

Attachment to Form 140 – Request for Party Status of Rolf and Pat Sartorius and Monica Bauer -BZA Case No. 21325

PARTY AND WITNESS INFORMATION:

1. Additional parties.

The following neighbors wish to be parties in opposition:

Rolf, Pat and Caroline Sartorius
3255 P Street, NW
Washington, DC 20007

Monica Bauer
3216 Volta Pl. NW
Washington, DC 20007

Arno Liukisla
3259 P Street, NW
Washington, DC 20007

Chester Crocker and Pamela Aall
3208 Rear Volta Place, NW
Washington, DC 20007

Linda Pfeifle and Al Amori
3263 P Street, NW
Washington, DC 20007

Kevin Barnes
3214 Volta Place, NW
Washington, DC 2007

As described in the attached letters, each of the requesters lives and owns property within 200 feet of the applicant's property, and will be adversely affected and aggrieved in a

manner distinct from the general public. The requestors wish to proceed jointly with their opposition case and will be represented by the same counsel.

A list of witnesses who will testify on the party's behalf:

Rolf Sartorius, Monica Bauer, Al Almorí, Chester Crocker, and Kevin Barnes, property owners, who will testify on the adverse impacts that effect each of them

Guillermo Rueda, Zoning Expert. will testify on zoning compliance issues and impacts on light and air

- 2. 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**

Mr. Rueda will testify as a Zoning Expert on zoning criteria and impacts. His CV is attached.

- 3. The total amount of time being requested to present your case:**

One hour

PARTY STATUS CRITERIA:

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

As a result of the negative impacts described below each of the parties has an interest in opposing the proposed ADU and its zoning exceptions.

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

We are property owners located within 200 feet of the proposed ADU.

- 2. 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.)**

Each of the requesters is located less than 200 feet from the Applicant's property line.

3. 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?

(a) Light and air.

Owners in the neighborhood have all purchased their properties placing great value on their small private gardens, patios with ample, diffuse sunlight, light summer breezes and private backyard views of trees, gardens and greenery from living rooms and master bedrooms. Due to the disproportionate massing of the ADU, the owners of 3249, 3255 and 3259 P and 3208, 3214 and 3216 Volta will be substantially affected by lost light in backyard patios, gardens and rear facing MBR and living room windows during the day. The owners of 3208 Volta will experience very substantial loss of light in their home, deck and garden due to the blocked southern exposure light. Several shade trees and their diffuse light will be removed, reducing the natural light these properties receive.

The Applicant's shadow study (BZA Exhibit 18D, at pp 16-18) appears to assume that the impact on light and air to neighboring properties is based on the difference between what it calls a "matter of right" two-story accessory building, i.e. a second story that is set back so as to have a building area of 450 square feet on the second story, rather than the additional 27 square feet of building area sought by the special exception application. This is a false comparison. The existing one-story garage has 477 square feet of building area, and is therefore nonconforming as to building area. It cannot be expanded or extended as a matter of right by adding a second story without a special exception, and therefore a two-story accessory building is **not** matter of right. Instead, the appropriate comparison is between the one-story garage and the full two stories sought by the applicant for its ADU. The Applicant's shadow study is therefore insufficient to sustain its burden of proving that the special exception would not have undue impacts on neighbors' light and air.

b. Privacy, use and enjoyment of neighboring properties

Again, affected neighbors have all purchased their properties placing great value on the enjoyment of their small private gardens, shade trees and visually quiet backyard views.

The proposed ADU is off of a private, single access point driveway with an easement shared by three properties. The increased occupancy of the ADU with the additional residential and visitor foot and car traffic required to access and service the ADU over the 3255 owned driveway will pass directly in front of the living room and dining room windows and pass along the back yard garden. This added traffic, tenants moving in and out of the ADU and movement of additional trash bins will increase the frequency of noise and reduce

backyard privacy. The ADU's 4 large south facing windows (2 ground level 6-foot windowed bifold doors, 2 upper level 4' 6" foot windows) will face over the garden area of 3255 P Street and into the living room and MBR windows reducing privacy and enjoyment of the use of these areas. The proposed ADU requires taking down or substantially cutting back older shade trees in the backyard areas adjacent to the ADU. The trees that are proposed to be cut back would not survive. These trees provide a visual barrier between 3255 P Street and the adjacent properties, that currently protects their privacy.

