



**BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



**FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD**

**THIS FORM IS FOR NON-PARTIES ONLY. IF YOU ARE A PARTY PLEASE FILE A FORM 150 – MOTION.**

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.

**CASE NO.:**

19818

I, Shelby and Adam Telle hereby request the following relief:

Accept an untimely filing of \_\_\_\_\_ a request to be made party to case 19818

To reopen the record to accept \_\_\_\_\_

**Points and Authorities:**

**Accept an untimely filing:** Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to accept an untimely filing, including relevant references to the Zoning Regulations or Map. If you require more space, please use a separate piece of paper.

**Reopen the Record:** Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to reopen the record, including relevant references to the Zoning Regulations or Map. **The document(s) that you are requesting the record to be reopened for, must be submitted separately from this form. No substantive information should be included on this form.**

As the owners of 1265 Penn Street N.E., directly next door to the disputed construction and zoning issues related to 1267 Penn Street N.E. and case 19818, we are directly impacted by the decision of the zoning board to allow construction up to the property line.

**5 Foot Side Yard Violations**

The current plans violate the required 5 feet of side yard as required by DC Code.

The original home included a wooden, first floor dining room, that was added onto the house as a nonconforming structure, violating the 5-foot setback requirement. Under 11-C DCMR § 201.1, nonconforming structures may not be enlarged upon, expanded or extended. The plans for construction expand the existing nonconforming first floor dining room addition, by including cellar space (that would be ground-level at the back of the structure and abut the 1265 lot) and a terrace, thus extending and increasing the nonconforming aspects of the existing structure, violating 11-C DCMR § 202.2(b).

Further, once torn down, constructions cannot again violate the 5 foot side requirement. This project is not a mere renovation. Aside from the front façade, the entire home has been demolished, including basement, foundation, footers, etc. As such, new construction must comply with existing code requirements, meaning violating the 5 foot side yard is not permitted.

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 application/petition 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)

<b>Date:</b>	9/18/2018	<b>Signature:</b>	Shelby Telle
<b>Name:</b>	Shelby and Adam Telle	<b>E-Mail:</b>	shelbytelle@gmail.com
<b>Address:</b>	1265 Penn Street N.E., Washington, D.C. 20002		Board of Zoning Adjustment District of Columbia
<b>Phone No(s):</b>	727-656-0401	<b>Fax No.:</b>	CASE NO.19818 EXHIBIT NO.23

**ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.**