



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 141 - INTERVENOR REQUEST

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

PLEASE NOTE: THIS FORM IS FOR APPEALS ONLY.
(Please see reverse side for more information about this distinction.)

Name:	Wendy Schumacher		
Address:	1701 16th Street NW, # 423		
Phone No.(s):	202 280-0915	E-Mail:	wendysindc@gmail.com

I hereby request to appear and participate as an intervenor in Appeal No.: **20452 and 20453**

Signature: *Wendy Schumacher* Date: **10/26/21**

Will you appear as a(n) Proponent Opponent Will you appear through legal counsel? Yes No

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

Name:	N/A		
Address:			
Phone No.(s):		E-Mail:	

ADVANCED INTEVENOR STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 502.2

I hereby request advance Intervenor Status consideration at the public meetings scheduled for: _____

INTEVENOR CRITERIA:

On a separate piece of paper, please answer all of the following questions referencing why the above person should be granted intervenor status, pursuant to 11 DCMR Subtitle Y § 502.1(i):

1. What legal interest does the person (i.e., owner, tenant, trustee, or mortgagee) have in the property?
I reside 20 feet from the property. I reside at 1701 16th Street NW, # 423, a Coop in the historic Chastleton. I have a proprietary lease for my unit as a member of the Chastleton Cooperative Association, Inc.
2. How will the property owned or occupied by such person, or in which such person has an interest, be affected if the Appeal before the Board is approved or denied?
Please see the attachment to this Form for my answer to this question.
3. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the Appeal before the Board is approved or denied.
Please see the attachment to this Form for my answer to this question.
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 Board is approved or denied?
Please see the attachment to this Form for my answer to this question.
5. What is the distance between the person's property and the property that is the subject of the Appeal before the Board? (Preferably no farther than 200 ft.)
20 feet

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Appeal Nos. 20452 (Michael D. Hays) and 20453 (Dupont East Civic Action Association)

INFORMATION IN SUPPORT OF REQUEST TO INTERVENE

(I am timely making this Request to Intervene and filing this Request to Intervene with the Board by email at least 14 days before the November 10, 2021 Public Hearing)

- (a) The person requesting intervenor status and their authorized representatives, if any, shall provide the following information in their initial filing with the Board: Name, mailing address, telephone number, facsimile number, and e-mail address:

Name: Wendy Schumacher
Mailing Address: 1701 16th Street NW, # 423
Telephone No.
Fax Number: None
Email address: wendysindc@gmail.com

- (b) An identification of the appeal by number, the appellant's name, and the address of the property that is the subject of the appeal:

Appeal No. 20452
Appellant's Name: Michael D. Hays
Property address: 1733 16th Street NW, Washington, DC 20009

And

Appeal No.: 20453
Appellant's Name: Dupont East Civic Action Association
Property address: 1733 16th Street NW, Washington, DC 20009

- (c) A request to appear and participate as an intervenor:

FORM 141 - INTERVENOR REQUEST is being filed contemporaneously to request intervenor status in both Appeal No. 20452 and Appeal No. 20452

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(d) Whether the person will appear as a proponent or opponent of the appeal:

I wish to appear as a proponent of the appeals in Appeal No. 20452 and Appeal No. 20452

(e) If the person will appear through legal counsel or other authorized representation and, if so, the name and address of the legal counsel or other authorized representation;

N/A

(f) If the person will be represented by an individual, the request shall contain a written authorization that includes the power of the representative to bind the person in the case before the Board;

N/A

(g) If the intervenor status request is not being made by an individual, but by an association, corporation, partnership, government agency, or other similar entity, the request shall include proof that the entity authorized the persons filing the request to do so. The proof may consist of a resolution of the person's board of directors; a copy of the by-law provision authorizing the particular officer, employee, or agent to represent the person in such proceedings; a letter signed by all the members of the organization; or similar proof satisfactory to the Board:

N/A

(h) A list of witnesses who will testify on the person's behalf:

- 1. Wendy Schumacher**
- 2. Any witness already listed as a witness by the existing parties in Appeal No. 20452 and Appeal No. 20452**

If I am granted intervention status, I would be the only additional witness not already listed by one of the other parties.

I expect my testimony would last only 10 minutes.

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(i) A written statement setting forth why the person should be granted intervenor status, including reference to the following:

(1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Board:

I reside at 1701 16th Street NW, Apartment 423, which is 20 feet from Masonic Temple at 1733 16th Street NW.

