



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



FORM 140 - PARTY STATUS REQUEST

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.

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.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name:	Richard Wiedis		
Address:	2351 Champlain St., NW Apt. P1		
Phone No(s):	202 841 6735	E Mail:	wiedis@aol.com
I hereby request to appear and participate as a party in Case No.:	18330		
Signature:			Date: 03/16/12
Will you appear as a(n)	☐ Proponent	☒ Opponent	Will you appear through legal counsel? ☒ Yes ☐ No

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

Name:	Laurie Horvitz, Esq.		
Address:	4520 East West Highway, Suite 700, Bethesda, Md., 20814		
Phone No(s):	301 961 6429	E Mail:	laurie@horvitzlegal.com

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 (Zoning Commission only);
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 (Zoning Commission only); and
4. The total amount of time being requested to present your case (Zoning Commission only).

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

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

CASE NO. 18330
EXHIBIT NO. 28

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Board of Zoning Adjustment
District of Columbia
CASE NO. 18330
EXHIBIT NO. 28

Re: BZA Case No. 18330
Attachment to Party Status Request for Richard Wiedis

Party Witness Information

1. List of Witnesses and summary of testimony:

Richard Wiedis

Richard Wiedis is seeking party status in his individual capacity in case 18330. The Applicant is Federal Capital Partners (the Applicant). Mr. Wiedis will testify that he is the owner and occupant of Unit P1 at 2351 Champlain Street, which is directly next door to the Applicant's proposed project. Mr. Wiedis will testify that the relief sought in the application would create immediate and irreparable adverse effects for Unit P1 specifically. He will testify that the Applicant does not need the relief requested and has not met the zoning standards for such relief. Mr. Wiedis will also testify about inaccurate statements by the Applicant to the ANC and the BZA. Finally, he will testify about threats that were made by the Applicant if neighbors opposed the zoning relief.

Total time of testimony – 15 minutes

Party Status Criteria

1. How will the property owner be affected by the proposed action?

If the Applicant's request for special exception and variance relief to build above 40 feet is granted, then Mr. Wiedis' unit will be adversely affected. He has a private rooftop terrace associated with his unit. He purchased this unit aware of the laws limiting the height of adjacent buildings. Light, views and air to that terrace will be blocked and diminished by the proposed project. The value of Mr. Wiedis' unit would decline dramatically if the Applicant's request for relief is granted. The Applicant is seeking to build directly on the property line near Mr. Wiedis' unit. There would be one wall at the property line, a higher wall a few feet away and then a third wall associated with the penthouse structures. Moreover, persons on top of the Applicant's building could peer onto Mr. Wiedis' private rooftop deck. The Applicant's building would significantly diminish usage and enjoyment by Mr. Wiedis of his unit and rooftop space on the Erie.

2. What legal interest does the person have in the property?

Richard Wiedis is the owner and occupant of a condominium unit that is directly adjacent to the Applicant's proposed project.

3. What is the distance between the applicant's property and the property the property that is subject to the application before the Board?

Mr. Wiedis owns property that is directly adjacent to the proposed project and will actually touch the proposed project.

- 4. What are the environmental, economic or social impacts that are likely to affect the person and/or persons' property if the action requested of the Board is approved or denied?**

If the Applicant's request to build above 40 feet is granted, then Mr. Wiedis and his condominium unit will be adversely affected. The proposed project would create walls blocking his rooftop terrace from existing views, light and air, including a wall at or near the property line, a higher wall a few feet away and then a third wall associated with the penthouse structures. Moreover, persons on top of the Applicant's building could peer onto his private rooftop deck. The Applicant's building would significantly diminish usage and enjoyment of the rooftop spaces on the Erie.

- 5. Describe any other relevant matters that demonstrate how the person will likely be affected and aggrieved if the action requested of the Board is approved or denied?**

In addition to the adverse effects mentioned in Answer Number 4, the value of Unit P1 would decline. Mr. Wiedis paid a premium for his private rooftop terrace. The value of that limited common element would decline.

- 6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character and kind by the proposed zoning action than that of other persons in the general public?**

Mr. Wiedis is the owner and occupant of property that is directly adjacent to the proposed project and will actually touch the proposed project. The requested zoning relief would diminish his use and enjoyment of his home. It would also cause substantial economic harm to Mr. Wiedis.