



2014 DEC 32 AM 8:05 FORM 140 - PARTY STATUS REQUEST
AM 9:15

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

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

Name:	Westover Place Homes Corporation c/o Larry M. Joseph		
Address:	4373 Westover Place, NW Washington, DC 20016		
Phone No(s):	(240) 888-1009	E Mail:	larry.m.joseph@gmail.com
I hereby request to appear and participate as a party in Case No.:		11-07C	
Signature:	<i>Larry M. Joseph</i>	Date:	12/31/2014
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:			
Address:			
Phone No(s):		E Mail:	

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness (*Zoning Commission only*);
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 (*Zoning Commission only*); and
4. The total amount of time being requested to present your case (*Zoning Commission only*).

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

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

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

ZONING COMMISSION
District of Columbia
CASE NO. 11-07C
EXHIBIT NO. 14

WESTOVER PLACE HOMES CORPORATION

December 31, 2014
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

Re: Case No. 11-07C (Request for a Minor Modification to an Approved Campus Plan
Further Processing Application Zoning Commission Order No. 11-07)

Dear Sirs:

Attached please find a request for party status in the above matter. The applicant for party status is the Westover Place Homes Corporation ("Westover"), a District of Columbia nonprofit corporation. This organization was formed in 1978 in connection with the development of an eight-acre townhouse community known as Westover Place. There are 149 private dwelling units in the community. Each owner of a home in Westover Place is a member of the corporation. Westover Place also includes community property that is owned and maintained directly by the corporation. Westover Place abuts the east side of American University's East Campus. Westover Place shares a boundary with AU of 947.5 feet.

Respectfully Submitted,

A handwritten signature in black ink that reads "Larry M. Joseph, President". The signature is written in a cursive, flowing style.

Westover Place Homes Corporation
Board of Directors
Larry Joseph, President
Claire Craik, Vice President
Mary Ellen Fehrmann, Treasurer

**Re: Case No. 11-07C (AU Campus Plan)
Party Status Request of Westover Place Homes Corporation
Form 140 Supplemental Information**

Witness Information:

1. List of Witnesses (subject to change):

Larry M. Joseph

2. Summary of testimony of each witness:

Mr. Joseph will testify that Westover's key concerns are noise and the reduction of adverse impacts on the community. Any delay in the current construction schedule is not in the best interests of Westover Place and the greater community.

3. Time for presentation of case: 10 minutes.

Party Status Criteria:

1. **Effect of Campus Plan on Property Owned or Occupied by Applicant.** As stated in the attached letter, Westover Place Homes Corporation is a nonprofit D.C. corporation that was organized when the community of Westover Place was built. The community includes 149 townhouses and associated common property. There are approximately 300 total residents of Westover Place. Westover Place abuts the east side of American University's East Campus. AU and Westover Place share a boundary of 947.5 feet. AU construction creates adverse impacts on Westover Place residents and their privately owned townhomes. Any delay in construction is not in the best interest of Westover residents as we are the most impacted by East Campus construction.
2. **Legal Interest in Real Property.** The corporation owns a small strip of property immediately adjacent to the AU property line. Its stockholders own 149 townhouses in the townhouse development that sits adjacent to AU's East Campus.
3. **Distance between the Person's Property and AU.** Westover and its stockholders own and/or occupy properties that directly abut AU. Eighty nine (89) of the town homes are situated within two hundred feet of the boundary line.
4. **Environmental, Economic or Social Impacts.** During the hearing process for the AU Campus Plan, Westover argued that the existing character of the community would deteriorate significantly due to objectionable conditions, including (without limitation) traffic, noise, the visual impact of proposed structures, excessive density and use of East Campus, and proposed retail uses. The owners of the town homes and Westover Place Home Corporation also would be adversely affected by dramatically increased noise from the students residing at and visiting East Campus. Construction noises, in particular, are of significant concern. Adverse conditions are also likely due

to illegal parking in the immediate area and increased pedestrian and vehicular traffic on the roadways immediately surrounding Westover Place. Westover residents already experience unacceptable traffic and have great difficulty exiting their properties by automobile during certain peak hours.

The Zoning Commission addressed many but not all of the community's concerns when it issued Order No. 11-07. Nevertheless, if the Zoning Commission does not approve the Minor Modification proposed by AU, then considerable time would be required to redesign and subsequently construct the East Campus facility. This delay works in the opposite direction from Westover's primary concern - impact on the community. The construction of the 150 car, below grade garage as proposed helps greatly to reduce the impact of East Campus on the community

In its request for a Minor Modification, AU has offered an additional condition to the Order: "The University will not allow any charter buses or motor coaches to enter the East Campus property," This condition would be helpful in reducing the impact on Westover after construction has been completed but our concern rests on the definition of charter buses and motor coaches. We will ask during the hearing that this concern be addressed and better defined.

5. **Relevant Matters.** See attached letter. Westover Place will address the likely objectionable conditions at the hearing and in written submissions.
6. **Distinctive or Unique Interests.** AU has approval to build a large facility directly in Westover's immediate backyard. Our community is the closest to East Campus of any of our sister communities. Westover's townhomes are not "buffered" by big backyards, lush landscaping, or intervening roadways. AU and Westover Place share a boundary of 947.5 feet. The corporation owns a strip of property immediately adjacent to AU and other associated common properties throughout the community. Occupants of the Westover homes along the boundary line with AU are likely to see East Campus buildings from their living rooms, bedrooms and patios. Some homes have balconies as well that overlook East Campus