

| BEFORE THE ZONING COMMISSION OR BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA | |
|---|--|
| FORM 150 – MOTION FORM | |
| THIS FORM IS FOR PARTIES ONLY. IF YOU ARE <u>NOT</u> A PARTY PLEASE FILE A FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD. | |
| 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 |
| Motion of: | <input type="checkbox"/> Applicant <input type="checkbox"/> Petitioner <input type="checkbox"/> Appellant <input type="checkbox"/> Party <input checked="" type="checkbox"/> Intervenor <input type="checkbox"/> Other _____ |
| PLEASE TAKE NOTICE, that the undersigned will bring a motion to: | |
| <u>File a pre-hearing statement with accompanying exhibits as attachments.</u> | |
| Points and Authorities: | |
| On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, 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 (see instructions). | |
| Consent: | |
| Did movant obtain consent for the motion from all affected parties? | |
| <input type="checkbox"/> Yes, consent was obtained by all parties <input checked="" type="checkbox"/> Consent was obtained by some, but not all parties <input type="checkbox"/> No attempt was made <input type="checkbox"/> Despite diligent efforts consent could not be obtained | |
| Further Explanation: <u>Consent obtained from appellant, Stephen Cobb.</u> | |
| CERTIFICATE OF SERVICE | |
| I hereby certify that on this <input type="text" value="1"/> <input type="text" value="4"/> day of <input type="text" value="November"/> <input type="text" value="Month"/> , 20 <input type="text" value="1"/> <input type="text" value="8"/> | |
| I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning | |
| In the above-referenced ZC or BZA case via: <input checked="" type="checkbox"/> Mailed letter <input type="checkbox"/> Hand delivery <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Other _____ | |
| Signature: | <i>Shelby Telle</i> |
| Print Name: | Shelby Telle |
| Address: | 1265 Penn Street NE, Washington, D.C. 20002 |
| Phone No.: | (727)656-0401 |
| E-Mail: | shelbytelle@gmail.com |

Case 19818
Pre-Hearing Statement
Shelby and Adam Telle, Intervenors

**Board of Zoning Adjustment for the District of Columbia
Form 150- Motion Form
Case No. 19818**

Intervenors, Shelby and Adam Telle, move for permission to file a pre-hearing statement and accompanying exhibits. On Sept, 26, 2018, the Intervenors were granted Intervenor status in BZA case number 19818.

The arguments presented below represent their statement in the aforementioned case.

**Pre-Hearing Statement
Shelby and Adam Telle, Intervenors
BZA Case 19818**

Overview

On Sept. 26, 2018, Shelby and Adam Telle were granted Intervenor status in case number 19818. The Intervenors own 1265 Penn Street N.E., Washington, D.C. 20002 and are next door neighbors to the property in question undergoing redevelopment at 1267 Penn Street NE under DC building permit B1804093.

1265 Penn Street N.E. and 1267 Penn Street N.E. are semi-detached homes, with side yards in between. The properties are located in D.C. Zone District RF-1, requiring 5-ft of side yard. The permit for 1267 Penn Street NE violates the 5-ft side yard requirement.

In the alternative, if construction at 1267 Penn Street N.E. is deemed to be permissive based on use of a similar footprint as the original structure (despite the fact that the original nonconforming structure was fully torn down), the Intervenors argue that the nonconforming structure is proposed to be expanded upwards and downwards, improperly expanding a non-conforming aspect of an existing structure.

Relief Sought

The Intervenors join the Appellant in requesting that the Board reverse the issuance of Permit B1804093 in full. The Intervenors request that any construction at 1267 Penn Street N.E. fully comply with the requirement for 5-feet of side yard.

Timeline of Events

- March 13, 2018- Neighbor notification letter received by Intervenors (Shelby and Adam Telle, owners of 1265 Penn Street N.E., Washington, D.C., 20002.)
- March 15, 2018- Email sent by Intervenors to owners of 1267 Penn Street N.E. requesting additional information and seeking clarification on the nature and scope of the project described in the neighbor notification and the request for access to Intervenors property during construction. The Intervenors received no response.
- See "Attachment A"- Email sent from Intervenors to 1267 Penn Street N.E. owners.
- April 10, 2018- Intervenors respond to the neighbor notification letter agreeing to provide conditional access to their property at 1265 Penn Street N.E. but request specific conditions for access based on lack of response to their initial inquiry for more information on the project. In that letter, Intervenors note that the proposed plans do not comply with the 5-ft side yard requirement.

The letter is sent to the owners of 1267 Penn Street N.E. and a copy is emailed to DCRA.

- See "Attachment B"- Neighbor Notification response

- April 12, 2018- Adam Lobene of 1267 Penn Street N.E. LLC responds to Intervenors indicating that access to Intervenors' property will not be used during construction at 1267 Penn Street N.E.
- See "Attachment C"- Response from 1267 Penn Street N.E. owner
- Aug. 27, 2018- Intervenor Adam Telle speaks in person with Mike Pulliam of Protector Construction (contractor for the 1267 Penn Street N.E. project) when the mold for the foundation is placed. Intervenor raises concerns about the side yard.
- Aug. 29, 2018- Intervenors have a phone conversation with Mike Pulliam of Protector Construction and again express concerns over the side yard and the expansion of the non-conforming footprint of 1267 Penn Street N.E. Chaliss Pulliam of Protector Construction emails the plans to Intervenors.
- Aug. 29, 2018- Mike Pulliam of Protector Construction, contractor for the 1267 Penn Street N.E. project is notified of cracks forming in Intervenors' property.
- See "Attachment D"- Copy of communication to contractor
- Sept. 9, 2018- The Intervenors' side yard collapses into the neighboring construction site at 1267 Penn Street N.E.
- See "Attachment E"- Photos of damage from side yard collapse.
- Sept. 9, 2018- Intervenors learn of the existence of BZA Case 19818.
- Sept. 26, 2018- Intervenor status granted to Shelby and Adam Telle for BZA Case 19818.

Additional Attachments

- "Attachment F"- Photos demonstrating the prior structure located at 1267 Penn Street N.E. (This compilation of photos is based off what is currently available online as the prior structure has been completely torn down for new construction.)
- "Attachment G"- Photo documentation of building at 1267 Penn Street N.E. that violates the 5-ft side yard requirement.

Argument

The original home at 1267 Penn Street N.E. included a wooden, first floor dining room that was added onto the house as a nonconforming structure, violating the 5-ft side yard requirement. This structure was supported by wooden posts and only accessible from the main level of the house. There was no basement space and no upper terrace. (See “Attachment F” depicting the structure prior to demolition.)

