



**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:	Jeff Gay – owner residents of home next door to applicant		
Address:	1455 Swann St NW		
Phone No(s):	(202) 468-6656	E-Mail:	jeff.gay@gmail.com

I hereby request to appear and participate as a party in Case No.:	20585 – Jacob Hensley application
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Signature:		Date:	November 24, 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:	n/a		
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:	December 15, 2021
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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 Status Request

Request by: Jeff Gay
1455 Swann St NW
jeff.gay@gmail.com | (202) 468-6656

Case Number: BZA #20585 (Applicant: Jacob Hensley, 1457 Swann St NW)

Party Status Request desired hearing date: December 15, 2021

BZA Case 20585 Hearing Date: December 22, 2021

This document accompanies Form 140 "Party Status Request" with respect to BZA Case #20585 to provide answers at the bottom of the form.

Party Witness Information

<p>1. A list of witnesses who will testify on the party's behalf.</p>	<p>I, Jeff Gay, and my husband, Ken Germer, are the owners and full-time residents of 1455 Swann St NW which is the immediate next-door neighbor to the party applying for the zoning exception. We will testify at the hearings.</p>
<p>2. A summary of the testimony of each witness.</p>	<p>We will testify in opposition to the application by our neighbor, Jacob Hensley, who seeks an exceptional zoning variance to bump out his house by 15 feet (150% of the allowable zoning regulation) and bump up to build a new penthouse and hot tub.</p> <p>We will testify that:</p> <ul style="list-style-type: none">▪ The 10-foot "by right" zoning regulation exists to prevent tunneling of neighbors exactly in our circumstance▪ The Applicant has offered no explanation for why he is being injured and thus deserves an exceptional allowance▪ The Applicant's expansion varies materially from our row of houses in either direction

3. An indication of which witnesses will be offered as expert witnesses.	We will put forward no expert witnesses.
4. Total amount of time being requested to present your case.	We would like to present our case in approximately 10 minutes along with visual aids. We also wish to ask questions of the Applicant.

Party Status Criteria

1. How will the property owned or occupied be affected by the action requested of the Commission / Board?	<p>The Applicant’s planned expansion would create a wall looming over our backyard that is the approximately size of a highway billboard or a movie theater screen (approximately 580 square feet¹).</p> <p>Zoning regulations afford property owners the “by right” 10-foot bump out. However, the Applicant is seeking an expansion equivalent to 150% of that allowance over three stories that will create a massing that is unprecedented in our row of houses.</p> <p>The result would unduly impact the value and enjoyment of our property. The Applicant’s own light study shows how sunlight to our outdoor space will be blocked for much of the summer.</p> <p>We use our backyard extensively and, if approved, would now sit in the shadow of a 580 square foot massing that is unreasonable and unprecedented. The 10-foot by right zoning regulation is meant to protect against just such a circumstance.</p>
2. What legal interest does the person have in the property?	We are the owners and full-time residents of the adjacent property.

¹ Calculated using Applicant’s architectural drawings submitted to the ANC and Board of Zoning Adjustment.

<p>3. What is the distance between the person's property and the property filing the application?</p>	<p>0 feet. We are the immediate next-door neighbors.</p>
<p>4. What are the environmental, economic, or social impacts likely to affect the property if action is approved or denied?</p>	<p><i>Economic.</i> The project would have a real and immediate impact on the value of our home. Today, all neighbors in our row of homes maintain the same depth of property. If approved, this expansion would be the only one of its kind in either direction for three houses. The variance would enrich our neighbor and injure us from a property value perspective.</p> <p><i>Environmental.</i> The light and airflow to our property as well as the home at 1459 Swann Street would be materially changed. The Applicant's own light study provides that evidence.</p> <p>Also, the proposed addition will substantially visually intrude upon the character, scale, and pattern of houses along the street and alley frontage.</p> <p><i>Social Impacts.</i> If granted, the exception would signal to other developers and buyers that exceptional variances such as this one are condoned risking a change in the character of the homes on Swann Street.</p>
<p>5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested is approved or denied.</p>	<p>None.</p>
<p>6. Explain how the person's interest will be more significantly affected by the proposed zoning action than that of others in the general public.</p>	<p>While all neighbors on the T Street and Swann Street alley will be impacted, we and the other neighbor immediately adjacent to the proposed project stand to be most injured by the exception. It is our enjoyment of our outdoor space and also our property values that would be most greatly reduced.</p>