



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



**FORM 140 - PARTY STATUS REQUEST**

Before completing this form, please go to [www.dcoz.dc.gov](http://www.dcoz.dc.gov) > IZIS > Participating in an Existing Case > Party Status Request for instructions. 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.**

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	Tara Billingsley and John Robert Ball		
Address:	228 10 <sup>th</sup> St SE		
Phone No(s):	202-380-7356	E-Mail:	tara.lynn.billingsley@gmail.com
I hereby request to appear and participate as a party in Case No.:		20467	
Signature:		Date:	5/11/2021
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, please enter the name and address of such legal counsel.

Name:	
Address:	
Phone No(s):	
E-Mail:	

**ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:**

I hereby request advance Party Status consideration at the public meetings scheduled for:

**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;
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; and
4. The total amount of time being requested to present your case.

**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.

## **Party Witness Information**

1. A list of witnesses who will testify on the party's behalf;
  - Tara Billingsley, on behalf of John Robert Ball and Tara Billingsley, will testify on behalf of the owners of 228 10<sup>th</sup> St SE
  - Party is exploring additional witnesses to testify as to:
    1. the property value reduction of 228 10<sup>th</sup> St SE that would result from the proposed project, and
    2. an independent assessment of the light/sun/shade of the proposed project, with special attention to light into the windows and onto the rooftop solar panels of 228 10<sup>th</sup> St SE.
2. A summary of the testimony of each witness;
  - Tara Billingsley will testify that the proposed project will affect negatively the light and air at 228 10<sup>th</sup> St SE
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;
  - Tara Billingsley is still determining whether an addition witness(es) will be helpful
4. The total amount of time being requested to present your case.
  - 10-15 minutes

**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?

228 10<sup>th</sup> St SE faces an alley that will be overshadowed by the proposed expansion of 232 10<sup>th</sup> St SE. Our house has eleven south-facing windows, light and air for which would be impacted negatively by the proposed project.

228 10<sup>th</sup> St SE would experience shadows in windows that currently receive direct sunlight if this project is built. Because the drawings in the “sun study” provided by the owners’ architect do not include the windows on the side of 228 10<sup>th</sup> St SE, it is not possible to truly understand the impacts. However, it is clear that at least one window that currently has winter midday sun will be entirely shaded if the project is built. Other windows are also impacted; it is too difficult to understand specifically how they will be impacted.

Further, air flow would be negatively impacted, as cross breezes would be cut off by the extra depth of the proposed project.

Owners of 228 10<sup>th</sup> St SE seek independent, third-party verification that rooftop solar system on 228 10<sup>th</sup> St SE will not be affected by the proposed project.

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

Tara Billingsley and John Robert Ball own 228 10<sup>th</sup> St SE.

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.)

Distance is approximately 30 feet; the proposed project is separated from 228 10<sup>th</sup> St SE by one rowhouse and one alley. (Please see photo showing proximity.)

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?

If the project is approved, 228 10<sup>th</sup> St SE would have a reduction in direct sunlight into the home; a reduction in airflow into eleven south-facing windows; a degradation and, in some

cases, complete elimination of sky views from inside the home; and a reduction of property value that would be associated with such degradation.

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.

If this project is approved, there will be a new standard for future expansion of 230 10<sup>th</sup> St SE that can occur without a special exception. This future additional project, which 228 10<sup>th</sup> St SE would not have a right to weigh in on, would further reduce sunlight and air flow into 228 10<sup>th</sup> St SE, and increase a sense of “tunneling”.

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.