(2) The legal interest the person has in the property, such as owner, tenant, trustee, or mortgagee:

I reside at 1701 16th Street NW, Apartment 423, which is part of the Chastleton, 1701 16th Street NW, a Co-op. I have a proprietary lease for my unit as a member of the Chastleton Cooperative Association, Inc.

(3) The distance between the person's property and the property that is the subject of the application before the Board;

The Chastleton is only 20 feet from 1733 16th Street NW, the property which is the subject of this appeal. Only a 20 foot alleyway separates the Chastleton from 1733 16th Street NW, the site of the Masonic Temple. I am attaching a photo of this alleyway. The Chastleton is on the left side of the alleyway in the photo and 1733 16th Street NW is on the right side of the alleyway in the photo.

My unit, # 423, is on the north side of the Chastleton and runs along this alleyway. All of my windows are on the alleyway directly across from 1733 16th St NW. My unit and all of my windows are only 20 feet away from the Mason's property line. If I held a 20 foot pole out my window the other end would touch the Masons' property line.

(4) The environmental, economic, social, or other impacts likely to affect the person and/or the person's property if the appeal is affirmed or reversed; and

I live only 20 feet from the Masonic Temple site. Only an alleyway separates where I live from 1733 16th Street.

My unit is on this alleyway and overlooks the alleyway. From my windows I can look directly down and see the alley. I can see the Temple across the alleyway from my window. From my window I can look directly across and see the south side of the Temple. From my

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window I can look down and see the Temple's yard that runs along the alleyway. I can see the large open area behind the Temple and the view nearly extends to Swann Street.

The Masons and Perseus want to subdivide the lot the Temple sits on into two lots.

The Subdivision the Zoning Administrator approved adversely affects me environmentally, economically, aesthetically.

The Subdivision approved by the Zoning Administrator places the majestic historic national landmark on too small of a lot and brings the new eastern lot line of the Temple too close to my unit where I live.

My belief is that if a proper subdivision had been approved the eastern lot line of the Temple building would stretch approximately 50 to 100 feet back towards 15th Street. There would be more open space between the rear Temple apse and the new property line and, thus, more open space between my unit and the new property line and any new building being built behind the Temple.

Prior to his death, I sat with my uncle, an architectural historian, looking out the window of my unit across the open park-like space between the Temple and 15th Street and both of us derived much peace and enjoyment from those views. He liked to quiz me on the other buildings designed by John Russell Pope inspired by the sight of the Masonic Temple.

Drawing the lot line less than six feet behind the Temple apse is going to seriously adversely affect my views and the aesthetic enjoyment I get from these views.

A primary reason I chose to move to Dupont Circle is because of the amount of open space. In particular, many properties, including the Masons, are required to have sizeable rear yards and open space between buildings in the rear. Drawing the property line less than six feet behind the Temple and so close to my unit is going to adversely affect the light, air, air quality and privacy I presently enjoy.

The property line should be drawn farther away from the Temple into the open area behind the Temple apse. Drawing the property line less

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than six feet from the back of the Temple apse and so close to my unit is going to increase the noise, the dirt, the traffic, and the congestion in the alleyway directly below my windows. This alleyway will be one-way so all the traffic leaving the parking structure or other part of the new building, like food delivery from the large building the Masons are trying to build behind their Temple, is going to travel right under my windows. Regular traffic will come from Masonic Temple staff, trash removal, repair workers, and delivery trucks in addition to resident traffic, moving vans, delivery trucks, ride share cars, and trash removal from the proposed building.

There is a wide entrance on the 1500 block of S to enter the rear of the Masons' property which vehicles can use to make deliveries. I am attaching a Google Earth shot showing this S Street entrance which has been there for there for many decades. Currently, this S Street entrance is being used by the construction crew for their vehicles and equipment.

But, because the subdivision line approved by the Zoning Administrator is less than six feet behind the apse of the Temple there will not be enough room for any vehicles or any delivery trucks to deliver to the Masonic Temple using S Street.

In public meetings Perseus stated that pedestrians will have access to view the rear of the building via a sidewalk that will have an entrance where the S Street vehicle entrance currently exists. There is no room for vehicles and pedestrians to co-exist in this less than six foot space.

If this subdivision is approved, all deliveries to or from the Masonic Temple will have to use the narrow 15 ft entranceway across the alley from my windows. This is a big change and has a major adverse impact on me in terms of noise, traffic, congestion, pollution because of the subdivision the Zoning Administrator approved. This subdivision makes the area behind the Temple so small it will no longer be possible to have any vehicle ingress or egress from S Street; all traffic will have to travel under my windows.

