



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:	Lance P. Salonia		
Address:	1603 S Street NW		
Phone No(s):	202-258-4966	E Mail:	salonial@aol.com
I hereby request to appear and participate as a party in Case No.:		18471	
Signature:			Date: November 20, 2012
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:			
Address:			
Phone No(s):		E Mail:	

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18471

EXHIBIT NO. 45

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?
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.

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.

Board of Zoning Adjustment
District of Columbia
CASE NO. 18471
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Person vs. Party in a Proceeding

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, submit a Motion for Reconsideration or Rehearing, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

INSTRUCTIONS

Any request for party status as provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, not less than fourteen (14) days prior to the date set for the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W., Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 * (202) 727 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

PARTY WITNESS INFORMATION:

- 1. A list of witnesses who will testify on the party's behalf;
I will testify on my own 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:

- 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?**

My home which is adjacent to the applicant's property in the same R-5-B zone, a residential zone, will be subject to the impacts of commercialization if this variance from the allowed uses for a property in R-5-B is granted.

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

Owner and resident

- 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.)**

Ten (10) feet. (Alley width)

- 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?**

Peace, order, and quiet of my home and yard will be affected. Value of my property as a residence will be affected, including diminished rental income from my basement rental.

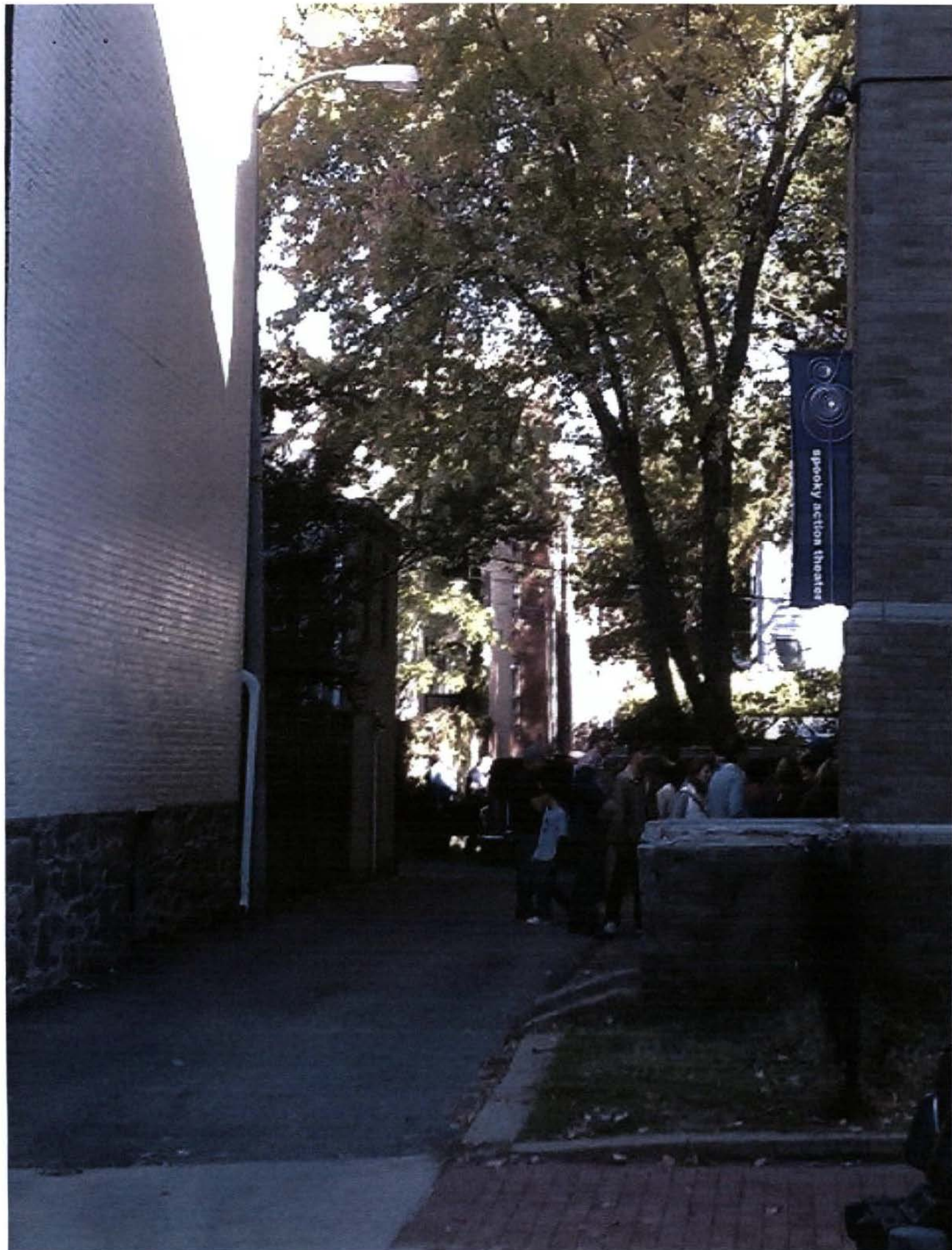
- 5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.**