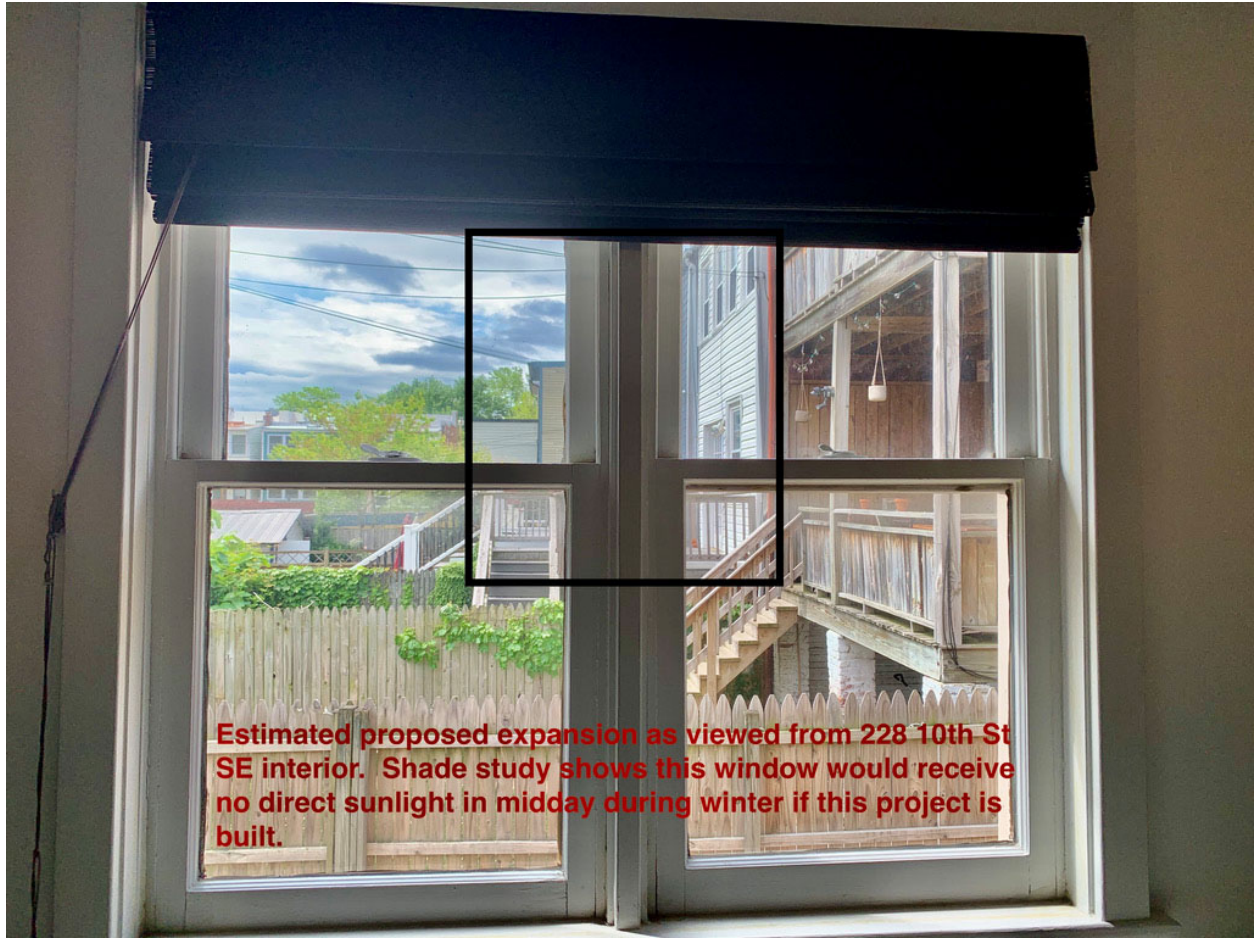
The light directly into the windows of 228 10<sup>th</sup> SE will be affected, as described by the project designers. In addition, air flow and views from the windows will be substantially degraded. This is a unique situation, because 228 10<sup>th</sup> St SE faces the alley and has eleven south-facing windows. Please see photos for further explanation.

Estimated  
proposed  
expansion

Eleven  
south-facing  
windows of  
228 10th St  
SE







**Estimated proposed expansion as viewed from 228 10th St SE interior. Shade study shows this window would receive no direct sunlight in midday during winter if this project is built.**