

February 10, 2021

VIA IZIS

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

RE: BZA Case No. 20382

Party Status Application in Opposition from Darrin Howell and MaryJoy Ballantyne, the owners of the directly adjacent home at 306 11th Street, N.E. (the "Howell Residence")

Chairperson Hill and Honorable Members of the Board:

Darrin Howell and MaryJoy Ballantyne, the owners and residents of 306 11th Street, N.E. (the "Howell Residence"), respectfully request party status in opposition to the above-referenced case, originally scheduled for a hearing on February 24, 2021.

As part of a much larger building project, the Applicants Haider Haimus and Jessica Bachay (the "Applicant") seek special exception relief for the property located at 308 11th Street, N.E. (the "Applicant's Property") to allow: a 4th-level addition and roof deck to an existing 3-level rowhouse (the "Applicant's Structure") located in the Capitol Hill Historic District; and a second-story addition to an existing accessory structure, in RF-1 Zone.

Request for Advanced Party Status Meeting

Pursuant to Subtitle Y § 404.4 Darrin Howell and MaryJoy Ballantyne submit a request for advanced party status in opposition consideration at the public meeting scheduled for February 24, 2021.

Darrin Howell and MaryJoy Ballantyne will be significantly, distinctively, and uniquely affected by the Applicant's requested relief from lot occupancy and alley centerline setback, if granted, because the Howell Residence is directly adjacent to and shares a party wall with the Applicant's Structure. If granted, the requested special exceptions will substantially, permanently, irreparably, and adversely: (1) impact the privacy, airflow, openness, noise levels, and light available to the Howell Residence; (2) compromise the use and enjoyment of the Howell Residence, including the rear yard; (3) limit future improvements by using the entire cheek walls of the party walls; and (4) lower the value of the Howell Residence. Further, the Applicant's proposed additions are: (1) out of character with the neighborhood, and in particular with the seven adjacent rowhouses; (2) not in harmony with the intent of the Zoning Regulations; and (3) inconsistent with the conditions at the Applicant's Property, resulting in an impermissible fourth story addition.

Form 140 Party Witness Information

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

Darrin Howell and MaryJoy Ballantyne will testify individually, and they reserve the right to add witnesses at the time of the public hearing.

2. A summary of the testimony of each witness;

All witness(es) will testify, collectively or individually, among other things, that the Applicant's proposed additions: (1) will substantially and adversely impact the privacy, airflow, openness, noise levels, and light available to the Howell Residence; (2) will unduly compromise the use and enjoyment of the Howell Residence, including the rear yard; (3) will limit future improvements by using the entire cheek walls of the party walls; (4) will lower the value of the Howell Residence; (5) are out of character with the neighborhood, and in particular with the seven adjacent rowhouses; (6) are not in harmony with the intent of the Zoning Regulations; and (7) are inconsistent with the conditions at the Applicant's Property, resulting in an impermissible fourth story addition.

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

Darrin Howell and MaryJoy Ballantyne reserve the right to supplement the record and provide information pertaining to witnesses or expert witnesses at a future date before the hearing.

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

Darrin Howell and MaryJoy Ballantyne anticipate presenting their case-in-chief in approximately 30 minutes.

Form 140 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 exceptions will unduly impact the light, air, privacy, and quiet enjoyment available to the Howell Residence. The Howell Residence will be significantly and uniquely impacted because the Howell Residence shares a party wall with and is directly adjacent to the Applicant's Property to the south. The proposed structures will dwarf the Howell Residence's very small outdoor space. The proposed windows in the second story of the accessory structure will be only feet away from, and look directly into, the Howell Residence's upper level master bedroom and lower level main living area. The proposed 4th level addition will have a wet bar and roof deck that will be above the bedrooms of the Howell Residence, unduly increasing noise disturbances for the Howells and their children. Thus, the requested relief from lot occupancy and alley centerline setback will substantially, permanently, irreparably, and adversely impact the privacy, airflow, openness, noise levels, and light available to the Howell Residence and compromise the use and enjoyment of the Howell Residence, including the rear yard. Additionally, by using the entire cheek walls of the party walls, the Applicant's Structure will limit future improvements.

Further, the Applicant's proposed additions are: (1) out of character with the neighborhood, and in particular with the seven adjacent rowhouses; (2) not in harmony with the intent of the Zoning Regulations; and (3) inconsistent with the conditions at the Applicant's Property, resulting in an impermissible fourth story addition. The Applicant's proposed roof-top addition is an impermissible 4th story under the Zoning Regulations because the lowest level at the Applicant's Property is 5' and more above grade, disqualifying the lowest level from being alleged as a cellar. Accordingly, the Howell Residence will be further impacted by an impermissible 4th level addition.

Taken together, these intrusions to the Howell Residence will lower the attractiveness, comfort, enjoyment, and potential improvement of the Howell Residence, and in turn, lower the value of the property.

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

Darrin Howell and MaryJoy Ballantyne are the owners and residents of record of the directly adjacent property at 306 11th Street, N.E.

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 Howell Residence is directly adjacent to, and shares a party wall with, the Applicant's 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?

As explained in more detail above, if the requested relief is approved, the Howell Residence will be subject to numerous environmental, economic and/or social impacts, including but not limited to, unduly adverse impacts on privacy, air-flow, openness, sunlight, and quiet. These intrusions into the Howell Residence, in a dense urban area, will make their property less desirable and thereby lower the value of the home. Additionally, by using the entire cheek walls of the party walls, the proposed additions will limit future improvements to the Howell Residence, further lowering the value of the house. Finally, the Applicant's proposal of a fourth level addition and second story accessory structure will irreversibly damage the unique consistency, character, scale, and pattern of the neighborhood.

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 proposed additions will have significant and distinct adverse impacts on the use of the Howell Residence. Darrin Howell and MaryJoy Ballantyne 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.

Because the Howell Residence is directly adjacent to the Applicant's Structure, Darrin Howell and MaryJoy Ballantyne's interest will be more significantly, distinctly, and uniquely affected than others in

the general public. As described in detail above, the proposed additions will result in significant and irreparable reductions of airflow, openness, privacy, sunlight, and quiet available to the Howell Residence. These intrusions into the Howell Residence will make their property, already in a dense urban area, less desirable, thereby lowering the attractiveness and value of the home. Additionally, by using the entire cheek walls of the party walls, the proposed additions will limit future improvements to the Howell Residence, further lowering the value of the house. In conclusion, Darrin Howell and MaryJoy Ballantyne respectfully request that the Board grant their request for party status in opposition. Thank you for your attention to this matter.

Darrin Howell and MaryJoy Ballantyne

Certificate of Service

I hereby certify that on February 10, 2021, I served a copy of this Party Status request in opposition via e-mail to the following:

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