



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT FOR 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 intervenor 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 ZC or 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 (see instructions). No substantive information is to be included on this form.**

See attached request.

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)

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

CASE NO. 19818
EXHIBIT NO. 31

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

Zoning Form 153 Attachment

Case: 19818
Names: Shelby and Adam Telle
Relief Requested: We request to become intervenors to case 19818.

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.

Existing Property Damage from Negligent Construction

Further, we request party status because we have already suffered property damage as a result of the construction at 1267 Penn Street N.E. On the morning of Sept. 9, 2018, our side yard collapsed into the neighboring construction site as a result of the negligent digging done at 1267 Penn Street N.E., causing the land to slide. To date, our yard remains inaccessible and sunken, depriving us of use. The effects of any construction or zoning decisions directly impact our ability to have our own yard repaired and regain use of our own property at 1265 Penn Street N.E.

Prior Notice

Case 19818 will go before the Zoning Board on Sept. 26, 2018. The issues discussed above have been addressed to the owners of 1267 Penn Street N.E. since April 9, 2018. 1267 Penn Street N.E. will not be harmed by adding us as a party to the existing zoning dispute.

We just learned of the pending case before the zoning board and request to join as a party given our status as next door neighbors, in a home specifically purchased for side yard, which has already been damaged by 1267 Penn Street N.E.


Shelby and Adam Telle

1265 Penn Street N.E., Washington, D.C. 20002

(727)656-0401

shelbytelle@gmail.com

DEPARTMENT OF THE DISTRICT OF COLUMBIA
 PERMIT OPERATIONS DIVISION
 PLANNING AND DESIGN
 1200 15TH ST. N.W. 12TH FLOOR
 WASHINGTON, DC 20004

This site is conditionally approved for use as a residential building. The site is subject to field inspection. All plans must be kept on site and are hereby approved for construction. All changes to the original plans must be approved by the District of Columbia Department of the District of Columbia. The approved plans are hereby approved for construction. The approved plans are hereby approved for construction.

AFAI STUD

ARCHITECTS

1227 PENN ST. NE
 WASHINGTON, DC 20002
 PHONE: 202-556-1234
 FAX: 202-556-1234
 WWW: www.afaistud.com

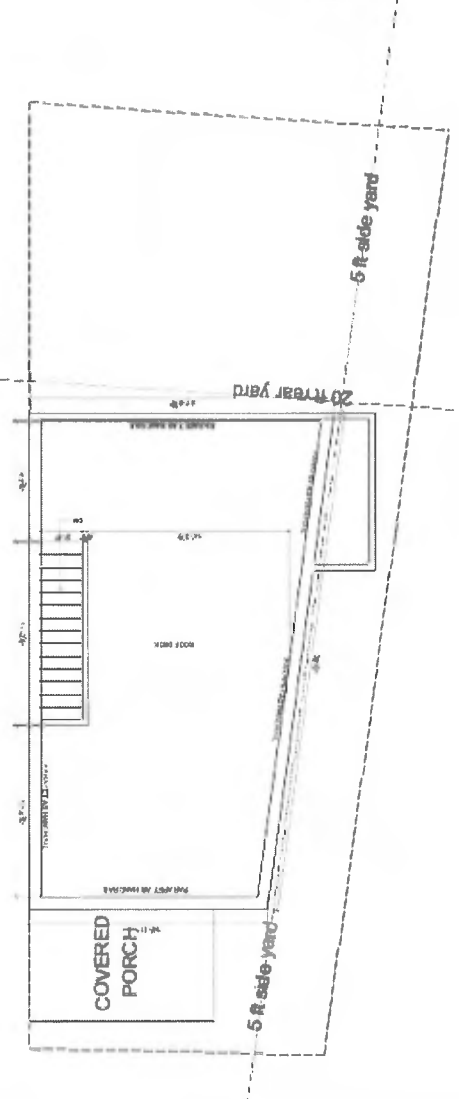
1267 PENN ST., NE
 WASHINGTON, DC 20002
 SC: 4060
 LOT: 0233