Similarly, The ADU's 4 large south facing windows will also face towards the garden area of 3249 P Street and into its living room and MBR windows reducing privacy and enjoyment of the use of these areas. The proposed ADU requires taking down or substantially cutting back older shade trees in the backyard area and will reduce the privacy and shade to 3249 Street.

(b) Noise.

3249, 3255 and 3259 P Street and 3216 and 3208 Volta will also experience increased noise . The added traffic, tenants moving in and out of the ADU and movement of additional trash bins and delivery vehicles will increase the frequency of noise. Noise from the ADU AC unit abutting these properties' patios, decks and windows will be loud and disruptive.

(c) Adverse impacts on parking.

By eliminating the two garage spaces and one or two pad parking spaces in front of the garage for 3253 P Street, the ADU will place up to four additional parking spaces on the street. Maneuvering cars over the narrow shared driveway into garage spaces is already difficult. By having cars parked in the space in front of the ADU rather than in the garage and with added trash bins, it is more difficult to maneuver cars in and out of the four garages due to the narrow 90-degree turn required to access the shared driveway from the garages. In combination with the increased occupancy of the ADU and the existing occupancy of 3253 P (with 2-4 cars historically), and elimination of the offstreet parking, there will be increased pressure on the already very limited P Street parking shared by residents, businesses and Addison Elementary School student pick-ups and drop-off in front of 3253 P Street. The further limitations to P Street parking is of great concern to P Street residents and business owners alike. The neighborhood businesses are particularly concerned about losing additional business due to added limitations in P Street parking.

In addition, the shared driveway is very narrow and delivery vehicles would block the adjacent neighbors' access to their garages during deliveries or get stuck in the narrow passage damaging properties.

(d). Visual intrusion

The proposed ADU is visible from P Street, and as the application states, the area is characterized by two-story dwellings with detached one-story accessory structures. The proposed ADU is visible from the street and from 16-18 properties on the block. The following owners within the 200-foot radius are most adversely affected by the massing of the proposed ADU: 3249, 3255, 3259, 3263 and 3265 P Street and 3214, 3216 Volta and 3208 Rear Volta. The ADU is both out of character and out of proportion with accessory structures in the neighborhood. Again, it presents as a street front residential façade in design, massing and scale in an area characterized by private backyard gardens and one-story accessory units. The two-story ADU would sit on top of three connected, uniform, double-bay, one-story garages creating a lopsided geometry that would upset the pattern of the existing six bay structure. The new structure would visually dominate the immediate area.

The Applicant's assertion that the massing of its proposed ADU is comparable to existing two-story accessory structures in the neighborhood (BZA Exh. 18D, pp. 13-14) is a false comparison. The photos show two-story accessory buildings in public alleys. These buildings therefore have an entrance/exit route from both the alley and to the interior lot, whereas the Applicant's proposed ADU has a single entry from the shared private driveway.

In addition, the comparison is false because the predominant view from the comparison photos from the alley is the rear facade of the principal dwelling and most of the accessory structures on the alley way are already two stories and adding a second story on a single story garage abutting the alley does not disrupt the pattern or massing of neighborhood buildings or unduly impact light. Further, the rear windows of accessory buildings in the comparison photos open to the alley way and do not provide a direct view into the windows in the living space of neighboring properties, as they do here, where the placement of the windows of the proposed ADU directly face windows of the primary living space of the neighbors' homes, and will significantly disrupt their privacy.

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.

(a) construction concerns.

