



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:	Linden Neighborhood Association, Inc. Cherie Mitchell		
Address:	724 13th Street, NE		
Phone No(s).:	202.399.6529	E Mail:	Cheriemit@aol.com; Linden1200@gmail.com
I hereby request to appear and participate as a party in Case No.:		18591	
Signature:	<i>Cherie Mitchell, Robert [unclear]</i>	Date:	06.26.13
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:	BOARD OF ZONING ADJUSTMENT District of Columbia		
Address:			
Phone No(s).:		E Mail:	CASE NO. 18591 EXHIBIT NO. 26

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

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. 18591
EXHIBIT NO. 26

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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

FORM 140 - PARTY STATUS REQUEST

ATTACHMENT LINDEN NEIGHBORHOOD ASSOCIATION

PARTY WITNESS INFORMATION

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

- Claude Labbe
- Cherie Mitchell
- Robert Pittman
- Curtis Behler
- CP Wood
- Mye Coates,
- Roxanne Smith White
- Wilton Madison
- Vanessa Ruffin

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?*

The Linden Neighborhood Association, Inc. and residents request Party Status for a number of reasons. One major reason is the lack of competent representation by the local Advisory Neighborhood Commission (ANC6A) which failed to provide direct notice of any discussions concerning BZA case number 18591. The ANC lacks the knowledge to adequately represent the interests of the most affected residents. The members of the Linden Neighborhood Association who live in close proximity to the property requesting variances have lived through many changes at the location of the proposed the variances have been personally involved in cleaning up the property and ensuring that regulations were followed. We are best prepared to argue our position having been involved in many administrative and regulatory decisions which include the development of the H Street corridor. We are also best qualified to ask questions of the Applicant and offer background regarding the proposed variance. Finally, we have a demonstrated history of almost twenty years in the community and specifically with regard to the above mentioned issues.

It is the view of the most impacted residential neighbor, who is an officer of the Linden Neighborhood Association, as well as supporting residential property owners, that if the Board of Zoning Adjustment (BZA) allows the Applicant to proceed with this proposed zoning variance and parking exception, a negative precedent will be set in our neighborhood. The building of the structure at 1255 H Street NE violates DC zoning regulations. The immediate effects upon the closest neighbors include the following: (1) deprivation of adequate air flow and light on adjoining and neighboring properties, (2) over concentration of population, and (3) overcrowding of the land. These zoning violations create an overconcentration of ABC licenses in a 300 foot area, noise, traffic, increased parking problems, and a high volume of people and entities, which will overwhelm the alley and significantly increase local and alley traffic.

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

Those requesting party status are owners and current occupants.

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.)*

The most affected residential property owner is less than 10 feet from the property which is the subject of the application. The other property owners who request party status are less than 200 feet from the applicant property.

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?*

Environmental Impacts: If approved by the Board, the first impacts will be felt by neighbors closest to the applicant property who have already experienced short term issues such as construction and construction noise. The permanent issues have already begun and include a lack of sunlight, increased moisture around properties, trucks parked in a tight alley requiring police actions, and increased residential property damage due to the tight space which has trucks striking the adjacent house. Neither an engine company nor ladder truck and an ambulance would be able to navigate the tight alley space in case of a fire or medical emergency.

Economic Impacts: The proximity of the applicant structure will without a doubt adversely impact the resale value of the adjacent residential property because the structure size overwhelms the residential property and it will create very negative environment impacts such as increased potential property damage (e.g., structural, etc.), noise, high levels of alley traffic, trash, and rodents. Properties values in the 700 block will decrease due to these changes which affect the desirability of the residential location.

Approving a variance from the off-street parking requirements under subsection 2101.1, and a variance from the loading requirements under subsection 2201.1, for a proposed restaurant in the HS-A/C-2-A District at premises 1255 H Street, N.E. (Square 1004, Lot 343) will have a negative impact.

Social Impacts: Beyond the immediate neighbors, most neighbors in Squares 1004, 1027, 1003 and 0982 will be shifted south and west to other streets due to the increased parking demand by this Applicant. There is already a great demand for parking with the over 30 bars and restaurants and many individuals shopping on the H Street corridor. The size and magnitude of this project affects our privacy and quality of life on an intimate level. There will be increased noise, insufficient parking, and significantly more local traffic.

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.*

In addition to the above mentioned answers, there is and will be continued structural damage to the adjacent resident due to commercial trucks hitting the house. Ice and snow will worsen this condition. Also, the darkness brought about by the closeness of the building creates a safety issue. Moreover, adding additional light to the structure will only create a negative impact to a wider area of neighbors.

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.*

The Linden Neighborhood Association and the interest of those closest to the Applicant believe that we have demonstrated in the previous responses why we should be granted Party Status. We welcome development and have been working toward various development projects for decades which includes the H Street Streetscape. Because the ANC proceeded without seeking neighborhood support or notification, we are left with no choice but to advocate for our own needs and best interests.