

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: Elliot R Eisenberg
Address: 321 A Street NE, Washington, DC 20002
Phone No(s): 202-544-1551 E Mail: ellioteisenberg@gmail.com
I hereby request to appear and participate as a party in Case No. 18651

Signature: _____ 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

Name: Elliot R. Eisenberg BOARD OF ZONING ADJUSTMENT
Address: 321 A Street NE District of Columbia
Phone No(s): 202-544-1551 CASE NO. 18651
E Mail: ellioteisenberg@gmail.com 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? Property immediately borders. Construction impacts my security
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) and a building my wife and I own 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? (Preferably no farther than 200 ft.) Bordering
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 attached letter
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 attached
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. Only property that borders site in question

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. 18651
EXHIBIT NO. 28

To: Board of Zoning Adjustment

Re: Case 18651

Date: September 27, 2013

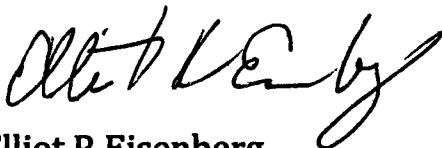
This is an attachment to Form 140 in which I am seeking Party Status for the Board of Zoning Adjustment meeting scheduled for November 5, 2013.

Please note that, based on the assurances given to me by Peter Fitzgerald and his agent John Fitzgerald (see attached letter) and trusting that these assurances will be adhered to, I am applying for Party Status as a proponent of the project.

Because my property is the only one not owned by Fitzgerald, which immediately borders the proposed construction site, I believe that my interest in this project is unique. A wall of one of my buildings will be torn down during construction and there is potential that the security of this building and its contents as well as that of my main residence could be compromised. In addition, the disruption of the construction could be a significant annoyance should it be done during inconvenient hours.

Mr. Fitzgerald has assured me in writing (again, see attached) that everything possible will be done to eliminate my concerns. With this in mind, and given the proposed plans filed by Fitzgerald with the Board on August 13, 2013, I am supportive of his request to the Board.

Respectfully yours,


Elliot R Eisenberg

September 24, 2013

Mr. Elliot R. Eisenberg
321 A Street, NE
Washington, DC 20002

Re: Millers Court Project

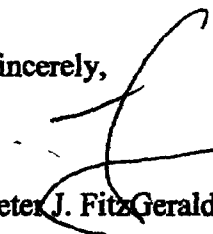
Dear Mr. Eisenberg,

As per your discussions with my agent, John H. FitzGerald, regarding the construction of an alley dwelling unit to the rear of your house, I agree to the following:

1. There shall be security fencing installed along the rear lot line of your property during construction. You will have access to the rear of your property through a locked gate that shall be erected in the security fending. At the completion of the construction, the existing security gate will be reinstalled as close to its current location as is possible.
2. The rear wall of your shed shall be removed when the garage upon which it was erected is demolished. Care will be given not to disturb any of the contents. If it is necessary to store the items off-site during construction, FitzGerald Properties will move and store said belongings. Your shed shall be restored as closely as possible to its current condition.
3. Every attempt shall be made to limit construction hours to Monday through Friday 9am-5pm. If it is necessary to deviate from these hours, contractors will attempt to contact you in advance.

In return for said conditions, you will agree to support the project and return to me a signed copy of Form 140 listing your party status as a proponent.

Sincerely,


Peter J. FitzGerald /