When I decided to move into the Chastleton, I deliberately chose to live in a unit at the back of the Chastleton along the alley, rather than in the front facing 16th Street or R Street. I chose the back because I wanted peace and quiet, where I rarely hear the noise generated by a large volume of street traffic and for the views and the feeling of openness

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the location of my unit provides. Living in the unit and looking out across the open area behind the Temple I see many low scale buildings and that gives me a calming feeling not common living in the middle of a busy city.

Because my unit is in the back of the building, it is desired more than units which front busy streets or the Chastleton's courtyard containing trash bins. I believe the value of my unit is going to be less if the new Masons' property line is drawn so close to my residence because of the traffic noise and exhaust. In effect the quiet alley under my windows with its infrequent vehicular traffic, is going to be turned into a busy street, which is something I sought to avoid when I bought my unit, and will diminish the value of my unit. This narrow brick alleyway under my windows was not designed for this amount of traffic and maintenance that will be generated by the huge new lot the Zoning Administrator approved when he approved this Subdivision.

Further, Chastleton Cooperative Association, Inc., of which I am a shareholder, is spending money for an engineering assessment because the Coop shareholders, like me, are concerned about the damage such a large building behind the Temple and the excessive volume of traffic from that building with its large underground parking garage, will cause to the structural integrity of the Chastleton. For me the assessment is critical after reading about building integrity issues in Surfside, Florida.

The Coop has also committed to spending money for additional window cleanings. I believe this subdivision line drawn so close to my building will necessitate additional costs to me and the other shareholders of the Coop in the future caused by noise; dust and exhaust; excessive traffic from routine uses, emergency responders, and snow removal vehicles; and structural integrity issues.

In approving the Subdivision that he did the Zoning Administrator created a larger buildable lot much closer to my residence than would be allowed had the Masons' property been properly subdivided.

- (5) An explanation of how the party has an interest that may not be adequately represented by the automatic parties.

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I understand that the developer claims that the existing Appellants may not have timely raised the issue that there is a huge wall, almost 12 feet tall, in what the Masons are designating as their new rear yard.

The Masons are trying to designate as their new rear yard the area that runs along the alleyway across from my window all the way to their property line on 16th Street. This puts part of the front steps of the Temple and this wall into the new rear yard.

Section 324.1 of the Zoning Regs state

324.1 Every part of a yard required under this title shall be open and unobstructed to the sky from the ground up except as follows:

(a) A structure, not including a building no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title. Any railing required by the D.C. Construction Code Supplements, Title 12 DCMR, shall not be calculated in the measurement of this height;

This wall is far more than 4 feet high as I will testify. It is more than twice my height. It is over 11 feet high. Placing this huge wall into the middle of the rear yard violates Zoning Regulation 324.1 and also violates Zoning Regulation 100.2, Definitions, which states:

Yard, Rear: A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

If the existing parties did not timely raise this issue that the subdivision violates Sections 100.2 and 324.1, then they did not and do not adequately represent my interests.

Even if the existing parties are deemed to have timely raised this issue, I still believe that my interest is so direct and important and the Board should permit me to be an intervenor. I live 20 feet from this new rear yard. I can see this wall and this yard out my bay window.

Being able to raise this issue has a profound effect on me and my property.

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If I am right that putting this wall into their new rear yard violates 100.2 and 324.1, then the subdivision the Zoning Administrator approved is illegal. A proper legal subdivision would draw the new lot line much farther away from my property.

So, obviously my interests are not being adequately represented if the issues concerning the violations of Sections 100.2 and 324.1 have not been properly and timely presented in this case.

I am directly affected by the violations of Sections 100.2 and 324.1 and I want issues concerning the violation of Sections 100.2 and 324.1 heard and decided by the Board.

The violation of Sections 100.2 and 324.1 is very clear and I will present several photos. I expect my testimony to last 10 minutes.

SUMMARY of TESTIMONY and EXHIBITS

My testimony will be consistent with the facts contained in my *Form 141 Intervenor Request*. In my testimony I may refer to exhibits filed by the other parties.

I am filing separately several additional Exhibits consisting of photographs and a screenshot.

Certificate of Service

I certify that on October 26, 2021 I emailed a copy of the attached **Form 141** to the following individuals at the email addresses shown below:

Matthew LeGrant, Zoning Administrator
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WENDY SCHUMACHER