Demolished Nonconforming Structures May Not Be Rebuilt

11-C DCMR § 201.2 holds that a nonconforming structure existing at the time of the zoning laws “may be continued, operated, occupied, or maintained.” In the case at hand, however, the entire nonconforming structure has been demolished and is in the process of being rebuilt, an action not permitted under the code. 11-C DCMR § 203 goes to lengths discussing when a nonconforming structure may or may not be rebuilt when destroyed by fire, collapse, explosion, or act of God. Rebuilding is not guaranteed for these actions. Purposeful demolition of a non-conforming structure should be read as being excluded from being rebuilt in ways that would violate existing zoning laws. Beyond the extension of the prior footprint, 1267 Penn Street N.E. was torn down completely. Aside from the front façade, the entire structure was demolished, including all foundation. As such, construction at 1267 Penn Street N.E. is now for a new dwelling, which must comply with existing zoning regulations requiring 5-ft of side yard on any free-standing side.

Existing Nonconforming Structures May Not Be Enlarged

Arguing in the alternative, if the BZA determines that building on the exact footprint of the original home at 1267 Penn Street N.E. is permitted, 11-C DCMR § 201.1, states that non-conforming structures may not be “enlarged upon, expanded, or extended, nor may they be used as a basis for adding other structures or uses prohibited elsewhere in the same zone district.” The plans for construction in the case at bar would expand the original footprint of the non-conforming space, by adding basement space and a terrace. 11-C DCMR § 202.2(b) further states that when an enlargement or addition is made to a structure, the addition or enlargement may “neither increase or extend any existing, nonconforming aspect of the structure.” Building further up and down on the same non-conforming footprint is an enlargement in violation of code.

Even Nonconforming Side Yards Must Be At Least 2-Feet

Arguing in yet another alternative, if the construction at 1267 Penn Street N.E. is considered to be “a building existing on or before . . . [title 307 of the DC Municipal Regulations],” a non-conforming side-yard must still be 2 feet according to 11-E DCMR § 307.4 which governs side yards in D.C. Zone District RF-1. 11-E DCMR § 307.4 also states that in the case of a non-conforming side yard, an extension or addition may be made to the building; provided that the width of the existing side year shall not be decreased.” In the case at bar, the overall side yard has been decreased because the entire length of the structure has been popped out and in the key

part of the side yard in question, construction is less than two feet from the adjacent property. (See "Attachment G.")

Impact on Intervenors

As the adjacent neighbors to the property in question, the Intervenors are directly affected by any encroachment on the 5-ft side yard requirement. As currently planned, the portion of 1267 Penn Street N.E. that encroaches on the side yard will include a terrace, looking clearly and directly into the Intervenor's yard. Such loss of privacy and setback from neighbors negatively impacts the value of the Intervenor's property, which was purchased in large part because of the side yard, which is a unique feature in the Trinidad neighborhood. Violating the 5-ft side yard eliminates the functional value of having a home set back from neighbors.

Case 19818
Pre-Hearing Statement
Shelby and Adam Telle, Intervenors

Certificate of Service

I certify that on November 14, 2018, I served Form 150, a Pre-Hearing Statement, and exhibits on:

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

D.C. Office of Planning
1100 4th Street SW
Washington, D.C. 20024
Service via USPS Overnight

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

Stephen Cobb
1269 Penn Street N.E.
Washington, D.C. 20002
Service via email: sacobbva@gmail.com

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



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

“ATTACHMENT A”- Email from Intervenor to Owners of 1267 Penn Requesting Additional Information (No Response Received)



Shelby Telle <shelbytelle@gmail.com>

1267 Penn Street NE

2 messages

Shelby Telle <shelbytelle@gmail.com> Thu, Mar 15, 2018 at 1:39 PM
To: "adam.lobene@gmail.com" <adam.lobene@gmail.com>, "adam@uniondevelopmentdc.com" <adam@uniondevelopmentdc.com>
Cc: Adam Telle <adamtelle@gmail.com>, Shelby Telle <shelbytelle@gmail.com>

Adam-

We have received your request for access to our property located at 1265 Penn Street NE while performing work at 1267 Penn Street NE.

In order to fully evaluate and understand your request for access, please elaborate on the nature and scope of your request, including:

- The safeguards you intend to employ to protect the cedar fence, yard/landscaping, retaining wall, and other structures on the 1265 property.
- Any alterations you seek to make to the cedar fence, yard/landscaping, retaining wall, and other structures in the 1265 property.
- The equipment to be employed while on the 1265 property.
- Any work, equipment, or alterations on the 1265 property that would remain on the 1265 property after 7 pm each day.
- The number of workers and their employer who would be included in such access to the 1265 property.
- The specific entry point onto the 1265 property.
- The expected duration of your request for access to the 1265 property.
- Confirmation of your license/bonding and insurance.
- Your written procedures for ensuring damage to adjacent properties is repaired in a timely manner and guarantees that damage will be paid by the building.
- Any other work that would hinder the free use and enjoyment of the 1265 property.

We look forward to hearing from you and request a response by the close of business on Wednesday, March 21.

Thank-you,

Shelby and Adam Telle
Owners
1265 Penn Street NE
(727)856-0401

“ATTACHMENT B”- Formal Responses to Neighbor Notification



Shelby Telle <shelbytelle@gmail.com>

1267 Penn Street N.E.- Construction and Notification Form: Safeguards During Construction

4 messages

Shelby Telle <shelbytelle@gmail.com>

Tue, Apr 10, 2018 at 9:53 PM

To: Adam Lobene <adam.lobene@gmail.com>, adam@uniondevelopmentdc.com

Cc: semere.hadera@dc.gov, tarek.bolden@dc.gov, Adam Telle <adamtelle@gmail.com>, Shelby Telle <shelbytelle@gmail.com>

Mr. Lobene-

We are the owners of 1265 Penn Street N.E., Washington, D.C., which sits adjacent to your newly purchased property at 1267 Penn Street N.E.

Attached, please find several documents responding to your "Notification Form: Safeguards During Construction" for the construction proposed at 1267 Penn Street N.E.

Attached to this email, you will find:

- 1- Our formal response letter to your request
- 2- Notification Form: Safeguards During Construction
- 3- "Attachment One"- Conditions Accompanying Our Conditional Grant of Access
- 4- "Attachment Two"- A copy of the email sent to you on March 15, 2018

You should be receiving a hard copy of these documents in the mail within the next few days.

