

June 9, 2022

**VIA IZIS**

District of Columbia Board of Zoning Adjustment  
441 4th Street, NW, Suite 210S  
Washington, DC 20001

**Re: Applicant's Opposition to Party Status Requests of Gene & Patricia Godley and Phoebe & Robert Sharkey ("Godleys and Sharkeys"); BZA Case No. 20636 ("Application"); 4509 Foxhall Crescent N.W. ("Subject Property" or "Property")**

Dear Members of the Board of Zoning Adjustment:

On behalf of the Applicant, we oppose the referenced Godley and Sharkey party status requests. First, the requests are extremely late (in excess of 3 and 1/2 months late). The asserted good cause for the "nominally late filing" as described by their counsel, Ms. Ferster, is that the Godleys and Sharkeys had intended to participate as part of the party status request of John Fox. However, the Fox party status request was also extremely late (over 2 months).

Counsel's further justification that the Godleys and Sharkeys did not have counsel previously is interesting given that both Gene Godley and Robert Sharkey are seasoned attorneys.

Finally, the applicant's delay in submitting the storm water management plan –only a few days shy of 21 days prior to the hearing is hardly comparable or prejudicial as touted by Ms. Ferster especially given that it was submitted to the ANC prior to the ANC's April 6th meeting at which the only issue raised by Mr. Godley was the design of the proposed house.

With regard to the Sharkeys' party status request specifically, their house does not abut the Subject Property. While a small portion of the lot may be located within 200 feet of the Property, it is not located directly across Foxhall Crescent Drive from the Property as suggested by Ms. Ferster. Rather it is up the street and at least a full block from the Property (see the attached map) in a manner that is unlikely to experience any distinct or unique impacts associated with the construction of a home on the Property.

With regard to the Godley's request, the Godley's applied for the same special exception when they owned the lot in 1994. At that time, they indicated that a comparable size house to the one proposed in the Application would not adversely impact their adjacent property. Now they seek to put forward a torrent of contrary claims including Large Tract Review constraints which as a matter of law are only advisory, nonexistent easements across the Property, and storm water management which will be reviewed and must be approved during the building permit process by the Department of Energy and the Environment ("DOEE"). DDOE has the requisite expertise to review the plans and the BZA typically relies on that expertise. Further, the Applicant has agreed to provide advance notice to the Godleys in the event that any special relief is requested from DOEE's requirements. In summary, any truly relevant and legitimate concerns can be adequately addressed by the Godleys as persons in opposition with the opportunity provided at the hearing for testimony and written submissions.

Thank you in advance for your consideration of this submission.

Sincerely,



Cynthia A. Giordano

cc: Certificate of Service

**CERTIFICATE OF SERVICE**

I **hereby certify** that, on June - 2022, a copy of the foregoing Motion to Deny Party Status Request of was served upon the following:

1.     **D.C. Office of Planning**  
Matthew Jesick, AICP, Development Review Specialist  
via email:     matthew.jesick@dc.gov
  
2.     **District Department of Transportation**  
Mr. Jonathan Rogers, DDOT  
Mr. Aaron Zimmerman, DDOT  
via email:     jonathan.rogers2@dc.gov  
                  aaron.zimmerman@dc.gov
  
3.     **Neighborhood Commission 3D**  
via Email:     3D@anc.dc.gov
  
4.     **Advisory Neighborhood Commissioner SMD Chuck Elkins**  
via Email:     3D01@anc.dc.gov
  
5.     **Advisory Neighborhood Commissioner SMD Jason Rao**  
Via Email:     3D06@anc.dc.gov
  
6.     **Jody Westby, President , Foxhall Crescents Home Owners Association**  
Via Email :    westby@globalcyberrisk.com



---

Cynthia A. Giordano  
Saul Ewing Arnstein & Lehr, LLP