



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please go to www.dcoz.dc.gov > IZIS > Participating in an Existing Case > Party Status Request for instructions. Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	Adar and William Levi, Brenda Barger, Lark Williams, Frances M. Raskin, and Sara Wilson		
Address:	see attached		
Phone No(s):	see attached	E Mail:	see attached

I hereby request to appear and participate as a party in Case No.: **20027**

Signature:		Date:	5-21-19
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Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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If yes, please enter the name and address of such legal counsel.

Name:	Andrea Ferster		
Address:	2121 Ward Court NW 5th Floor, Washington DC 20037		
Phone No(s):	202-974-5142	E Mail:	aferster@railstotrails.org

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for: **June 5, 2019**

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
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
4. The total amount of time being requested to present your case.

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

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?
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 application before the Commission/Board? (Preferably no farther than 200 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 Commission/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 Commission/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 persons in the general public.

Parties

The following nine individuals, each of whom owns property and lives within 200 feet of the site of the project and several within 50 to 100 feet of the site (“Requesters”), are seeking party status:

Addar Levi
William Levi
323 F Street NE
Washington DC 20002
916-844-5451

J Brenda Barger
506 Groff Court NE
Washington DC 20002

Larke Williams
502 Groff Court NE
Washington DC 20002

Sara Procacci Wilson
337 F Street NE and 329 F Street NE
Washington DC 20002

Frances M. Raskin
333 F Street NE
Washington DC 20002

Anne Brodsky & Margaret Chriss
327 F St NE
Washington, DC 20002

Forrest R. Park
536 4th Street, NE
Washington, DC 20002
(202) 543-2306

The Requesters intend to present a coordinated case, represented by legal counsel Andrea Ferster. Each of the Requesters would be adversely affected and aggrieved by the proposed application in a manner different from that of the public as a result of the following adverse impacts:

- The narrowed width of Groff Court (reduced to 10 feet will impede ability of neighbors to access their dwellings and parking spaces, and impede solid waste collection and emergency vehicles on Groff Court;

- Negative impacts to the historic character and of the area, which is in the Capitol Hill Historic District;
- Create safety issues by reducing vehicle maneuverability, and vehicle visibility of pedestrians, bicyclists, and young children that play in the alley;
- Overall degradation of the character of the neighborhood;
- the project will have an adverse effect on light, airflow, and privacy, thereby decreasing the abutting neighbors' enjoyment of their homes.

Attached are letters from each designating Andrea Ferster as their legal counsel.

Party Witness Information:

1. List of witnesses who will testify on the party's behalf

- Addar and William Levi, who will testify as to neighboring impacts
- Brenda Barger, who will testify as to the traffic and safety impacts, and to Applicant's representations regarding comparable properties
- Sara Wilson, who will testify about impacts and safety
- Zoning expert (name and CV to be provided later)
- Traffic expert (name and CV to be provided later)

Additional witnesses may be added later depending on the Applicant's case.

2. A summary of the testimony of each witness

As explained in more detail in the attached individual statements, several of the Requesters will testify that the request for a special exception and variance will adversely impact them. To avoid duplication, they will summarize their testimony,

Other witnesses will address the standard for granting the requested variances and special exceptions, including the inaccurate descriptions of the nearby properties.

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;

The Application does not identify any expert witnesses that will be testifying on behalf of the Applicant nor a written summary of the testimony of its witnesses, as provided for in 11 DCMR Subtitle Y, § 300.8(j) and (k). The Application did not include a statement of its efforts to contact the ANC, individuals and community groups about the application, as required but Subtitle Y, § 300.8(l). This has prevented the Requesters from having a dialogue with the Applicant to discuss ways that the project might be modified to resolve the Requesters' concerns. Nor has the Applicant filed a prehearing statement within 21 days of the hearing, identifying any witnesses or other supplemental material, as required by Subtitle Y, § 300.15. This has made it extremely difficult for the Requesters to assess what witnesses, including expert witnesses, are needed to respond to the application. The

Requesters are therefore seeking a postponement of time until the record is adequately supplemented.

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

We request one hour to present our case.

Party Status Criteria:

How will the property in which we have an interest be affected by the action requested of the BZA?