Copies have also been sent to D.C.'s Department of Consumer and Regulatory Affairs, who is cc'ed above.

We are happy to discuss the documents and the conditions for access to our property, and are willing to work with you to arrive at possible modifications to these conditions if additional information is provided to us pursuant to the questions we attempted to gain more information about in our March 15th email.

Thank-you,

Shelby and Adam Telle
Owners
1265 Penn Street N.E.
Washington, D.C. 20002
(727)656-0401

4 attachments

- Response Letter to Request for Access Regarding Construction at 1267 Penn St. NE, DC.pdf
84K
- Notification Form-Construction at 1267 Penn St. NE, DC.pdf
171K
- Attachment One- Accompanying Notification Form- Conditions for Access to 1265 Penn Street NE, DC regarding construction at 1267 Penn St. NE, DC.pdf
74K
- Attachment Two- Accompanying Notification Form- March 15th Email- Regarding Construction at 1267 Penn St. NE, DC.pdf
42K

"ATTACHMENT B" Cont. - Formal Responses to Neighbor Notification

Shelby and Adam Telle
Owners
1265 Penn Street N.E.
Washington, D.C. 20002
shelbytelle@gmail.com
(727)656-0401

April 10, 2018

Adam Lobene
Representative
1267 Penn St NE LLC
8855 Annapolis Road, Ste 205
Lanham, MD 20706

Mr. Lobene:

Attached, please find our response to the "Notification Form: Safeguards During Construction" received on March 14, 2018 regarding proposed construction at 1267 Penn St NE LLC's newly purchased property located at 1267 Penn Street N.E., Washington, D.C. 20002 (hereinafter 1267 Penn.)

As the owners of the adjacent property, 1265 Penn Street N.E., Washington, D.C. 20002 (hereinafter 1265 Penn), we emailed you on March 15, 2018, using your contact information provided in the "Notification Form." In that email (included as "Attachment Two"), we requested additional information to assist in better understanding the nature and scope of your request for access to our property at 1265 Penn. As of today, we have not received a response from you or any attempt to engage in a meaningful dialogue regarding your request for access.

As such, we do not have enough information to grant full access to our property.

We have no interest in delaying or interfering with your ability to develop your property at 1267 Penn. We understand that pursuant to D.C. Building Code § 3307.2.3.1, failure to grant access to our property would place the responsibility and burden of ensuring safeguards and protections during construction on us, the adjoining homeowners. We decline to accept such responsibility during the duration of your construction and leave all obligations for appropriate construction safeguards with you and 1267 Penn St NE LLC. Accordingly, we grant conditional access under D.C. Building Code § 3307.2.2.1 and delineate those specific conditions for access to provide safeguards in "Attachment One" accompanying this letter and the "Notification Form."

Additionally, please note that your existing plans for construction include an expansion of a nonconforming structure. Our street requires houses with side yards to have 5-feet of setback on the side. The existing wooden, first floor dining room that was added onto the 1267 Penn house is currently 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 indicate a desire to expand the existing nonconforming first floor dining room.

“ATTACHMENT B” Cont. - Formal Responses to Neighbor Notification

addition, by including cellar space (that would be ground-level at the back of the 1267 Penn property and abut the 1265 Penn property) and a terrace, thus extending and increasing the nonconforming aspects of the existing structure, violating 11-C DCMR § 202.2(b).

We are happy to discuss the conditions for access to our property during construction, and are willing to work with you to arrive at possible modifications to these conditions for access if additional information is provided to enable us to adequately understand the nature and scope of the request.

Sincerely,



Shelby and Adam Telle
Owners
1265 Penn Street N.E.
Washington, D.C. 20002

cc:

Mr. Semere Hadera
Neighbor Notification Program
D.C. Department of Consumer and Regulatory Affairs

Mr. Tarek Bolden
Zoning Enforcement
D.C. Department of Consumer and Regulatory Affairs

"ATTACHMENT B" Cont. - Formal Responses to Neighbor Notification

FORM OF NOTIFICATION REQUIRED

Dear Mr. Telle and Mrs. Begany
 My name is Adam Lepore (I am/are) the owner of the property located at 1247 Penn St. NE which adjoins your property. Pursuant to Section §3307.2 and/or Section §3307.3 of the 2013 District of Columbia Building Code, Title 12 DCRA Subtitle A (the "Building Code"), (I am/We are) proposing to carry out work, as identified above, which requires notification to you as the adjoining property owner. This notification includes a copy of all construction documents which relate to the structural support of the adjoining building or other structure or to the structural support of the excavation, including any updates or amendments to the work plan that have been submitted with the permit application(s).
 I/we have determined that the following specific measures need to be undertaken to protect the adjoining premises:

Access to your property is hereby requested to install structural support or provide support for the excavation on my/our property.

Yes No.

You have 30 days from the date that this notification is delivered to object in writing on the grounds that the proposed work plan will not protect your adjoining property. The objection must include technical support for any claim that the proposed work plan will not protect your property. DCRA is authorized, but not required, to grant a reasonable extension of time to you if necessary to complete evaluation of the proposed work plan. Objections will be resolved pursuant to the process set forth in Section §3307.2-2.7 of the Building Code.

Any written objection must be delivered, with supporting technical documentation, to the owner at the address provided above. (Delivery by email is authorized.) A copy of any objection, with supporting technical documentation, must be provided to the Department of Consumer and Regulatory Affairs, by the owner seeking to undertake the work, at the following address:

| | |
|---|---|
| Chief Building Official Department of Consumer and Regulatory Affairs 1100 4th Street SW, Third Floor Washington, DC 20004 | EMAIL ADDRESS: <u>semere.hadera@dca.gov</u> |
|---|---|

Within the same 30-day period, you must indicate in writing whether access to your adjoining premises is authorized if such access is requested to install structural support or to provide support for the excavation) and the conditions, if any, of such access. If you expressly deny access for entry within 30 days after delivery of this notification, or if you fail to respond within the 30-day period, you will be deemed to have elected to make safe your own property without delay so as not to impede or materially delay the original construction. However, if you file an objection in accordance with Building Code Section §3307.2-2.2, you will not be required to decide whether or not access is granted to your adjoining premises, until the objection is resolved.


You should be aware that once a building permit is granted, even if you fail to grant access or fail to respond to an access request, you shall be deemed to have authorized limited access to your property in the following circumstances:

1. Where a wall or foundation located on a party line or on the premises requires underpinning as a result of the proposed work;
2. Where I/we can provide the underpinning by undertaking the work from my/our property, even if the footing extends onto your property; and
3. Where extension of the footing is required to stabilize and support your building, and to avoid unreasonable delay in excavation and development of the permitted project.

