



**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:	Peter & Brittany Bepler		
Address:	1830 15th St. NW, Washington, DC 20009		
Phone No(s):	(202) 236-4733; (202) 617-7848	E Mail:	peterbepler@gmail.com; brittanybepler@gmail.com
I hereby request to appear and participate as a party in Case No.:	20144		
Signature:	10/3/2019	Date:	10/3/2019

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
If yes, please enter the name and address of such legal counsel.					

Name:	Meridith Moldenhauer, Cozen O'Connor		
Address:	1200 19th Street, NW, Suite 300, Washington, DC 20036		
Phone No(s):	202-747-0770	E Mail:	mmoldenhauer@cozen.com

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:	October 16, 2019
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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 by the proposed zoning action than that of other persons in the general public.

~~by the proposed~~
 District of Columbia
 CASE NO.20144
 EXHIBIT NO.31



October 4, 2019

VIA IZIS

Samantha L. Mazo
Meridith H. Moldenhauer
Direct Phone 202-747-0768
Direct Fax 202-683-9394
smazo@cozen.com
mmoldenhauer@cozen.com

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

Re: Application No. 20144 (David Barth and Lisa Kays) Regarding 1832 15th Street NW (the “Barth Structure”)

Party status Application in Opposition and Request for Advance Party Status Determination from Peter and Brittany Bepler, the owners of the directly adjacent home at 1830 15th Street NW (the “Bepler Residence”)

Chairperson Hill and Honorable Members of the Board:

Peter and Brittany Bepler, (“the Beplers”), the owners of 1830 15th Street NW (the “Bepler Residence”) through their undersigned attorneys, respectfully request party in opposition status in the above-referenced case. *See* Agent Authorization letter at **Exhibit A**.

Pursuant to Subtitle Y § 404.4, The Beplers request that the Board schedule an advanced party status meeting on October 16, 2019.

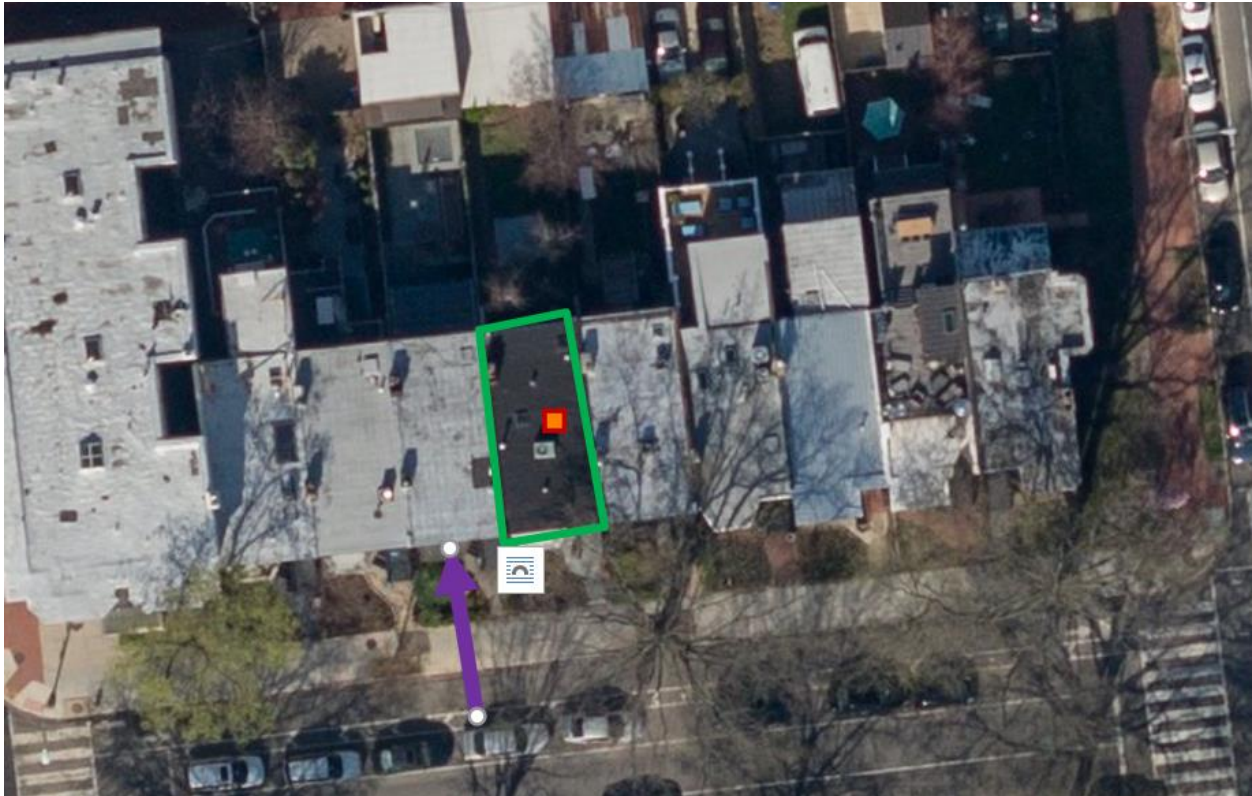
The Beplers will be significantly, distinctively, and uniquely affected by the Barth structure’s requested special exception relief to construct a 24 foot tall three-story rear addition that extends 13.25 feet into their backyard, plus a 4.3 foot deck, and a second story addition on their existing garage.

