

SULLIVAN & BARROS, LLP

Real Estate | Zoning | Business Law

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May 8, 2014

By Hand Delivery

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Party Status Opposition Application and Request for Waiver of the 14-day
Deadline; BZA Application No. 18723.

Dear Chairman Jordan and Members of the Board.

On behalf of the owner of the property located at 923 V Street, NW – Urbaniak LLC – I am filing the enclosed party status opposition request. I am also requesting a waiver of the 14-day deadline under Section 3106.2. The party status applicant just engaged legal counsel today after it discovered that it mistakenly thought that the hearing was scheduled for a later date. We are serving the Applicant immediately via e-mail and so do not believe that the Applicant will be prejudiced in any way by this 2-day late filing.

Thank you for your consideration of these requests

Sincerely,



Martin P. Sullivan

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18723

EXHIBIT NO. 42

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Board of Zoning Adjustment
District of Columbia
CASE NO. 18723
www.sullivanbarros.com
EXHIBIT NO. 42



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

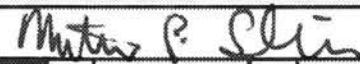


FORM 140 - PARTY STATUS REQUEST

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:	Urbaniak LLC		
Address:	923 V Street, NW, Washington, DC 20001		
Phone No(s):	202-503-1704	E Mail:	
I hereby request to appear and participate as a party in Case No.:		18723	
Signature:		Date:	May 8, 2014
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:	Martin P. Sullivan; Sullivan & Barros, LLP		
Address:	1990 M Street, NW, Suite 200, Washington, DC 20036		
Phone No(s):	202-503-1704	E Mail:	msullivan@sullivanbarros.com

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 attached
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.

Attachment to the Party Status Application of Urbaniak LLC – BZA Application No. 18723

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 Board?

Urbaniak, LLC is the immediately adjacent neighbor to the east of the Morning Bright property. As the Urbaniak Property abuts the subject property, granting the relief requested will have a material impact on Urbaniak's property

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

Urbaniak LLC is the fee simple owner of 923 V Street, NW.

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

The Urbaniak Property abuts the subject 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 Board are approved or denied?

The grant of the requested relief will permit a much larger building footprint, which will impact the light and air to the Urbaniak Property, possibly impact storm water management, and reduce the value of the Urbaniak Property

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

As noted above, Urbaniak, LLC abuts the subject property, and will be directly affected if the two requested variances are granted. The larger lot occupancy and lack of a rear yard will reduce light and air, and open space, for the building on the Urbaniak Property

6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character of kind by the proposed zoning action than that of other persons in the general public.

The Urbaniak Property abuts the Morning Bright property, and the building on the Urbaniak Property will abut the Morning Bright proposed building for a length of more than (80) eighty feet. The Urbaniak Property is the only property so potentially affected by the granting of the requested relief.