Your written permission to provide underpinning for your adjoining structure is not required where the work will impact the use or stability or structural support of a party wall. In such situations, proper underpinning of existing adjoining or party walls which require underpinning will be provided by me/us in accordance with applicable sections of this code.

Please provide your response by completing the appropriate lines below, and providing your response within 30 days after delivery of this letter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



 Signature of Owner

“ATTACHMENT B” Cont. - Formal Responses to Neighbor Notification

ADJOINING OWNER'S RESPONSE

Address of Proposed Work:

1267 Penn St NE

Adjoining Property Address:

1265 Penn St NE

I do not object to the proposed work plan:

Requested access to my property is:

GRANTED

X

*GRANTED WITH CONDITIONS

**DENIED

CONDITIONS*

Conditions in "Attachment One"
Shelby Telle

4/10/18

I object to the proposed work plan on the grounds that the proposed work plan will not protect my adjoining property, and I have attached technical support for my objection. Following resolution of my objection under Section §3307.2.2.2 of the Building Code, I understand that I will have an opportunity to decide whether or not access to my property will be granted.

Adjoining Owner's Signature

Date of Signature

**If access is denied, I understand that (1) I will be responsible for making safe my own property without delay so as not to impede or materially delay the proposed construction; and (2) limited access will still be authorized in the following circumstances (a) where a wall or foundation located on a party line or on my property requires underpinning as a result of the proposed work; (b) where the owner causing the work can provide the underpinning by undertaking the work from his/hers/its property, even if the footing extends onto my property; and (c) where extension of the footing is required to stabilize and support my building, and to avoid unreasonable delay in excavation and development of the permitted project.



DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS

This form has been provided by DCRA for the purpose of demonstrating a permit applicant's compliance with the notification and property access requirements of Section 3307 of the Building Code. Compliance with these requirements does not relieve a permit holder, or person causing the work, of any obligations or responsibilities under civil or criminal law to protect an adjoining property from damage.

"ATTACHMENT B" Cont. - Formal Responses to Neighbor Notification

Attachment One
Page 1 of 2

**Notification Form
Safeguards During Construction**

Adjoining Owner's Response

Address of Proposed Work: 1267 Penn St. NE, Washington, D.C. 20002
(hereinafter 1267 Penn)

Adjoining Property Address: 1265 Penn St. NE, Washington, D.C. 20002
(hereinafter 1265 Penn)

Requested access to my property is: Granted with conditions as stated below.

Conditions:

- 1- No modifications or alterations may be made to the cedar fence (owned by 1265 Penn), yard/landscaping, retaining wall, or other structures/goods/appliances on the 1265 Penn property. (Modifications and alterations do not include tarps or supports necessary to protect the integrity and aesthetics of the cedar fence, yard/landscaping retaining wall, or other structures/goods/appliances on the 1265 Penn property.)
 - 2- For each date that entry onto the 1265 Penn property is requested, the request for access shall be delivered in writing by the construction manager or foreman with 48-hours advance notice to the owners of 1265 Penn. Such notice shall include the nature and scope of the requested access including:
 - a. The specific period of time for access on the requested day. Generic notifications of access covering more than five consecutive days of work will not be deemed to comply with the conditions for access.
 - b. The identities of the individual workers who will access the 1265 Penn property, including their employing contractor and a verification of clean background check.
 - c. A description of the work and equipment to be used while accessing the 1265 Penn property during that period of entry onto the property.
 - d. A description of any activities that would endanger or prevent full use of the yard by the residents and dog residing at 1265 Penn.
 - e. The specific access point onto the 1265 Penn property that will be used (side fence gate or rear rolling door.)
-

“ATTACHMENT B” Cont. - Formal Responses to Neighbor Notification

Attachment One
Page 2 of 2

- 3- Any access is limited to Monday-Friday, 10:00 am-7:00 pm.
- 4- No work, equipment, or alterations to the 1265 Penn property may remain on the 1265 Penn property after 7:00 pm each day in which access to the 1265 Penn property is granted. The property must be restored to its original condition by 7:00 pm each night.
- 5- Confirmation of the contracting and subcontracting companies' license/bonding and insurance is required prior to any access.
- 6- The owners of 1265 Penn Street N.E. retain the right to deny all access for failure to comply with the conditions set forth in this conditional grant for access.
- 7- Any individual waiver of these conditions by the owners of 1265 Penn shall not be read as a broad waiver of the conditions. Any modification to these conditions based on discussions between the owners of 1265 Penn and 1267 Penn will take effect only upon the written execution of a new "Notification Form."


 4/10/18

Shelby and Adam Telle
Owners
1265 Penn Street NE
Washington, D.C. 20002
(727)656-0401

“ATTACHMENT B” Cont. - Formal Responses to Neighbor Notification

4/10/2018

Attachment Two

Gmail - 1267 Penn Street NE



Adam Telle <adamtelle@gmail.com>

1267 Penn Street NE

Shelby Telle <shelbytelle@gmail.com>

Thu, Mar 15, 2018 at 1:39 PM

To: "adam.lobene@gmail.com" <adam.lobene@gmail.com>, "adam@uniondevelopmentdc.com" <adam@uniondevelopmentdc.com>

Cc: Adam Telle <adamtelle@gmail.com>, Shelby Telle <shelbytelle@gmail.com>

Adam-

We have received your request for access to our property located at 1265 Penn Street NE while performing work at 1267 Penn Street NE.

In order to fully evaluate and understand your request for access, please elaborate on the nature and scope of your request, including:

- The safeguards you intend to employ to protect the cedar fence, yard/landscaping, retaining wall, and other structures on the 1265 property.
- Any alterations you seek to make to the cedar fence, yard/landscaping, retaining wall, and other structures in the 1265 property.
- The equipment to be employed while on the 1265 property.
- Any work, equipment, or alterations on the 1265 property that would remain on the 1265 property after 7 pm each day.
- The number of workers and their employer who would be included in such access to the 1265 property.
- The specific entry point onto the 1265 property.
- The expected duration of your request for access to the 1265 property.
- Confirmation of your license/bonding and insurance.
- Your written procedures for ensuring damage to adjacent properties is repaired in a timely manner and guarantees that damage will be paid by the building.
- Any other work that would hinder the free use and enjoyment of the 1265 property.

We look forward to hearing from you and request a response by the close of business on Wednesday, March 21.

