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June 1, 2022

Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

Re: Request for Party Status – BZA Case No. 20636;
4509 Foxhall Crescent N.W. (Square 1397, Lot 960)

Dear Chairman Hill:

This is a request for leave to file Forms 140, requests for party status, on behalf of abutting property owners Gene and Patricia Godley, and Phoebe and Robert Sharkey, who live within 200 feet of the subject site. The Godbeys and Sharkeys intend to present a coordinated opposition case, While these requests are being filed within 14 days of the hearing scheduled now set to be heard by this Board on June 15, 2022, as required by Subtitle Y-404.2, the request is not filed within 14 days of the first scheduled hearing on this matter, and therefore the requesters ask for leave to file their requests based on good cause shown per Subtitle Y- 204.5.

Good cause exists for any delay in filing these requests for party status. Both the Sharkeys and the Godleys had intended to participate in the hearing as part of the party status request filed by John Fox, which specifically identified the Godleys and Sharkeys as affected property owners who would testify as parties at the hearing. BZA Ex. 43, Mr. Fox's request was denied by this Board during the hearing held on May 25, 2022, based on opinions expressed by Board members that the adverse impacts experienced by Mr. Fox, who resides slightly more than 200 feet from the subject site, were not sufficiently distinct from that of other members of the Foxhall Crescent Homeowners Association. (None of the requesters at that point were represented by legal counsel.)

No prejudice would result to Applicant from the nominally late filing inasmuch as the Applicant is receiving the normally required advance notice of 14 days in any event. Moreover, Mr. Fox's request for party status and the detailed party status request of Andrew Wong (BZA Exhibit 21A) has placed the Applicant on notice regarding the existence and nature of the opposition to the application. Further, the Applicants hardly have standing to complain of any delay in this filing, inasmuch as they have consistently failed to comply with the deadlines set forth in the rules, causing corresponding delays in the ability of reviewing agencies and parties to review the project, including their most recent supplemental filing, which belatedly provided necessary documents such as a proposed storm water management plan, less than the required 21 days prior to the hearing.

Frederick L. Hill, Chairperson
Board of Zoning Adjustment
June 1, 2022
Page | 2

Sincerely,



Andrea C. Ferster

Certificate of Service

I hereby certify that, on June 1, 2022, a copy of the foregoing Requests for Party Status was served by email on the following:

1. D.C. Office of Planning
Matthew Jesick, AICP, Development Review Specialist
via email: matthew.jesick@dc.gov
2. District Department of Transportation
Mr. Jonathan Rogers, DDOT
Mr. Aaron Zimmerman, DDOT
jonathan.rogers2@dc.gov
aaron.zimmerman@dc.gov
3. Neighborhood Commission 3D
3D@anc.dc.gov
4. Advisory Neighborhood Commissioner SMD Chuck Elkins
3D01@anc.dc.gov
5. Jody Westby, Party in Support
via Email: westby@globalcyberrisk.com
6. Cynthia Giordano, counsel for Applicant
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