

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:	John Taht		
Address:	1736 Columbra Rd. Apt 208		
Phone No(s):	202-262-5614	E Mail:	
I hereby request to appear and participate as a party in Case No.:		18348	
Signature:	<i>John Taht</i>	Date:	
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.

BOARD OF ZONING ADJUSTMENT District of Columbia	
Name:	
Address:	CASE NO. 18348
Phone No(s):	EXHIBIT NO. 31
	E Mail:

WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the person'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? *Volume of Noise - see our statement*
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
owners
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.) *Properties are abutting.*
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 our statement - lack of peaceful possession.*
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. *impaired work environment + decreased property values*
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. *proximity of location.*

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. 18348
EXHIBIT NO. 31

The Beverly Court Cooperative

1736 Columbia Road, NW

Washington, DC 20009

May 5, 2012

Department of Consumer and Regulatory Affairs
Office of Zoning
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

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To Whom It May Concern:

I am writing to you in regard to Zoning Case Number 18348, which is a request for a Zoning Exception that has been made by Jubilee Jumpstart in order to continue to operate their Day Care Center at 2525 Ontario Road, NW. On behalf of the Board of Directors of the Beverly Court Cooperative, which is located directly next to 2525 Ontario Road, I am writing to oppose their request because of the harm that an exception granted in 2006 has been causing, and that a new exception would continue to cause our Cooperative and its members. The primary issue is the high volume of noise that occurs almost daily in the outdoor play area, which our residents who live on the side of the building that borders the day care center are unable to avoid. A number of our residents who are affected by the noise are either retired or work from home.

Our building and all the other apartment buildings that surround the Jubilee Jumpstart play area are very close to each other and to the Jubilee building at 2525 Ontario Road, NW. Our block has no alleys which might add a little space buffer between the buildings. Consequently, all play area noises echo from building to building and are thereby magnified. None of the narrow spaces dividing the buildings were designed to be a playground. Additionally, there is a continuing rat infestation on this block. This leads us to wonder about the health and safety of the children playing there.

Much of the day care center's outdoor space is only several feet from our apartment windows. The noise problem that currently exists because of the day care center is an unreasonable and unfair infringement on the daytime lives of residents of Beverly Court and, as such, should not continue to be permitted by the District.

Over the course of 2010, the Beverly Court Board of Directors and other residents of the cooperative had quite a number of conversations about the noise with Mr. Joe Collier, who was then the Chair of the Board of Directors of Jubilee Jumpstart. These conversations took place via phone, email and face-to-face meetings. Jubilee Jumpstart

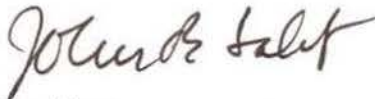
finally proposed building a fence that was supposed to dampen the noise between our properties. The fence has not been effective at all in cutting down the noise. Jumpstart also promised to plant a thick layer of vegetation on their side of the fence – this was to help further with the noise abatement. As of now, none of that planting has been done.

We ask that the Zoning Board not grant this exemption from the law because the zoning laws were instituted to allow the city to grow reasonably, and to allow its citizens to live with the expectation of a reasonable environment. We ask that the Board act in a fair and proper manner and not give preferential treatment to one group in a manner that hurts that group's neighbors.

If the BZA does decide to grant the exemption, we ask that it make Jumpstart sign an agreement to take the children to neighborhood parks for their outdoor play rather than letting them use the narrow space adjacent to the daycare center.

Thank you for considering our situation.

Sincerely,
John Taht

A handwritten signature in dark ink, appearing to read "John Taht", written in a cursive style.

President,
Beverly Court Cooperative

BZA Case 18348

Party Status Request – Beverly Court Cooperative

List of Witnesses

We are still struggling with the schedules of those who may attend the hearing and serve as witnesses. One or more of the following will testify as witnesses. All are members of and reside at Beverly Court.

Steve McKevitt

Genie Wright

Margaret Devoe

John That

Hank Leland