
FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.

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.)

NAME: Last O'Donnell		First Mark	Middle I. F.
ADDRESS: Street 1359 Massachusetts Ave SE		Apt. # (if any)	City Washington
Phone No. 202-544-3737		Fax No.	E-Mail odonnellfam8@hotmail.com

I hereby request to appear and participate as a party.

Signature
Mark F. O'Donnell

Date
5/8/2013

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: Last BOARD OF ZONING ADJUSTMENT		First District of Columbia	Middle I.
ADDRESS: Street BOARD OF ZONING ADJUSTMENT		Apt. # (if any)	City District of Columbia
Phone No. CASE NO. 18556		Fax No.	E-Mail EXHIBIT NO. 26

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:

On a separate piece of paper, 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 appeal or application before the Commission/Board? (Preferably no farther than 200ft.)
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.

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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, 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 for action 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

**Attachment to Form 140
Party Status Request
Mark F. O'Donnell**

Witness Information:

1. Mark F. O'Donnell
Susan M. Oehler
2. N/A
3. N/A
4. N/A

Party Status Criteria:

1. If the Board of Zoning Adjustment approves Derek Mattioli's requested zoning variances, my home will be devalued and the quality of our home life will decline. The structures at our end of the 1300 block of Massachusetts Ave SE are already too densely packed. Adding a structure covering virtually 100 percent of the lot, as Derek Mattioli has already illegally done, will block our light and air. Also, approving Derek Mattioli's requested zoning variances will set a precedent for all owners at our end of the block to cover virtually 100 percent of the lot. Because Derek Mattioli cannot demonstrate exceptional hardship or exceptional and undue circumstances to justify his requests for zoning variances, all the owners at our end of the 1300 block of Massachusetts Ave SE would be encouraged to follow Derek Mattioli's actions and build on virtually 100 percent of the block and then later seek approval after the illegal structure is already built. This would lead to a very real decline in the quality of life and architecture on our block and a decline in the values of our homes. Our block is within the Capitol Hill Historic District, and this should mean something significant in terms of permitted construction.
2. My wife, Susan M. Oehler and I own 1359 Massachusetts Ave SE.
3. The distance between our home, 1359 Massachusetts Ave SE, and Derek Mattioli's property subject to the zoning variance requests is about 100 feet.
4. Derek Mattioli's illegal construction covers virtually 100 percent of the lot, blocking light and air of properties at our end of the 1300 block of Massachusetts Ave SE. If the Board of Zoning Adjustment approves the Derek Mattioli's requested zoning variances, my home will be devalued and the quality of our home life will decline. In addition, if the requested

zoning variances are approved, a precedent will be set that rewards and encourages others to illegally build on virtually 100 percent of their lots, and then later request retroactive approval.

5. It is critical that the Board of Zoning Adjustment consider the full and complete facts relating to Derek Mattioli's application for zoning variances. For example, the plans that Derek Mattioli submitted with his application for a zoning variance do not reflect what Derek Mattioli has already illegally built and they do not agree with the plat that he submitted with his application. In addition, the measurements that he presents on his plat and other representations are highly questionable. I need to be made a party to this case to assure that all of the relevant facts are revealed to the Board of Zoning Adjustment.
6. My wife and I own and live in a neighboring property with our children. We are directly affected by Derek Mattioli's illegal construction. Derek Mattioli's illegal construction reduces the light and air, devalues our home and reduces the quality of life on our block. In addition, approval of Derek Mattioli's illegal construction by approving his requests for zoning variances for an addition already built will set a dangerous precedent for others on our block to follow. Allowing this structure to stand would make a mockery of the strict zoning rules and permitting process that every other Capitol Hill Historic resident is supposed to follow.