



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:	Amir A. Afkhami		BOARD OF ZONING ADJUSTMENT District of Columbia
Address:	1540 T Street NW, Washington, DC 20005 20009		CASE NO. 18725
Phone No(s):	(646) 280-7011	E Mail: amir.a.afkhami@gmail.com	EXHIBIT NO. 26
I hereby request to appear and participate as a party in Case No.:			18725
Signature:			Date: Feb. 22, 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:	Stephen M. Truitt	
Address:	600 14th Street NW, Washington, DC 20005	
Phone No(s):	202 220 1452	E Mail: truittsm@gmail.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?
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.

**Declaration of Amir Afkhami in Support of
Application for Party Status and in Satisfaction
of “Party Status Criteria” In Case No. 18725**

1. My name is Amir Afkhami and I make this declaration in opposition to the application of Mr. Romeu in Case No, 18725 and in support of my application to participate in this proceeding as a party. I make this declaration on personal knowledge unless otherwise stated. In particular I seek to explain how the grant of the variance requested for Square 191, Lot 98 would directly affect me in ways not in common with the general public. In addition I also explain the factual basis for my opposition to the grant of the variance application.

2. I reside at 1540 T Street, NW two doors down from Mr. Romeu to the west, and moved in on February 2012. During my time residing in this location, I have never witnessed a deck in any portion of the rear three feet of Lot 98 additionally, I was assured by the prior owners (Westend Development) of my home that right of way (ROW) in the adjacent lots including lot 98 was reserved by an unalterable deed which motivated their decision to place air-conditioning units to the rear of my lot. Upon questioning they had told me that if there were any problems with the air conditioning units that they could be transported by fork-lift in and out of the ROW.

3. Lot 98 is subject to a recorded right of way described as the rear three feet of Lot 98 (ROW) for

alley access in the deed transferring ownership to Applicant. (Hill Declaration Exhibit A). This deed specifies that the ROW is in favor of three numbered lots which specifically includes my lot. My family and I use this ROW daily since my purchase of my house and it is the sole access to the alley, or anywhere else, from the rear of my house as more fully described below. It is also the only area that can be temporarily modified to be wheelchair accessible to the basement apartment in my lot. Additionally, the ROW was used on 1/21/2013 by the DC fire department to gain access to my roof to help extinguish a fire at 1534 T Street. I object to any diminution of this right of access in any form. Over the years I have used the ROW on a daily basis and I continue to use it now.

4. Since I have moved in, the ROW has been respected by neighbors and I and clearly demarcated and runs at the back of my home. As of 1930 the deed attached as Exhibit B hereto, subjects Lot 98 to a ROW across the rear three feet thereof “for alley purposes” which is the same as the deed for my property Exhibit E which reserves the rear 3 feet for alley purposes.

5. The proposed construction directly interferes with the ROW and my regular use of it as well as the use of it by others. Mr. Romeu's Application, if granted, would permanently impede the ability of my wife to move our baby carriage in and out of the back of our house. It will also impede my mother's ability to come

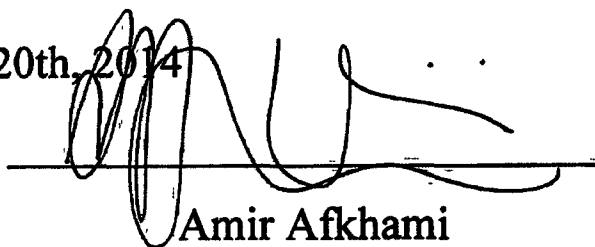
in and out of our house on a motorized wheelchair when she resides with us. Additionally, the need to replace the air conditioning units to the rear of my house is inevitability, and any interference with the ROW will prevent me from being able to transport the units out and replace them by crane or forklift causing me to incur significant economic losses and potential delays.

6. I now describe my present use of the ROW: emergency exit for fire emergency and other instances where rear exit is necessary for safety; access to rear of house to transport items in and out such as a washing machine and dryer; access to rear of the house for repairs and up-keep sometimes requiring scaffolding, ladders, workmen and other equipment, as a general second entrance to my home.

7. In the many years since I moved into my house the ROW has always remained open and clear. It has never been closed in or had any permanent structure on it whatsoever.

I declare under the penalty of perjury that the foregoing is true and correct.

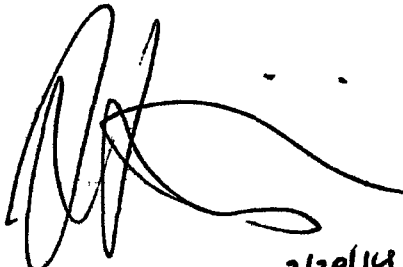
Executed on February 20th, 2014



Amir Afkhami

**APPOINTMENT OF ATTORNEY IN
BZA CASE 18275**

**I hereby appoint Stephen M. Truitt, 600 14th St. NW, Suite 500,
Washington, DC 20005 ((203-220-1452) as my attorney to act for
me in BZA Appeal No. 18275.**



2/20/14

1540 T Street, NW
Washington DC 20009

Address

**Street, NW
Washington, DC 20005**