DATE	AS NOTED
DATE	08/10/2017
PROJECT NUMBER	1260

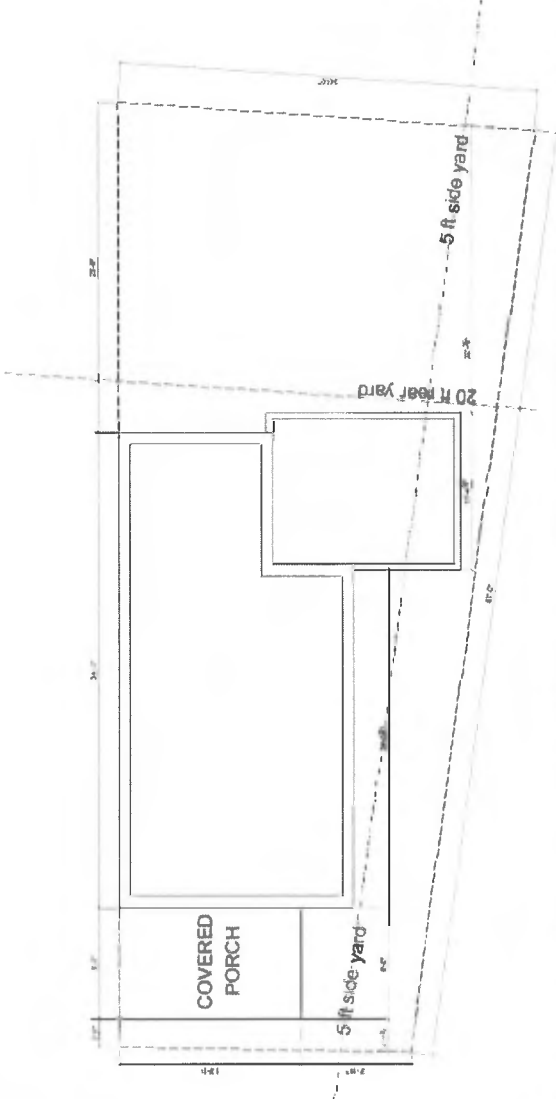


A0100

1 PROPOSED SITE PLAN
 SCALE: 1/4" = 1'-0" 24X36 LAYOUT



2 EXISTING SITE PLAN
 SCALE: 1/4" = 1'-0" 24X36 LAYOUT



AD0101

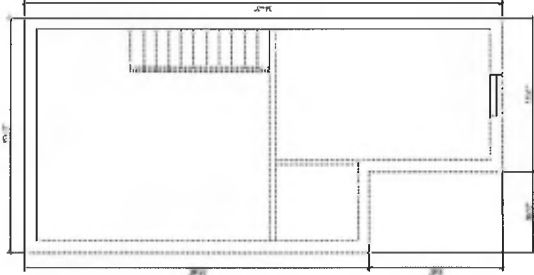


SCALE	AS NOTED
DATE	08/20/20
PROJECT NUMBER	1267

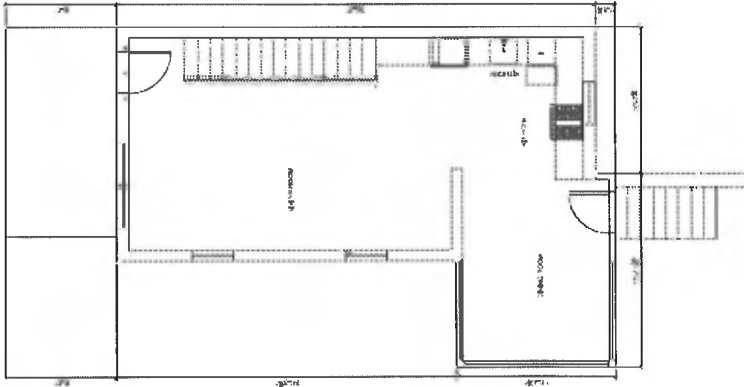
1267 PENN ST., NE
 WASHINGTON, DC 20002
 LOT: 0238 SQ: 4080

AFA STUDIOS
 ARCHITECTS
 1267 PENN ST., NE
 WASHINGTON, DC 20002
 TEL: 202-462-1234
 FAX: 202-462-1235
 WWW.AFASTUDIOS.COM

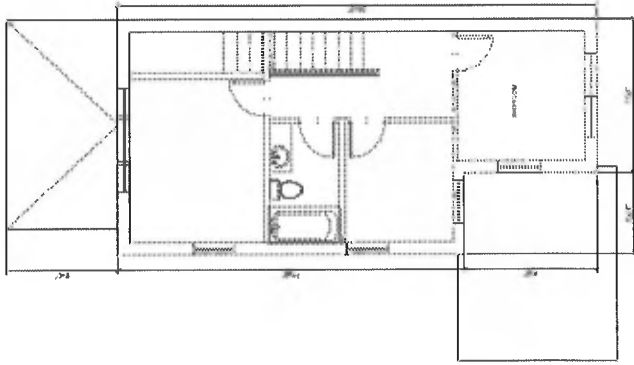
THIS PLAN IS THE PROPERTY OF AFA STUDIOS ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF AFA STUDIOS ARCHITECTS IS STRICTLY PROHIBITED. AFA STUDIOS ARCHITECTS ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.



1 CELLAR FLOOR PLAN - DEMO
 SCALE: 1/4" = 1'-0" 24X36 LAYOUT



2 1ST FLOOR PLAN DEMO
 SCALE: 1/4" = 1'-0" 24X36 LAYOUT



3 2ND FLOOR PLAN DEMO
 SCALE: 1/4" = 1'-0" 24X36 LAYOUT

Certificate of Service- Appeal 19818

I certify that on Sept. 19, 2018, I served form 153 Request to Accept Untimely Filing on the following:

DCRA
Office of the Zoning
441 4th Street NW, Suite 220-S
Washington, D.C. 20001
Service via email: bzasubmissions@dc.gov

1267 Penn Street NE LLC
8855 Annapolis Road
Suite 205
Lanham, MD 20706
Service via USPS Overnight

ANC 5D
Service via email: 5D@anc.dc.gov

Stephen Cobb
1271 Penn Street NE
Washington, D.C. 20002
Personal Service



Shelby Telle
BZA Case 19818
(727)656-0401
shelbytelle@gmail.com