Thank-you,

Shelby and Adam Telle
Owners
1265 Penn Street NE
(727)656-0401

Case 19818
Pre-Hearing Statement
Shelby and Adam Telle, Intervenors

“ATTACHMENT C”- Response from owners of 1267 Penn Street N.E. Regarding Neighbor Notification Letter



Adam Lobene <adam.lobene@gmail.com>
to me, Adam, Semere, Tarek, Adam ▾

Thu, Apr 12, 6:56 PM ☆ ↩ ⋮

Hi Shelby,

Sorry for the delayed response. I thought I responded earlier but the email did not go through.

Thank you for your thoroughness and willingness to work with us on the development.

We will not need access to your property during the development. If you look at sheet A0100 it shows the proposed site plan for the new building footprint. We will install a construction fence along the property line as to not impede upon 1265 Penn St NE during construction. If we do need access for any reason we will follow the steps you requested in your response form.

If you have any additional questions or would like to discuss anything please feel free to call me at 703-677-2144

Thank you,

Adam

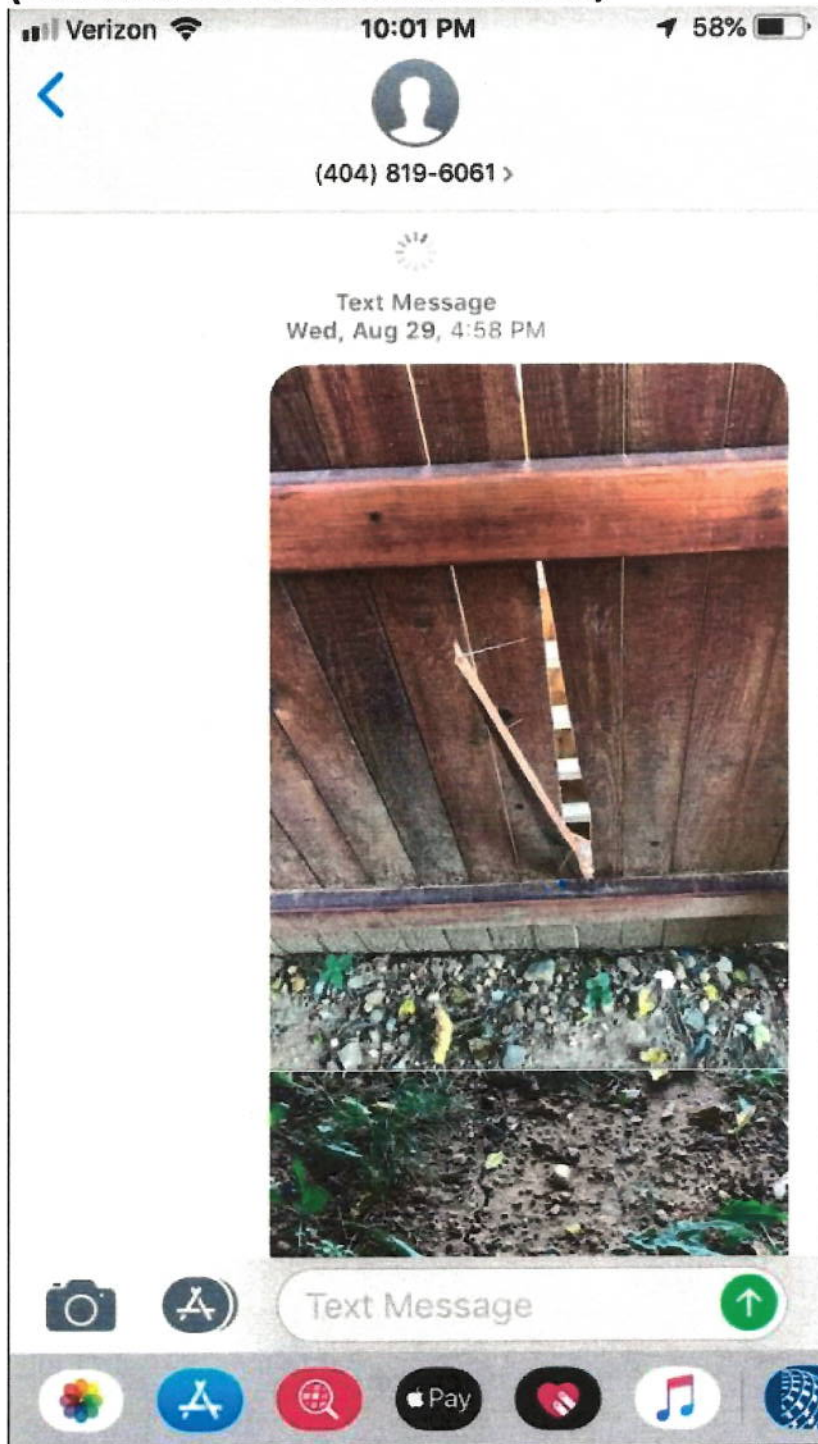


Shelby Telle <shelbytelle@gmail.com>
to Adam ▾

Thu, Apr 26, 6:40 PM ☆ ↩ ⋮

Thank-you **Adam**. Confirming receipt of your email on April 12, 2018.

“ATTACHMENT D”- Notification to Contractor of 1267 Penn Street N.E. of Cracks Forming in Intervenor’s Property (Screenshot of communication)