Each person requesting party status has provided a statement, attached, explaining that if the BZA grants the Applicant's request for a special exception and variance, their privacy, light and air, and quiet enjoyment of their homes will be adversely impacted, and their safety compromised by the significant reduction in alley set backs.

2. What legal interest does the person have in the property?

Each person requesting party status is a homeowner and resident. *See* attached statement.

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

Each Requester resides within 50 to 200 feet from the property line of the proposed project.

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 BZA is approved or denied?

See attached statements and description of parties above.

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

See attached statements and description of parties above

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

See attached statements and description of parties above

May 21, 2019

Board of Zoning Adjustment
441 4th Street NW, Suite 200S
Washington, DC 20001

Re: BZA Case No. 20027

520 Groff Ct NE – Two-story Addition

To Whom It May Concern:

We request party status in this matter. Set forth below are responses to Party Status Criteria from BZA Form 140.

1. How will the property owned by such person be affected by the action requested by the Board?

Our house faces the side of the subject property. If these zoning variances are granted, we will face reduced privacy, reduced light, increased noise and congestion, decreased safety, and an inability to access the parking spot on our property – all of which will greatly reduce our property value.

We purchased our home four months before our son arrived in September 2018. At the time, we were living in a three-story walk-up in the District, and specifically chose our home for its parking spot and easy pedestrian egress with a stroller. We bought our new home with the understanding that there would not be drastic changes to the property – especially since we were buying in the Capitol Hill Historic District. The proposed development, however, would do just that. It will make an already narrow alley extremely difficult for cars to traverse, the tight turn will make pedestrians hard to spot, and it will render our parking spot useless.

The development will also have an adverse effect on light and privacy, conditions that were important in our decision to buy a home. The applicant's plans would reduce light to our backyard, and replace it with numerous windows peering into our currently private space. Notably, no other existing property in the alley similarly encroaches on a backyard parking space or impinges in the same manner on the privacy of an adjacent F Street home. We did not and could not have expected that such an anomalous development would so alter the character of our home when we purchased 323 F Street less than a year ago.

2. What legal interest does the person have in the property?

We have owned and lived in our property since May 2018.

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

Our home is directly to the north of the subject property, approximately 25 feet away.

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 by the Board is approved or denied?

If the action requested is approved, Groff Court will be narrowed to the point where safety vehicles and solid waste collection vehicles (which currently pass through this street) will be unable to traverse. This has implications for all nearby residents, but especially those who live on F Street, most of whom have steep stairs leading to the front entrances of their house and rely on Groff Court access for safety and emergency reasons.

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

The review process for this proposed development moved very quickly, with very little neighbor input or opportunity for engagement. In addition, because the administrative record is so barebones, it has been difficult to learn about the proposed development and respond in turn.

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

The location of our house means that we will be more impacted than the general public by negative impacts to the neighborhood's character and safety. In addition, the property plans show a two-story addition with numerous large windows at a height that will look directly onto our backyard.

I designate Andrea Ferster to act as my legal counsel in this matter. She has the authority to bind me in this matter.

Sincerely,

Addar Levi



May 19, 2019

Board of Zoning Adjustment
441 4th Street NW, Suite 200S
Washington, DC 20001

Re: BZA Case No. 20027
520 Groff Ct NE – Two-story Addition

To Whom It May Concern:

I request party status in this matter. Set forth below are responses to Party Status Criteria from BZA Form 140.

1. How will the property owned by such person be affected by the action requested by the Board?

I am concerned about how the proposed construction will impact the space, light and vehicle maneuverability, and vehicle visibility of pedestrians and young children that play in the alley.

2. What legal interest does the person have in the property?

I am a resident of the alley and own the home at 502 Groff Ct NE Washington D.C. and drive, walk or bicycle through the alley on a daily basis. I have owned my house since August 2016.

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

I estimate the distance is 100 feet.

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 by the Board is approved or denied?

If approved or denied under the current situation, I am concerned that the amicable nature of the neighbors in the alley will be significantly diminished. Ms. Benson, by her own account (please note the attached email), has not done substantial outreach to all of the neighbors that could be affected by the change. Her perfunctory activity has met regulatory requirements, but greatly diminished the spirit in which they were intended.

