

18531

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:                                                              | Glenn Cadoret                          |                                              |                                                                                                            |
| Address:                                                           | 225 E Street, NE, Washington, DC 20002 |                                              |                                                                                                            |
| Phone No(s):                                                       | (202) 579-6600                         | E Mail:                                      | glenncadoret@yahoo.com                                                                                     |
| I hereby request to appear and participate as a party in Case No.: |                                        | 18531                                        |                                                                                                            |
| Signature:                                                         | Date:                                  |                                              | March 26, 2013                                                                                             |
| Will you appear as a(n)                                            | <input type="checkbox"/> Proponent     | <input checked="" type="checkbox"/> Opponent | Will you appear through legal counsel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, please enter the name and address of such legal counsel.   |                                        |                                              |                                                                                                            |

|              |                                            |         |                      |
|--------------|--------------------------------------------|---------|----------------------|
| Name:        | Randal Wax                                 |         |                      |
| Address:     | 6308 16th Street, NW, Washington, DC 20011 |         |                      |
| Phone No(s): | (202) 744-4524                             | E Mail: | randal_wax@yahoo.com |

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 18531  
EXHIBIT NO. 28

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.

CASE NO. 18531  
EXHIBIT NO. 28

**Form 140 – Party Status Request - BZA Case/Application No. 18531 (Hearing Date April 9, 2013)**

**Attachment to Party Status Request of Glenn Cadoret re BZA Case/Application No. 18531**

In furtherance of the Party Status Request by Mr. Cadoret attached hereto regarding BZA Case/Application No. 18531, please note the following:

**Party Witness Information**

1. A list of witnesses who will testify on the party's behalf:

Mr. Glenn Cadoret ("Party Mr. Cadoret")

2. A summary of testimony of each witness:

The parties are seeking to resolve their differences, but to the extent that is not possible by the April 9<sup>th</sup> hearing date, Mr. Cadoret will testify as to the facts supporting his claim for an easement across the property at issue in this matter, i.e., that he has had open and notorious adverse possession of access from his property across the applicant's property to a public alley for the past 17 years.

3. An indication of which witnesses will be offered as expert witnesses:

None

4. The total amount of time being requested to present your case:

15 minutes

**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 if the Commission/Board:

Party Mr. Cadoret and the applicant share a common boundary.

If the applicant is not required to provide Party Mr. Cadoret with access by and through an irrevocable easement from his property across the property of the applicant to the adjoining public alley, Mr. Cadoret will be denied his property rights and will be forced to seek injunctive and other relief before the applicant's project can go forward.

As a gesture of good faith and in furtherance of a possible resolution, Party Mr. Cadoret has agreed to not object until the hearing date to any aspect of the entitlements process including the easement issue above and the impact of the contemplated construction by the applicant on his property. However, if the easement issue is not resolved by the hearing date, Mr. Cadoret will be forced to object to the impact of the construction on and to his property.

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

Mr. Cadoret is the owner of and resides at the property.

3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board?

The two properties share a common boundary, which boundary is the subject of Party Mr. Cadoret's claim for access and an irrevocable easement.

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

If the applicant is permitted to proceed without granting Party Mr. Cadoret the requested easement, then the resulting lack of access will significantly diminish the economic value of Mr. Cadoret's property. Essentially, the back of Party Mr. Cadoret's property will be land-locked.

If the applicant is not required to explain the impact on and to Mr. Cadoret's property by the applicant's construction and provide necessary precautions and guarantees, then Party Mr. Cadoret's real property may be subject to unique and irreparable damage.

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 applicant has informed Party Mr. Cadoret that significant excavation and construction will take place at and possibly across their property line (including under his property) over as significant period of time (currently estimated to conclude approximately two years from the hearing date). To date, Party Mr. Cadoret has not received specific information as to what effect such construction would have on and to his property. Party Mr. Cadoret is seeking to resolve any disputes between the applicant and himself, but absent a final fully-executed resolution prior to the April 9<sup>th</sup> hearing, Party Mr. Cadoret will, at a minimum, need to request information as to precisely what construction will take place, what potential impact it will have on and to his property and over what timeframe, and what precautions and guarantees will be made by the applicant to prevent such damage to Party Mr. Cadoret's real property.

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 or the general public.

Party Mr. Cadoret's issues expressed herein are unique inasmuch as they only concern the boundary shared by him and the applicant. No one else has asserted nor could anyone else assert an access/easement claim across his and the applicant's shared

boundary because no one else shares that boundary. Likewise, Party Mr. Cadoret's issues with respect to the impact and effect of the applicant's construction are limited to those impacts and effects to his property as opposed to those of other parties or the general public.

Party Mr. Cadoret has only presented herein those issues unique to his situation and has expressed no opinions as to the interests of others, whether the interests of the other persons sharing boundaries with the applicant or the general public.