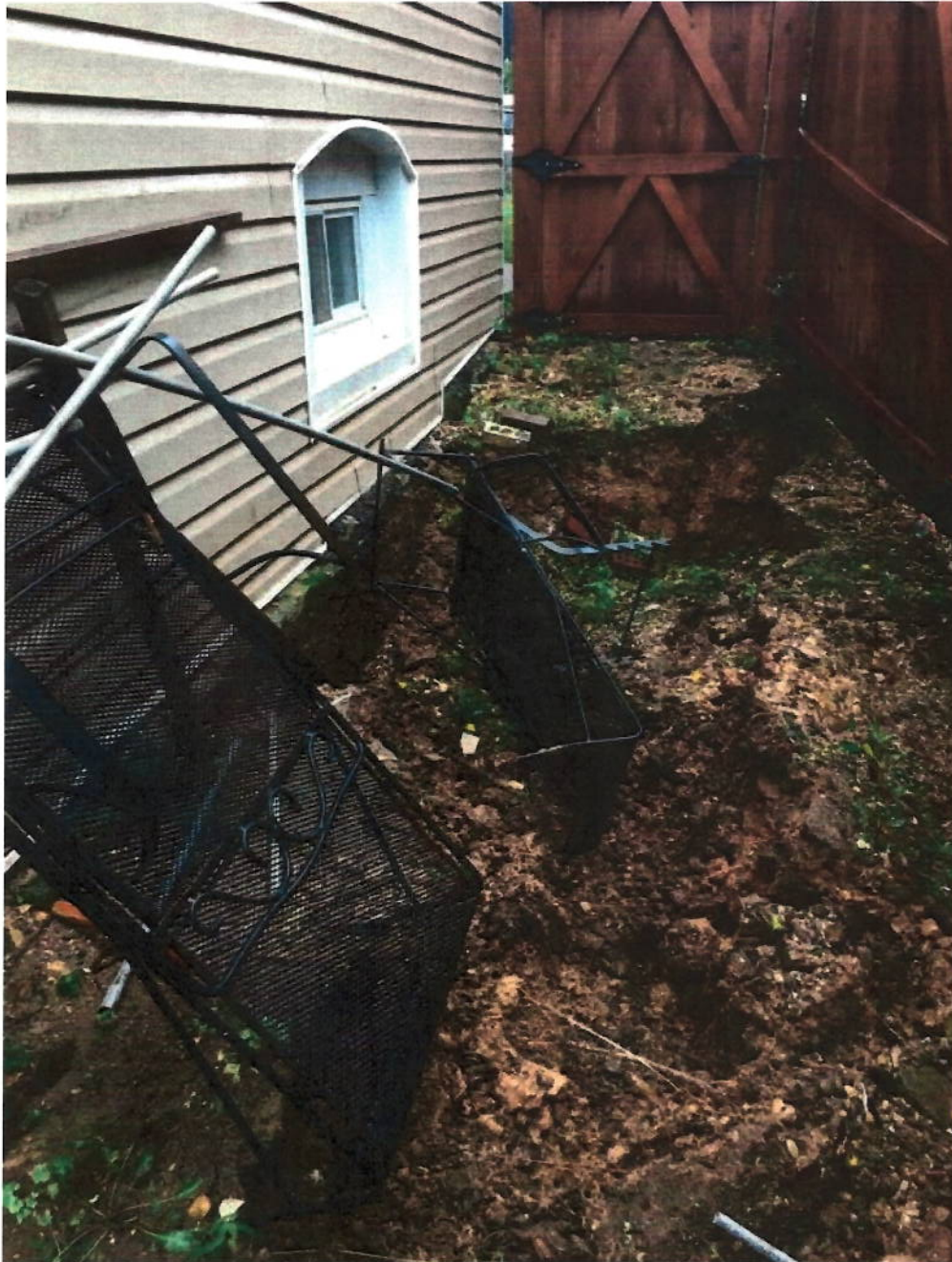
“ATTACHMENT D” Cont.- Notification to Contractor of 1267 Penn Street N.E. of Cracks Forming in Intervenor’s Property (Screenshot of communication)



**“ATTACHMENT E”- Photos of Collapse of Side-Yard at 1265
Penn Street N.E. (Intervenors’ Property)**



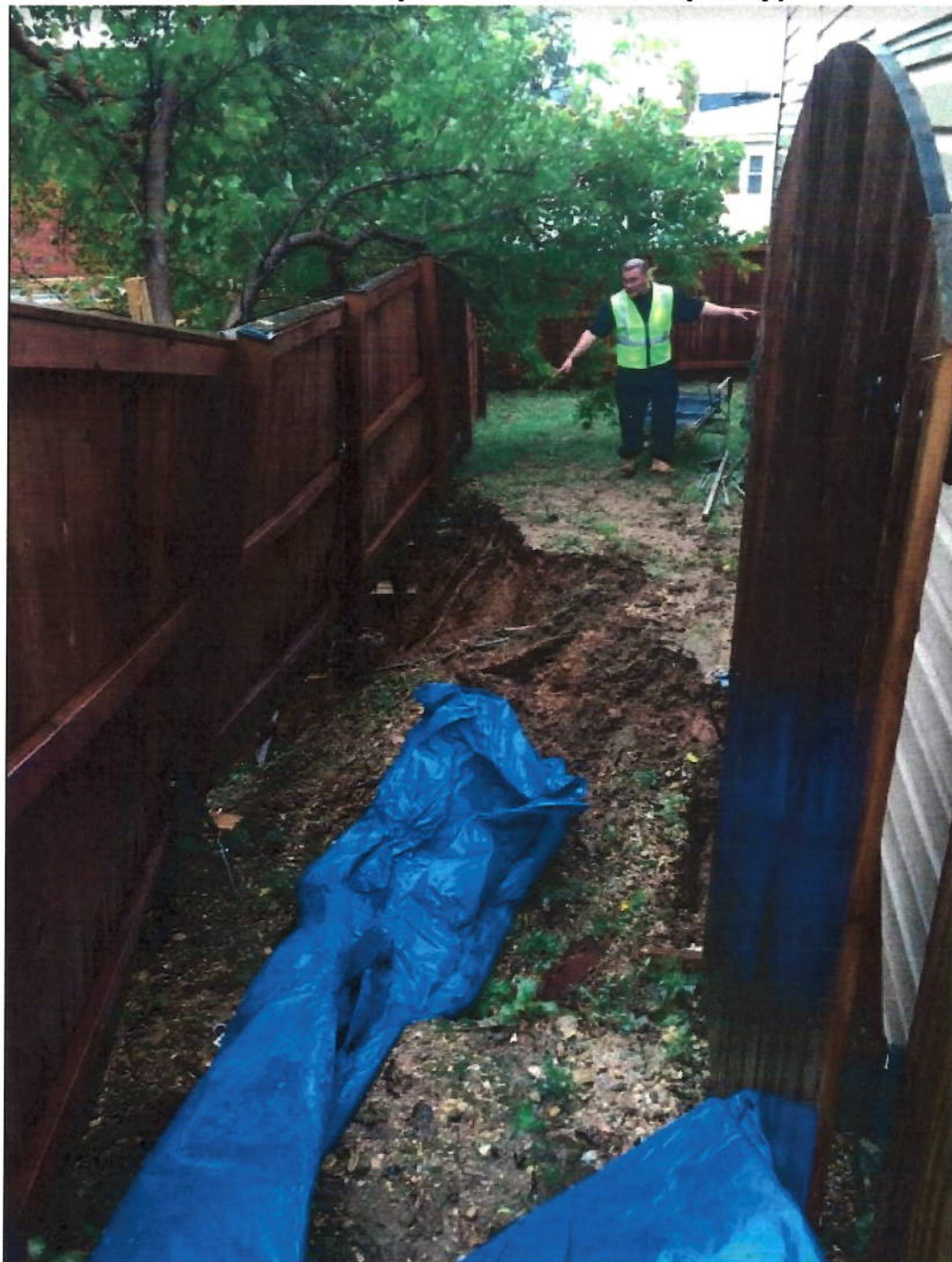
**“ATTACHMENT E” Cont.- Photos of Collapse of Side-Yard at
1265 Penn Street N.E. (Intervenors’ Property)**



