

May 11, 2021

To Whom It May Concern:

We hereby affirm via this Affidavit of Service to All Parties that on May 11th, 2021 a copy of our Party Status Request (enclosed here) regarding **BZA Case Number 20467** has been served by email to:

Board of Zoning Adjustment

Email: bzsubmissions@dc.gov

Jennifer Fowler

Authorized Agent of the Applicants

Email: jennifer@fowler-architects.com

ANC6B Office

Email: 6b@anc.dc.gov

Steve Holtzman

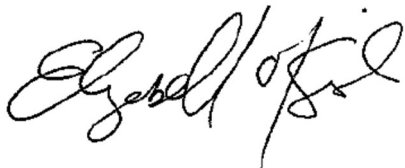
ANC 6B Representative

Email: 6B05@anc.dc.gov

Sincerely,



James Sherry
Owner, 234 10th Street SE
Washington, DC 20003
Email: jim.sherry@gmail.com



Elizabeth Kidder
Owner, 234 10th Street SE
Washington, DC 20003
Email: betsy.kidder@gmail.com



**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 > 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:	James Sherry and Elizabeth Kidder		
Address:	234 10th St SE, Washington, DC 20003		
Phone No(s):	(202) 460-2204, (301) 801-0958	E-Mail:	jim.sherry@gmail.com; betsy.kidder@gmail.com

I hereby request to appear and participate as a party in Case No.:	20467
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Signature:		Date:	5/11/2021
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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
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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.

Additional requested information supplementing Form 140 for:

Party Status Request

BZA Case # 20467

Applicants for Party Status: James Sherry and Elizabeth Kidder
234 10th St SE, Washington, DC 20003
jim.sherry@gmail.com
(202) 460-2204

Subject of Application: BZA Case # 20467
Regarding: Addition to 232 10th St SE, Washington, DC 20003
Submitted by: Geoff Anderson and Harriet Tregoning

Party Witness Information

1. A list of witnesses who will testify on the party's behalf:

James Sherry (owner at 234 10th St SE), on behalf of James Sherry and Elizabeth Kidder

2. A summary of the testimony of each witness:

We are enthusiastically supportive of efforts to renovate the property at 232 Tenth S.E. We appreciate the desire to optimize living space, housing density and income potential. Further, that improvements are needed to enable continued rental and or personal use of the main residence, to enable the basement rental apartment space to comply with Certificate of Occupancy building code requirements, and to address significant structural safety and pest control improvements in the (non-attached) garage. As abutting neighbors, we have the most to benefit from a well designed and executed renovation plan.

In our testimony we will seek to distinguish those issues that constitute a modification of 232 Tenth Street S.E. and those that create precedent or compel a change in the broader the neighborhood, and in particular for the stretch of rowhouses **230** (Cassell), **232** (Anderson/Tregoning), **234** (ours), **236** (David-Fox), and **238** (Role) and **240** (Dweck/Mendelson). Four of these rowhouses (232-238) have a common setback line, approximately 10 feet less than the recent addition at 240, and approximately 10 feet more than 230.

In our testimony, we intend to advance the near consensus held within the **10th Street-C Street-11th Street SE rowhouse alley loop** that the livability and aesthetic appeal of our very special 'alley community' is dependent in part on the horizontal and vertical architectural lines we share. Further, that it is in our individual and collective health, social and economic interests to be able (each in our own time) to hone the architectural lines of our individual homes to standards and norms which are protected/promoted by our local zoning regulations.

We intend to object to the current proposal for the addition to 232 10th St SE, Washington, DC 20003, with a focus on five specific areas,

First, while supporting the owners overarching objective and the architects creative use of space, **we intend to question** whether two legal residences with 6 large bedrooms and 4.5 bathrooms can harmoniously be fit within the footprint of a matching set of 1920s single family rowhouses originally designed to accommodate three small bedrooms and a single bathroom.

Second, while we are open to consider the 232 Tenth S.E. proposal to horizontally extend its main and second floor to 10 feet beyond our home's eastern wall, **we intend to first seek clarifications** of the implication this will have on ourselves and neighbors from 228 to 238 in the future. Will any individual homeowner be left without remedy to the significant disadvantages of being 'setback' from the leading edge of their immediate rowhouse neighbor? Or will each rowhouse in our subset be able to extend to the same 'shared line'? Will any individual rowhouse be able to further extend beyond the shared line?

Third, while we are open to consideration of the 232 Tenth S.E. proposal to horizontally extending its basement level an additional few feet beyond the (above) proposed 10 feet extension to achieve specific objectives (e.g. achieving building code requirements for legally rentable two bedroom ‘English Basement’ apartment), **we are reserving judgement on the appropriateness of extension pending review of zoning regulations.** We need clarification that approval of this basement extension will stay ‘below the fence line’ and will not later allow the addition of a second and third floor because the owners have approval of the footprint and lot coverage. Would approval establish precedent and enable other properties to extend to the same line for basement additions? For additions above the basement level?

Fourth, we will testify to the need to address several specific structural issues for which there is insufficient detail in the plans to assuage concerns that the addition will have negative structural and maintenance implications on our property. With respect to potential water damage, we note the trough created on the roof with the original roof sloping to the east and the third story addition extending full-width to the party walls with no drainage provisions. With respect to exterior maintenance and venting, we recall that enclosed back porches are generally less than the width of the property to make room between adjoining houses (the ‘dog leg’) for repairs, upgrades, etc and we note that the current proposed plan would narrow this pathway to a point that repairs or changes to our north-facing wall would not be serviceable.

Fifth, we will testify in opposition to the 232 Tenth S.E. proposal to vertically extend to a third floor in the absence of neighborhood specific zoning guidance reflecting clear community acceptance of a ‘new norm’. Given that eventual aesthetic and economic pressures in rowhouse renovation will be to harmonize (‘domino’?) to the highest vertical and deepest horizontal boundaries, we believe that such a significant change should not be made by exception.

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;

We are in the process of trying to identify construction expertise available locally to provide information/testimony on the construction points noted below.

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

Fifteen to twenty minutes.

Party Witness Criteria

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?

Our home (234 Tenth Street S.E.) is directly abutting and shares a party wall with the property requesting action (232 Tenth Street S.E). As such, we stand to be the most affected – either positively or negatively – by the proposed renovation project.

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

We own the 234 Tenth Street S.E. property.

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.)

We are the abutting property to the south, sharing the entire property line including a common house wall.

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?

Quality of the design and construction will impact our property. Non-conforming/non-harmonious design and/or sub-standard construction will result in negative environmental and economic impact to our property.

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.

We are concerned about two important design details: **drainage** and '**dog leg**'. We believe these will need to be addressed together with several construction phase concerns (including safety, security, dust, particle and noise abatement, anticipatory rodent control) in a binding 'construction agreement' before demolition commences.

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

As noted above, as the homeowner 234 Tenth Street S.E. we share a party wall with the property requesting action and stand to be the most affected – either positively or negatively – by the proposed renovation project.