The theater has been operating illegally in this space now since late 2010. In that time I have experienced repeated disturbances of a commercial nature which are not allowed in a residential zone. These disturbances include but are not limited to heavy foot traffic coming and going to performances, auditions, rehearsals, dinner galas, fashion shows, and even the filming of commercials and other non-theater specific use sub-rentals of the space by the Spooky Action theater which advertised 'space for rent' on the Internet. They also include staging of tables in our shared alley and blocking of the alley to sell T-shirts and other goods associated with productions. Additionally, transforming the back service door of the church into a main entrance for the theater resulted in not only the foot traffic and noise disturbances mentioned above, but the almost constant presence of loitering in the alley by performers and guests who congregated in the narrow alley outside my windows to smoke and chat. These disturbances were not limited to performances but occurred at all times of the day (and night) and extended almost without interruption throughout the year. It's important to note that a three week run of a production may be three or more months in the making involving numerous auditions, rehearsals, and meetings. Add to that all the other uses to which Spooky Action Theater put this space, and I have had almost constant noise, and disturbance of the peace of my home.

I will attach a photograph taken of the alley with theater patrons congregating outside the church rear service door, as well as a sample subletting ad I discovered on the Internet.

- 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.**

My home and the alley are separated by a 10 foot wide alley running between the back of the church and the side of my home. (The church is on 16th Street, and my home is on S Street.)



www.dcspacefinder.org/organizations/3599

www.dcspacefinder.org/spaces/5906

Spooky Action Theater, Main Stage

Spooky Action Theater

Space Usage

Permitted Uses	Rehearsal, Performance, Audition
Disciplines	Dance, Theatre
Other Allowed Activities	<i>None specified</i>
Restrictions On Use	<i>None specified</i>

Booking Policies

Hours Of Operation	<i>None specified</i>
Rental Policy	<i>None specified</i>
Cancellation Policy	<i>None specified</i>
Allows Last Minute Reservations	<i>None specified</i>
Booking Requirements	<i>None specified</i>
Personnel Available at Time of Rental	<i>None specified</i>
Personnel Available at Time of Performance	<i>None specified</i>
Payment Types	<i>None specified</i>
Options	<i>None specified</i>

Features

Space Dimensions	40 ft × 40 ft (1600 sqft) (<i>ceiling height not specified</i>)
Space Features	Column-free, Air-conditioned, Grid, Acoustic panels
Technology	<i>None specified</i>
Flooring	Sprung wood
Stage Configuration	Proscenium
Stage Dimensions	30 ft x 20 ft (<i>ceiling height not specified</i>)
Seating Capacity	70
Seating Arrangement	Seating risers

Equipment

Lighting	Light board, Lighting instruments
Furniture	Chairs
Artist Amenities	<i>None specified</i>
Instruments And Accessories	<i>None specified</i>
Audio	Sound system
Video Film	<i>None specified</i>
Studio Arts	<i>None specified</i>

Other

Parking	Street parking
Accessibility	<i>None specified</i>
Audience Services	Restrooms, Lobby
Miscellaneous	<i>None specified</i>

Rates

Use	Hourly	Daily	Weekly	Monthly
Rehearsals	\$25	-	-	-
Performances	-	-	\$1,200	-
Auditions	\$25	-	-	-

This space was last updated on Wednesday, April 18, 2012 at 6:08PM