**“ATTACHMENT E” Cont.- Photos of Collapse of Side-Yard at
1265 Penn Street N.E. (Intervenors’ Property)**



**“ATTACHMENT E” Cont.- Photos of Collapse of Side-Yard at
1265 Penn Street N.E. (Intervenors’ Property)**



**“ATTACHMENT E” Cont.- Photos of Collapse of Side-Yard at
1265 Penn Street N.E. (Intervenors’ Property)**



Case 19818
Pre-Hearing Statement
Shelby and Adam Telle, Intervenor

**“ATTACHMENT F”- Photos Demonstrating 1267 Penn Street N.E. Prior to Demolition
and New Construction**



“ATTACHMENT F” Cont.- Photos Demonstrating 1267 Penn Street N.E. Prior to Demolition and New Construction



Blue arrow pointing to small main level dining room violating side yard set back.

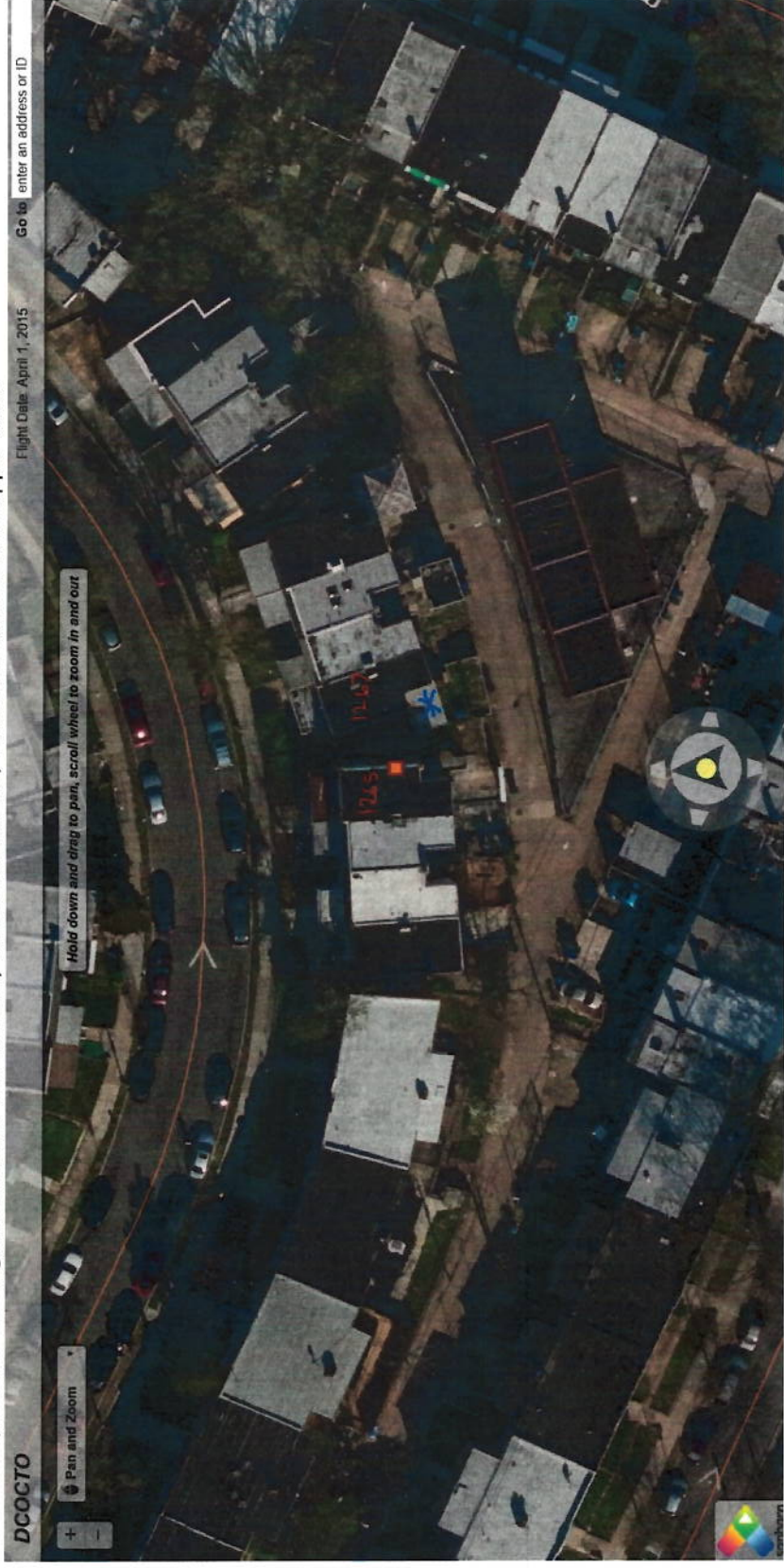
“ATTACHMENT F” Cont.- Photos Demonstrating 1267 Penn Street N.E. Prior to Demolition and New Construction