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

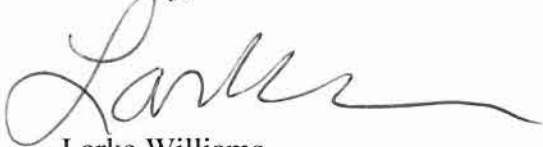
If approved, I am concerned the addition will take up previously open space and decrease the light in the alley making it difficult for vehicles to see pedestrians, including children that play in the alley. In addition, I am concerned that the reduced distance would make it more difficult to drive my car in the alley and park my car, especially during the time of construction when there will be significantly more traffic and after when it will be more difficult to maneuver my car through the alley. The decreasing of space and light will make it difficult for vehicles to see pedestrians especially at night and may make it difficult to avoid unexpected pedestrians and cyclists, increasing the likelihood for an accident.

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

Due to the lack of neighborhood input and concerns with construction that I and my neighbors have noted, I urge the BZA to deny the project until there has been an opportunity to have a community discussion on this matter and an opportunity to come to a joint resolution. I believe there could be a way to allow Ms. Benson to improve her property in a way that will address my and my neighbors concerns.

I designate Andrea Ferster to act as my legal counsel in this matter. She has the authority to bind me in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larke Williams", with a long horizontal flourish extending to the right.

Larke Williams
502 Groff Ct NE
Washington DC 20002



Larke Williams <larke.williams@gmail.com>

Fwd: 520 Groff Update & CMA

Kara Benson <kara.benson@gmail.com>

Tue, May 14, 2019 at 7:40 PM

To: Larke Williams <larke.williams@gmail.com>

Cc: Brenda Barger <bylouie@gmail.com>, Sara Procacci Wilson <sprocacc@yahoo.com>, Steve Meneely <steve.meneely@gmail.com>

Larke and Brenda,

Thanks again for coming by. I know it can be a little tense but I really appreciate you reaching out to talk through your concerns. Attached is the Construction Management Agreement I mentioned. Let me know what you think.

I'll also let you know what we can do about rounding the corner to ease the turn.

I also want to apologize and acknowledge you're totally right. I could've and should've talked to all of you about this sooner. I didn't know if it was even possible and then I simply followed the DC and ANC procedure for notifications. Nothing was stopping me from reaching out a year ago except a busy schedule, the introvert in me, and (if I'm being honest) fear that someone would block it for arbitrary reasons as I've seen happen in the past. That wasn't fair to you all and doesn't give you credit for being reasonable, well-informed folks. So you're right and I am sorry. If nothing else I'm glad this process is actually helping me meet my neighbors, though maybe we can re-meet under more relaxed circumstances. :)

I'll follow up with you on that outstanding issue. Don't hesitate to reach out with anything else. Text is usually the best way to reach me. My cell is 646-554-1018.

Have a great rest of your night.

Kara

From: Larke Williams <larke.williams@gmail.com>**Sent:** Monday, May 13, 2019 8:06 PM

[Quoted text hidden]

[Quoted text hidden]

 **520 Groff CMA v2.0 Clean.docx**
23K

May 20, 2019

Board of Zoning Adjustment
441 4th Street NW, Suite 200S
Washington, DC 20001

Re: BZA Case No. 20027
520 Groff Ct NE – Two-story Addition

To Whom It May Concern:

We request party status in this matter. Set forth below are responses to Party Status Criteria from BZA Form 140.

1. How will the property owned by such person be affected by the action requested by the Board?

My house faces the backyard of the subject property. Our property will be negatively affected as to neighborhood character and restricted circulation due to the proposed development.

2. What legal interest does the person have in the property?

I have owned and lived in my house at 506 Groff Court since 2013.

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

My houses faces the backyard of the subject property and is approximately within 50 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 by the Board is approved or denied?

The residential addition will impact me and my property in many ways.

The project requests zoning relief for the required setback from the F Street alley centerline claiming that this is consistent with surrounding other nearby residences. However, the applicant has not accurately matched precedence set by the other interior

alley lots (500, 501, and 508 Groff Court) that provide setbacks from the lot lines and allow for an alley width of 14' to 16'-11". See attached Exhibit A.

