



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:

CASE NO.

EXHIBIT NO.

Name: Robert Uth

Address: 1839 Sixteenth Street, NW, Washington, DC ~~20005~~ 20009

Phone No(s): 202-538-1671

E Mail: npproducer@aol.com

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 St. NW, Suite 500, 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.

ADJUSTMENT

RECEIVED

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18725
EXHIBIT NO. 21

**Declaration of Robert Uth in Support of
Application for Party Status and in
Satisfaction of "Party Status Criteria"
In Case No. 18725**

1. My name is Robert Uth 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 1839 Sixteenth Street, NW within 50 feet of Applicant's house at 1536 T St. NW, Square 191, Lot 98. I bought my house in 1989 and have lived there continuously ever since. Accordingly I am aware of all construction changes in Lot 98 during this period. The proposed construction will have the following adverse effects upon me if the application is granted.

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 on favor of three numbered lots but does not specifically include my lot. I have used this ROW continuously 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 in ¶5 below. I object to any diminution of this right of access in any form. Over the years I have used the ROW hundreds of times and I continue to use it now.

4. Although the recent deed to Lot 98 does not list my lot as benefiting by this ROW some history may be of assistance to the Board in understanding why my continued use of the ROW is essential. I am informed and believe that around 1900 the 3 big lots were subdivided into 6 smaller lots. My house was the first of the 6 houses to be constructed. Through all the years since the ROW has been respected and clearly demarcated and runs to the back door 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" and mentions no specific lots benefiting from the ROW reserved. I do not know how or why the later deeds to Lot 98

seemingly narrowed those benefiting from the ROW. But I believe and therefore aver that none of my predecessors in title have ever released or otherwise compromised that ROW. Accordingly I believe it still favors my Lot and I am fully empowered to assert its benefits.

5. I now describe my present use of the ROW: emergency exit for fire escape 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.

6. 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 physical obstructions that prevented exit or entry.

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

Executed on February 23, 2014



Robert Uth

**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.**

ROBERT JTH

 Address

1839-16th Street, NW
Washington, DC ~~20005~~
20009