



## FORM 140 - PARTY STATUS REQUEST

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Case Number:	21205
Original Hearing Date:	11/20/2024
Will you appear as a(n)	Opponent
Are you requesting Advance Party Status to be considered at a public meeting least 14 days prior to the scheduled public hearing date? (Pursuant to Subtitle Y Section 404.4 / Subtitle Z Section 404.4)	No
If yes, I hereby request Advance Party Status consideration at the public meeting scheduled for:	11/06/2024

<b>Party Status Requestor Information</b> <b>Name:</b> Sarita Frattaroli <b>E-mail:</b> sfrattar@gmail.com <b>Address:</b> 3732 Windom PI NW <b>Phone No.s:</b> 6172171007	<b>Legal Counsel Information (If appearing through legal counsel)</b> <b>Name:</b> <b>E-mail:</b> <b>Address:</b> <b>Phone No.s:</b>
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### Certificate of Service

Name	Email	Type
Martin Sullivan	msullivan@sullivanbarros.com	Applicant
3E	3E03@anc.dc.gov	ANC
3E05	3E05@anc.dc.gov	ANC
3E05 Commissioner Denny	jeffrey.d.denny@gmail.com	ANC
3E05 Commissioner Denny	jeffrey.d.denny@gmail.com	ANC

After submitting this request, you must download the form and accompanying documents from the case file and serve it on all parties.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this appeal is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Signature	Sarita Frattaroli
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**ATTACHMENT TO FORM 140 PARTY STATUS REQUEST  
IN BZA CASE NO. 21205  
Sarita Frattaroli and Travis Berge, 3732 Windom Pl NW**

*1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action request of the Commission/Board?*

Given that our property is attached to the applicants' property, the proposed project will uniquely impact our light, air, and privacy, including:

- 1) The elevated deck with side enclosures and a railing above our fence will be visible from our property and interfere with our light and air; the application does not state the height of the proposed structure, but given the height of the applicants' current deck, the elevations in Exhibit 4, the standard railing height of 3', and the sloped nature of the lot we estimate it would be about 13 feet high. Accordingly, the floor of the deck, some of the enclosed siding, and individuals using the deck would rise well above the standard 7' fenceline;
- 2) The elevated deck would have direct sight lines into the back of our house, porch, and yard and reduce our privacy – the direct visibility into our house is a particularly unique impact;
- 3) The elevated and enclosed nature of the deck means it will hover above our backyard and create a boxed-in feel as it would extend past the standard rear yard setback and build out a significant portion of the attached lot; the current property currently covers 44% of the lot and has a two floor addition that extends approximately 12' past our house; the application states that this 13'x25' raised structure would increase lot coverage to 49.5% with a 15.2' setback.

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

We are the owners of 3732 Windom Pl NW.

*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 distance is zero feet. The property is attached to the applicant's property. The proposed project would be built along our shared property line.

*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?*

Approval of this project would adversely impact our enjoyment and use of our property, including our privacy and ability to experience light, air, and openness in our home and backyard. There may be negative economic impacts from this light/air/ privacy effect, especially since no other homes along our side of the alley are adjacent to a property that has similarly

exceeded the lot coverage or rear setback requirements, so other homes would have significantly better light, air, and privacy.

*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.*

N/A

*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.*

According to Subtitle D-5201.4, any application for a special exception must demonstrate that the covered project shall *not* have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

The interests of the Frattaroli/Berge family will be more significantly, distinctively, and uniquely affected in character and kind by the proposed development because we are the sole property owners that share an attached wall with the applicant property. The project appears to adversely impact our family's access to light, air, privacy, and general enjoyment and use of our property, which is relevant to whether the application meets the burden of proof for the special exceptions.

No other property is directly affected like this attached property.

## *Party Witness Information*

### *1. List of Witnesses*

Sarita Frattaroli  
Travis Berge

### *2. Summary of Testimony*

- Description of our lot, applicants' existing lot, and how the lot compares to other homes in the neighborhood;
  - The applicants' lot is similar to if not the same as other lots in the neighborhood, including our attached lot;
  - The applicants' currently have an addition and deck that exceeds the 40% lot coverage limit and extends beyond other homes on our side of the alley;
- The applicants have not provided sufficient information to meet their burden for the special exceptions;
  - The applicants' lot does not have an unusual circumstance that would justify the special exceptions;
  - The applicants' preference to build an elevated and expanded deck to facilitate parking for three cars rather than preserving backyard space or a low deck does not justify the special exceptions;
  - The applicants' proposed project would differ from other homes in the neighborhood;
  - The applicants' proposed project would not be consistent with the general purpose and intent of the Zoning Regulations and Zoning Maps;
  - The application offers conclusions that the project will not adversely affect the neighbors' light, air, and privacy, including the statement that "the proposed Addition will have no impact on neighboring properties." See Exhibit 9. The application does not provide evidence to support these conclusions.
  - The application has missing information;
    - For example, the application does not show the height of the proposed elevated deck, which is necessary to determine the impact of the proposed project on the light, air, and privacy on neighboring properties; we asked the applicants for this height information on September 30<sup>th</sup>;
    - There is no plat for the current property. Our understanding is that this information is required under 300.8(b). We also are concerned that the current setback stated in Form 135 may not be accurate and there could be implications for the requested relief, but have not been able to verify this due to the lack of a current plat;
    - There is no explanation for why the current property exceeds the 40% coverage restriction, including whether the property previously applied for relief from the BZA. We have asked the Department of Buildings to search their records for permits and other information related to this issue and they do not have any such records;

- Based on the information available in the application, the proposed project would negatively impact our light, air, privacy, and general enjoyment and use of our property
  - Given how the elevated deck will extend towards the back of the lot past the applicants' existing large addition and beyond the standard setback line, neighbors and their guests will have a direct line of sight into the back of our home, porch, and yard, interfering with our privacy and enjoyment of our home;
  - Several feet of the elevated deck structure will raise above our fence, with clear visibility of the siding, deck floor, railings, any furniture, and people using the deck;
  - The structure will interfere with our light and air given that it will be elevated well above the standard fenceline and extend so significantly far back into and across the lot.

### *3. Expert Witnesses*

None designated at this time; the requesters reserve the right to supplement their list of witnesses no later than 14 days in advance of any hearing.

### *4. Total Amount of Time Requested*

15 minutes