A 10' wide alley will result in concerns for neighborhood character, increasing ongoing concerns for loitering pedestrians, as this would constrain sight lines and scope of surrounding street lights.

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

As an alley homeowner with parking, I rely on the multiple ingress/egress points from my house to the main streets (3rd and 4th Streets NE). These egress points are regularly blocked by ride-sharing services and construction contractors, requiring that I snake through the alley to access another exit. Exhibit B was prepared to represent the impact of a turning passenger vehicle constrained by the proposed building addition. The proposed development will not only impede interior alley homeowners, but limit agility for solid waste collection and emergency vehicles on Groff Court.

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

The location of my house means I will be more impacted than the general public by negative impacts to the neighborhood character and restricted circulation as a result of the proposed zoning application.

I designate Andrea Ferster to act as my legal counsel in this matter. She has the authority to bind me in this matter.

Sincerely,



Brenda Barger
506 Groff Court NE
Washington DC 20002

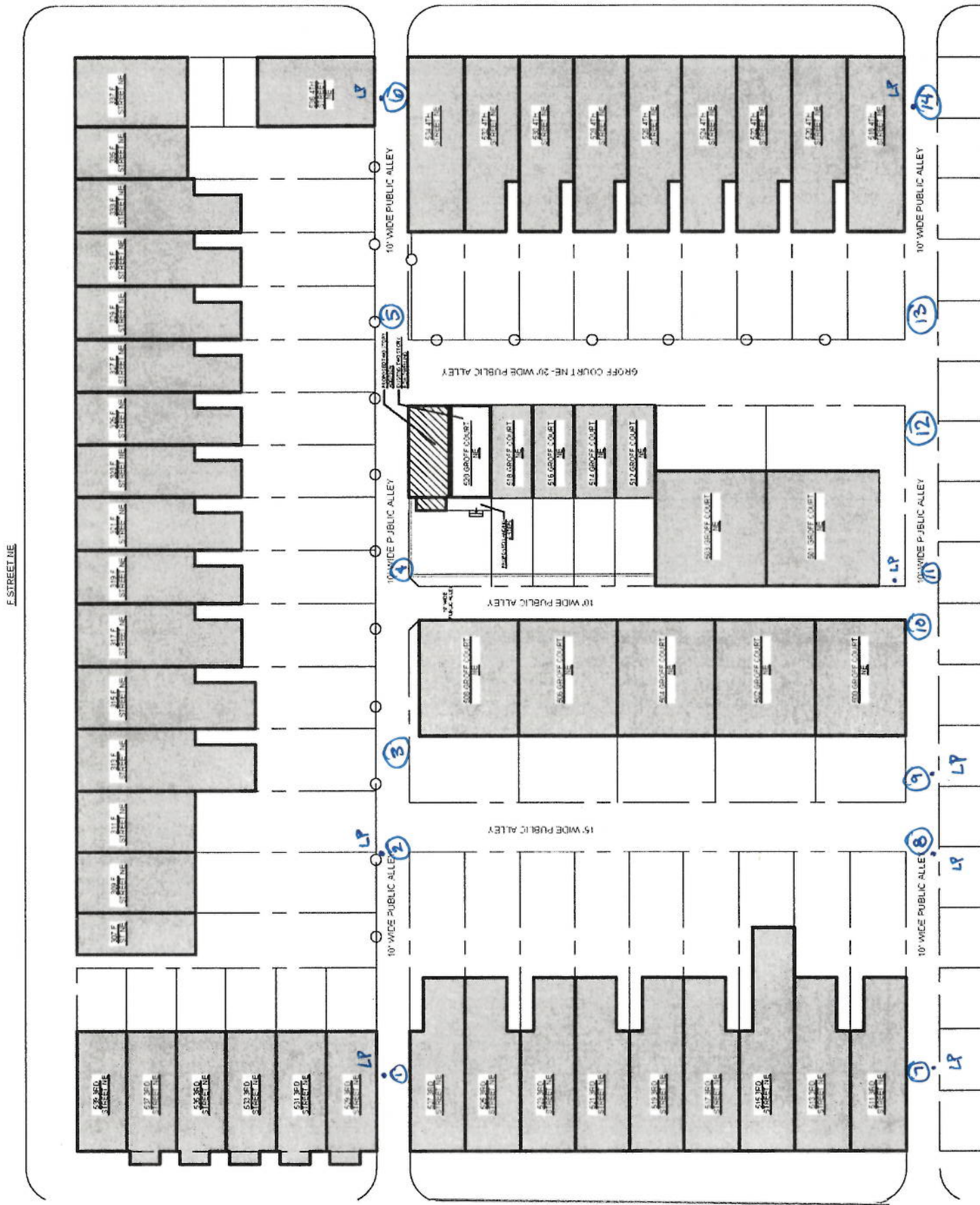
LEGEND / MEASUREMENT TABLE

LP - Light Pole

MEASUREMENTS TAKEN TO LIGHT POLE
WHEN APPLICABLE

- ① 9'-4"
- ② 9'-0"
- ③ 16'-11"
- ④ 10'-9"
- ⑤ 9'-6"
- ⑥ 9'-3"
- ⑦ 8'-11"
- ⑧ 10'-0"
- ⑨ 15'-6"
- ⑩ 16'-0"
- ⑪ 14'-0"
- ⑫ 15'-6"
- ⑬ 10'-7"
- ⑭ 9'-0"

MEASUREMENTS TAKEN ON MAY 18-19, 2019
BASED ON FIELD CONDITIONS



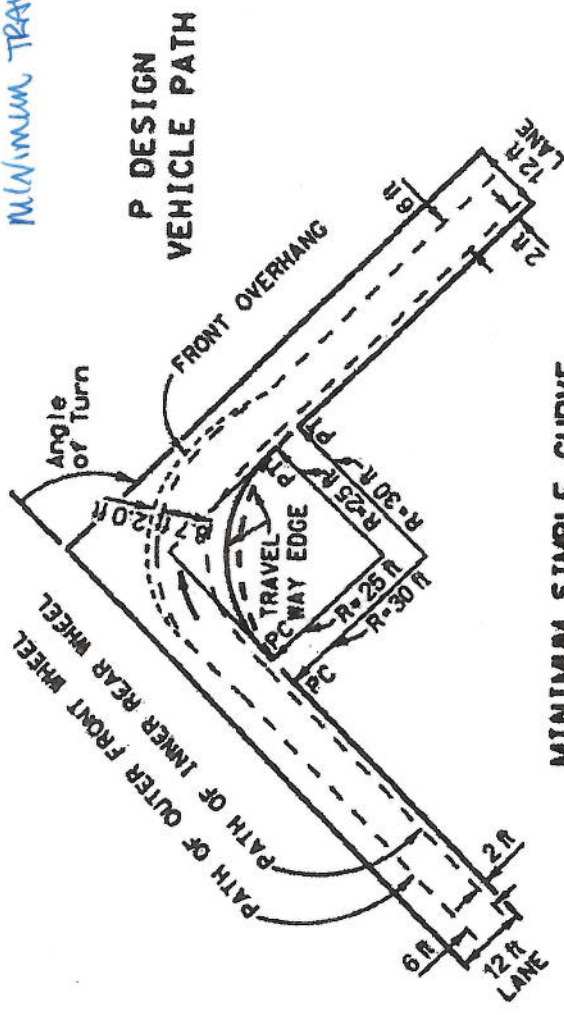
1 BLOCK PLAN
SCALE: 1/32" = 1'-0"
NOT TO SCALE