As discussed below, the Beplers satisfy the requirement for Party in Opposition because:

- a. They are the owners of the Bepler Residence, which is directly adjacent to, and shares a party wall with, the Barth Structure.

- b. If granted, the requested special exceptions from the rear addition requirements, from the lot occupancy requirements, and from the accessory building alley set back requirements will significantly and uniquely impact the Bepler Residence's light, air and privacy. Further, this relief will unduly impact the Beplers' use and enjoyment of their property.

The Bepler Residence is identified with the purple arrow. The Barth Structure (the subject of the BZA application) is outlined in green.



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;*

The Beplers will testify individually. Also, they could present both an architectural expert and a land use expert. Those individuals can be identified at the Advanced Party Status meeting, if requested by the Board.

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

All witness(es) will testify, collectively or individually, that the Barth Structure proposed addition will substantially and adversely impact the Bepler Residence, that the use and enjoyment of the Bepler Residence, including the rear yard, will be unduly compromised, and that the size of the proposed addition is out of character with the neighborhood. Further, the witnesses will detail that the Barth Structure would not be in harmony with the intent of the Zoning Regulations, which expressly limit the size of rear additions and the maximum lot occupancy permitted.

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*

It is anticipated that the Beplers will be retaining witnesses who have previously been designated as experts by the Board. However, the Beplers 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 Beplers anticipate presenting this case in chief in approximately 30 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 requested special exception will unduly impact the light, air and privacy available to the Bepler Residence. This impact will be significant and distinct and will more uniquely impact the Bepler Residence because it is directly to the south of the Barth Structure on a North-South orientation and, will result in the Beplers having a constricted, dark, tunnel-like rear yard. This will significantly impact their use and enjoyment of their property, as they will be bounded by a three-story, blank wall that extends 13.25 feet and far exceeds the permitted lot occupancy. As such, the requested relief will cause significant and detrimental impacts.

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

The Beplers are the owners of record of 1830 15th Street NW, the directly adjacent property to the south.

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 Bepler Residence is directly adjacent to, and shares a party wall with, the Barth Structure (the subject of the BZA application).

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?*

If the requested relief is approved the Bepler Residence will be subject to numerous environmental, economic and/or social impacts, including but not limited to, unduly adverse impacts on their quality of life, and privacy and enjoyment in their home.

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.*

Suffice it to say, the proposed addition will have significant and distinct adverse impacts on the use of the Bepler Residence. The Beplers reserve the right to supplement the record to include additional evidence on this matter.

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.*

As the Bepler Residence is directly south and immediately adjacent to the Barth Structure, the Beplers' interests will be more significantly, distinctly and uniquely affected than others in the general public. The Barth proposal – a three-story, 13.25 feet addition with a second story addition on the garage – results in a total lot occupancy of at least 70% that will substantially and uniquely impact the Beplers' use and enjoyment of their home. Approval of this relief will cause direct and irreparable impacts to the Beplers' light, air, enjoyment and privacy.

In conclusion, the Beplers 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 for October 16, 2018

Sincerely,

COZEN O'CONNOR



BY: SAMANTHA L. MAZO

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2019, I had served a copy of this Party Status request in opposition via e-mail, to the following:

David Barth and Lisa Kays
c/o Martin P. Sullivan
1155 15th Street, NW Suite 1003
Washington, DC 20016
msullivan@sullivanbarros.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 2B
c/o Daniel Warwick, Chairperson
2b02@anc.dc.gov

Advisory Neighborhood Commission 2B
Ed Hanlon, Commissioner, 2B09
2B09@anc.dc.gov

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

By: Samantha L. Mazo

EXHIBIT A

October 3, 2019

VIA IZIS

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

AGENT AUTHORIZATION

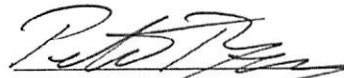
Chairperson Hill and Honorable Members of the Board:

This letter serves as notice that Peter and Brittany Bepler, the owners of the property located at 1830 15th Street NW authorizes counsel, Cozen O'Connor to be the authorized agent in Board of Zoning Adjustment Case No. 20144, regarding property located at 1832 15th Street NW. Pursuant to Subtitle Y § 200.3 of the Zoning Regulations, this authorization includes the power to bind the undersigned owner in the case before the Board.

Sincerely,



Brittany Bepler


Peter Bepler