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

The Immediate Neighbors own 1320 D Street SE, which is directly adjacent to the Turner/Repko Property.

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 Immediate Neighbors' property is directly adjacent to the Project and therefore 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?*

Environmental impacts could include limiting the light and air to Immediate Neighbors' property and thus impacting the trees and plants on their property. Most of the plantings and all of the trees in the Immediate Neighbors' rear yard are along with Turner/Repco property line. Any shadow cast by the intrusive rear addition will therefore substantially impact the light and air of Immediate Neighbors' property, especially impacting their trees and plants. Further, Immediate Neighbors have 12 solar panels on their roof, and any additional shadow cast by the rear addition may detrimentally impact the solar panels' ability to collect energy.

The economic impacts include the possible decline in property value for Immediate Neighbors' property due to the adverse impact of the rear addition on their light, air, and space. Immediate Neighbors have invested substantially in landscaping for their backyard garden and patio to create a usable outdoor room, flanked with trees, flowers and perennials. In addition, Immediate Neighbors have invested in 12 solar panels, and any shadow cast by the proposed rear addition may impact the amount of solar energy collected.

The social impacts include Immediate Neighbors' loss of enjoyment and privacy of their landscaped back yard due to the intrusive size of the rear addition. The proposed rear addition will loom over the Immediate Neighbors' patio and garden, therefore impacting their privacy and enjoyment of their outdoor space.

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.*

The Immediate Neighbors will be aggrieved if the special exception relief is granted. The Immediate Neighbors reserve the right to supplement the record to provide additional matters.

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 Immediate Neighbors' property is directly adjacent to the Turner/Repko Property. The rear of the existing building on the Turner/Repko Property is currently flush with the rear of the Immediate Neighbors' house. Therefore, the proposed additional 20 foot rear addition will adversely and substantially impact the light, air, use and enjoyment of the Immediate Neighbors' home.

In conclusion, the Immediate Neighbors respectfully request 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 on January 9, 2019.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "Samantha Mazo", written over a horizontal line.

BY: SAMANTHA MAZO

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2018, I had served a copy of this Party Status request in opposition via e-mail, to the following:

Jennifer Fowler
1819 D Street SE
Washington, DC 20003
jennifer@fowler-architects.com

District of Columbia Office of Planning
1100 4th Street, SW, Suite E650
Washington, DC 20024
planning@dc.gov

District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
Anna.Chamberlin@dc.gov

Advisory Neighborhood Commission 6B
c/o Daniel Ridge, Chairperson
6B@anc.dc.gov

Advisory Neighborhood Commission 6B06
Nick Burger, Commissioner, SMD 6B06
6B06@anc.dc.gov



By: Samantha L. Mazo

EXHIBIT A

December 19, 2018

VIA IZIS

Frederick Hill, Chair
Board of Zoning Adjustment
441 4th St. NW Suite 210S
Washington, D.C. 20001

AGENT AUTHORIZATION FOR 1320 D STREET, SE

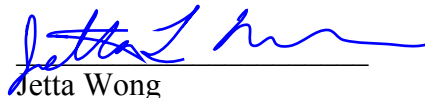
Chairperson Hill and Honorable Members of the Board:

This letter serves as notice that Alexander McDonough and Jetta Wong, the owners of the property located at 1320 D Street SE, authorizes counsel, Cozen O'Connor to be the authorized agent in all matters before the Board of Zoning Adjustment in Case No. 19899 regarding property located at Lot 807 in Square 1041. Pursuant to Subtitle Y § 200.3 of the Zoning Regulations, this authorization includes the power to bind Alexander McDonough and Jetta Wong in the case before the Board.

Sincerely,



Alexander McDonough



Jetta Wong