3rd Street NE

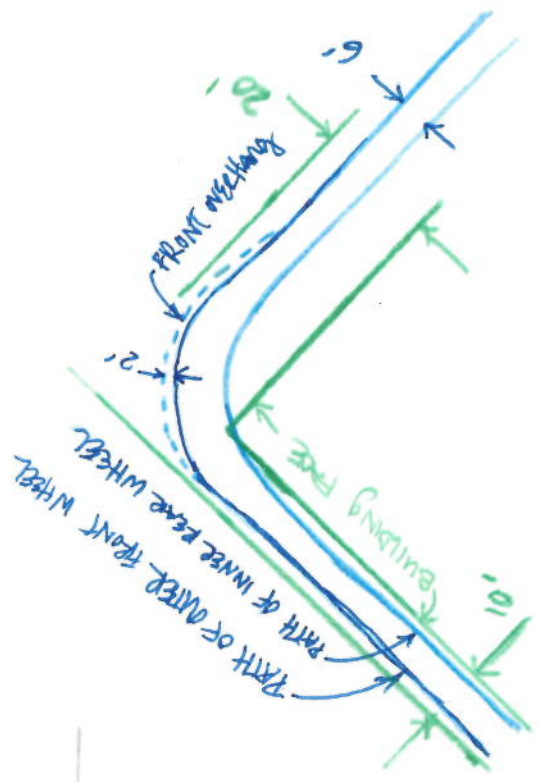
Fowler Architects 2/11/19

"A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS & STREETS"
 BY THE AMERICAN ASSOCIATION OF STATE HIGHWAYS & TRANSPORTATION (AASHTO)
 INTERSECTIONS OFFICIALS

EXHIBIT 9-21
 MINIMUM TRACKED W/AY (PASSENGER VEHICLES)



MINIMUM SIMPLE CURVE
 25 FT OR 30 FT RADIUS
 -A-



May 21, 2019

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

Re: BZA Application No 20027, 520 Groff Court, NE

Dear Ms. Bardin:

Please be advised that Andrea C. Ferster is authorized to represent me in the above-referenced zoning proceeding, including the power to bind me in this proceeding.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'F' followed by a horizontal line extending to the right.

Frances M. Raskin
Owner, 333 F St, NE; Washington, DC 20002

May 21, 2019

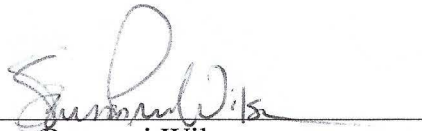
Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

Re: BZA Application No 20027, 520 Groff Court, NE

Dear Ms. Bardin:

Please be advised that Andrea C. Ferster is authorized to represent me in the above-referenced zoning proceeding, including the power to bind me in this proceeding.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Sara Procacci Wilson", is written over a horizontal line.

Sara Procacci Wilson

Owner of two (2) properties located within 100 feet of 520 Groff Court, NE:

1. 329 F St, NE; Washington, DC 20002 (parking location and rental) ~20 feet
2. 337 F St, NE; Washington, DC 20002 (primary residence), less than 100 feet

May 21, 2019

Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

Re: BZA Application No 20027, 520 Groff Court, NE

Dear Ms. Bardin:

Please be advised that Andrea C. Ferster is authorized to represent me in the above-referenced zoning proceeding, including the power to bind me in this proceeding.

Very truly yours,

A handwritten signature in cursive script that reads "Forrest Park". The signature is written in dark ink and is positioned above a horizontal line.

Forrest R. Park
Owner, 536 4th St, NE; Washington, DC 20002

May 21, 2019

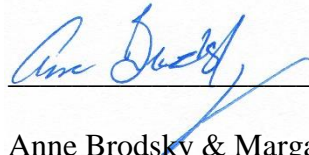
Sara Bardin, Director
D.C. Office of Zoning
Board of Zoning Adjustment
441 4th Street, N.W. Room 210
Washington, D.C. 20001

Re: BZA Application No 20027, 520 Groff Court, NE

Dear Ms. Bardin:

Please be advised that Andrea C. Ferster is authorized to represent me[us] in the above-referenced zoning proceeding, including the power to bind me in this proceeding.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Anne Brodsky & Margaret Chriss", is written over a horizontal line. The signature is fluid and cursive.

Anne Brodsky & Margaret Chriss
327 F St NE
Washington, DC 20002

Certificate of Service

I hereby certify that, on May 21, 2019, a copy of the foregoing request for party status was served by email on the following:

Kara Benson
Kara.benson@gmail.com

Jennifer Fowler
Jennifer@fowler-architects.com

Jennifer Steingasser
jennifer.steingasser@dc.gov

ANC602
6C02@anc.dc.gov



Andrea C. Ferster