First, the proposed ADU is based on adding a second story to weak garage structure with party walls shared by three adjacent neighbors. The structure is built on old retaining walls and the brick is compromised by age, the need for pointing and water seepage from

abutting properties. The new construction is likely to collapse or further compromise the already weak structure. Strengthening the party walls would require digging and strengthening footings or retaining walls on adjacent properties, none of which the neighbors support.

Second, the common driveway easement shared by 3253, 3255 and 3259 P Street that is required to access the ADU runs above an underground stream which is only a few feet below the driveway. Any work to dig up the driveway owned by 3255 P Street to install sewer or electric lines for the ADU may cause neighborhood flooding problems that neighbors have worked hard to remedy and avoid over many years. Any such flood or damage would incur lawsuits by the property owners.

Third, the nearby neighbors are concerned about impacts during construction of the ADU. The neighbors would like the applicant to work with them in developing a construction management agreement.

(b) Impact on the zone plan. A final concern of the neighbors is that if the two-story ADU exception is granted for 3253 P Street, the same zoning exceptions could be granted ADUs above the two adjacent garages structures at 3255 and 3259 P Street. If this were the case, it would exacerbate each of the problems described above.

(c) Insufficient request for special exception relief.

The Applicant (CJB Investments, Inc) is the property owner of 3253 P Street, NW and developer with several rental properties in the Georgetown area. The Applicant seeks special exceptions from two zoning regulations to construct a second floor over an existing one-story six-bay garage structure shared by three neighbors to create a two-story accessory dwelling unit ("ADU"). The ADU will be accessed by a shared private driveway through a common easement that gives the three adjacent properties equal easement rights to access their connected garages.

The zoning regulations provide that an ADU may only seek to waive two of the special exception requirements. Subtitle U-253.10. The Applicant misleadingly asserts in its supplemental burden of proof statement (that it is seeking to waive only one of the requirements of Subtitle U-253: the requirement of Subtitle U-253.9(a) that an ADU in an accessory building may only be one-story. BZA Exhibit 18A. In addition, as noted in the Applicant's Updated Burden of Proof (BZA Exhibit 11), the application is also seeking a special exceptions from the development standard in Subtitle D- 1105.4 and 5000.3, limiting the building area of accessory buildings in the R-3/GT district to allow the second story a building area of 470.8 square feet.

However, as the Applicant acknowledges in its updated burden of proof, the new second story will "follow the exterior walls of the existing first floor garage. The existing garage is four hundred seventy-point eighty square feet (470.80' sq. ft.)." BZA Exhibit 11. As noted above, the existing garage is a nonconforming structure, which will be extended by the addition of a second story to existing garage. The zoning regulations provide that the nonconforming aspect of the structure cannot be extended or increased without zoning relief. Subtitle C-202.2. As a result, the Applicant also requires specific exception relief from Subtitle C-202.2.

Finally, the Applicant has amended the zoning self-certification to state that the principal dwelling is a row house, subject to the 60 % lot occupancy maximum rather than the 40 % maximum lot occupancy originally stated in the original zoning self-certification. However, a row building is defined as having no side yards. Subtitle B-100 (definition of "building, row"). Here, the shared driveway functions as a side yard for the applicant's property, allowing a physical separation from the adjacent structure and allowing the principal dwelling to have windows that are not at risk due to the Applicant's ownership of an easement to use the driveway. Therefore, 40 % is the appropriate lot occupancy for the Applicant's property.

Conclusion

The neighbors requesting party status oppose the proposed ADU structure at 3253 P Steet for the reasons stated above, however, given the circumstances, they would reluctantly accept a one-story with the existing roof line and a construction remediation plan as a compromise solution. A potentially acceptable solution would use the current first story exterior architectural drawings (Eustilis Architecture, June 10, 2025) as the basis for the design with the AC unit placed in the ground at the east corner of the ADU. This solution provides the owner of 3253 P Street with extra dwelling space and minimizes negative impacts on neighbors. In addition, the Applicant should add a gate to the rear garden to allow for less disruptive access to the Applicant's garage.