Aerial View

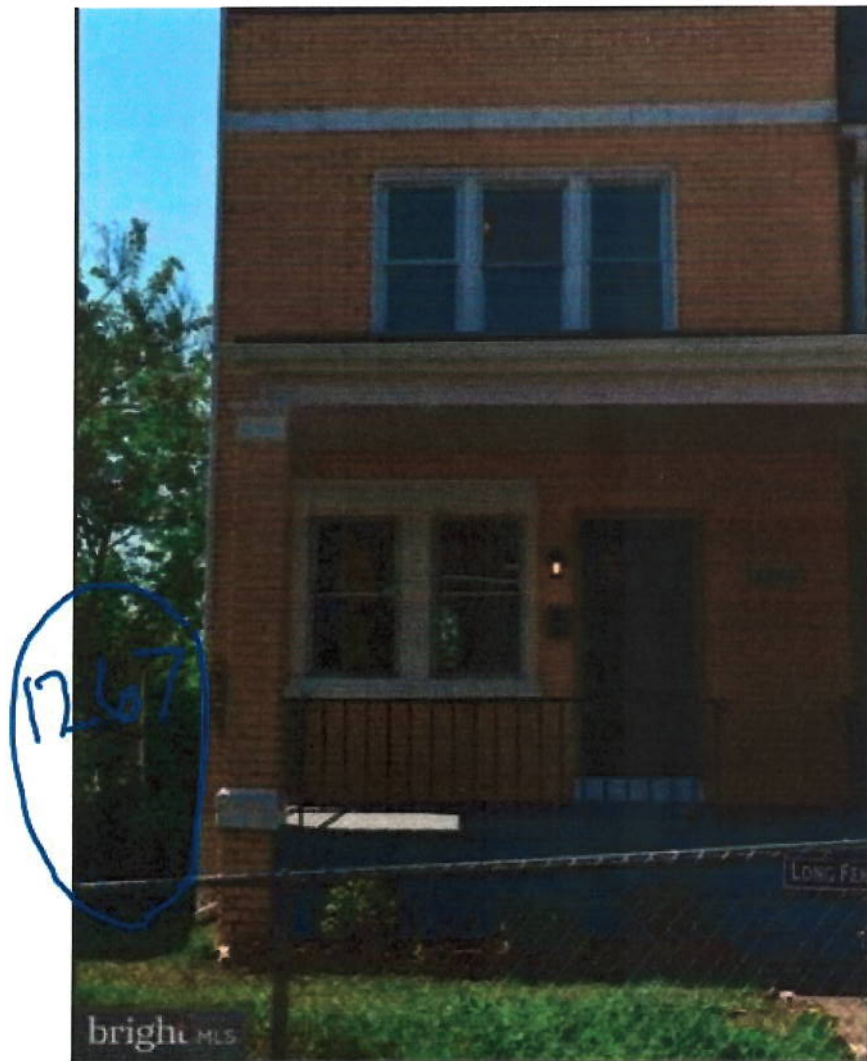
1265 Penn Street N.E. and 1267 Penn Street N.E.

Image obtained from D.C. Official Zoning Map. Image shows Intervenor’s home at 1265 Penn Street N.E. and the original structure at 1267 Penn Street N.E. prior to being demolished for the new construction at issue in this appeal.

Blue star represents the original structure that was only on the main level, without a basement or upper deck.



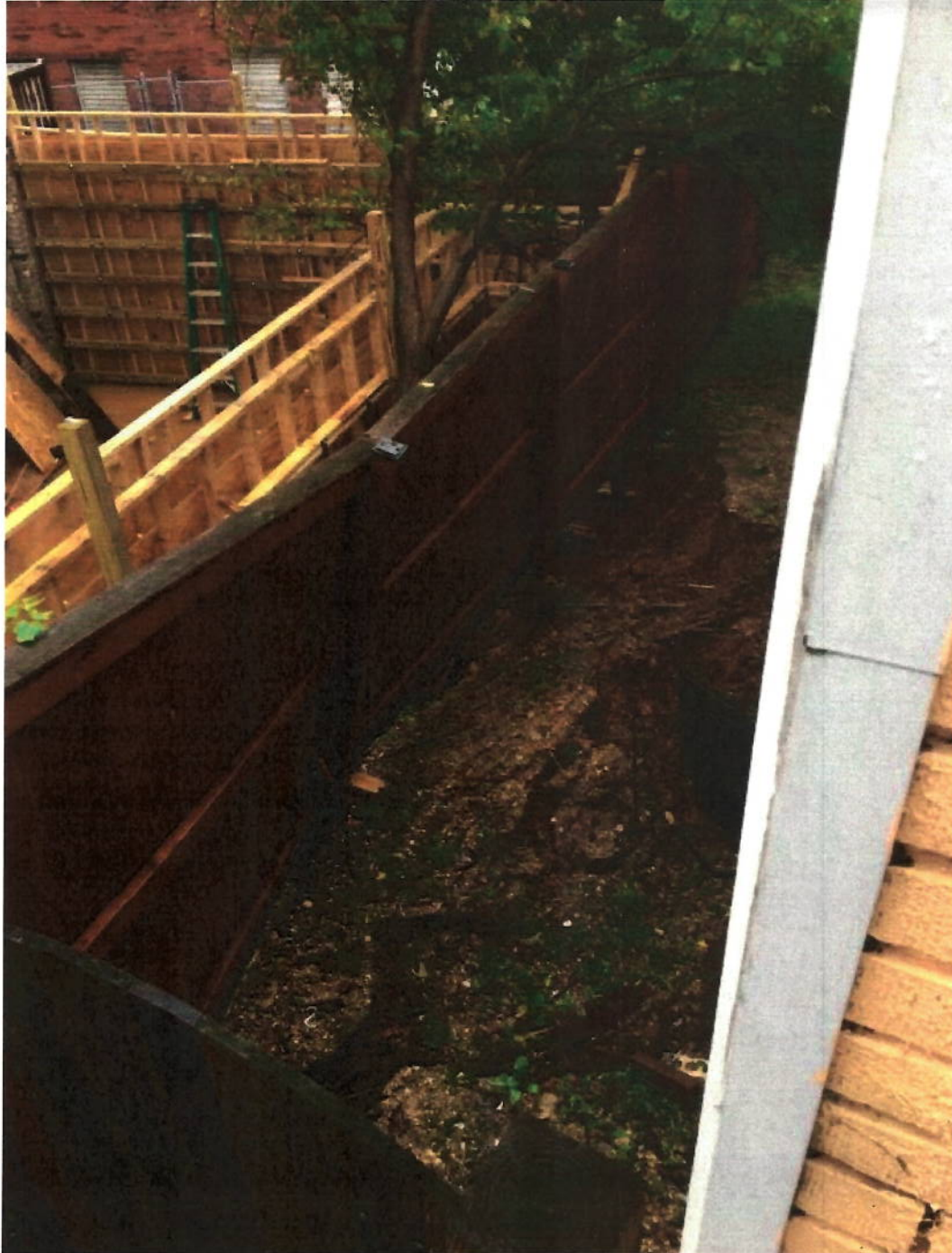
**“ATTACHMENT F” Cont.- Photos Demonstrating 1267 Penn
Street N.E. Prior to Demolition and New Construction**



“ATTACHMENT G”- Documentation of Violations of 5-ft Side Yard with New Construction at 1267 Penn Street N.E.



**“ATTACHMENT G” Cont.- Documentation of Violations of 5-ft
Side Yard with New Construction at 1267 Penn Street N.E.**



**“ATTACHMENT G” Cont.- Documentation of Violations of 5-ft
Side Yard with New Construction at 1267 Penn Street N.E.**

