

3819 Livingston Street, NW
Washington, DC 20015
July 8, 2014

Board of Zoning Adjustment
For the District of Columbia
441 4th Street, NW, Suite 210
Washington, DC 20001

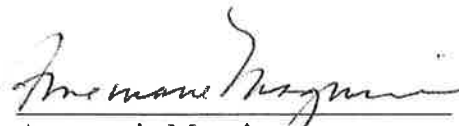
RE: PNC Bank National Association
Application No. 18799

Dear Members of the Board:

Enclosed please find a request for party status in the above-referenced case and an affidavit of service for the known parties in this case as of this date. Should you have any questions or concerns, please do not hesitate to call me at 202-558-8159.

Respectfully submitted,


William E. Schuerch


Annemarie Maguire

Enclosures



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

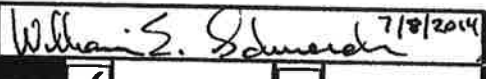
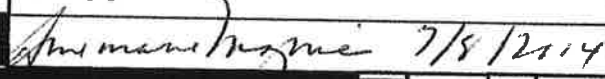


FORM 140 - PARTY STATUS REQUEST

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:	William E. Schuerch and Annemarie Maguire		
Address:	3819 Livingston Street, NW, Washington, DC. 20015		
Phone No(s):	202-558-8159	E Mail:	ammaguire@comcast.net
I hereby request to appear and participate as a party in Case No.:		18799	
Signature:	 		
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:			
Address:			
Phone No(s):		E Mail:	

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.

Application No. 18799 of PNC Bank National Association
Party Status Request for William E. Schuerch and Annemarie Maguire

1. As demonstrated by our responses below regarding increased noise, lights, and other potential disturbances, as well as the potential for decreased value, the residential property at 3819 Livingston Street, NW will be directly affected by any action taken by the Board.
2. We are the owner-occupants of the residential property located at 3819 Livingston Street, NW, and have lived there 28 years, since February 1, 1986.
3. The PNC Bank parking lot property line, which is the subject of this application, is located approximately 16 feet from our northern property line and approximately 35 feet from our master bedroom, home offices, kitchen, dining room and enclosed back porches, which are located in the back portion of our home. The parking lot at this point is separated from our home by a concrete wall, approximately 3 feet high topped by a wooden stockade fence, approximately 6 feet high. There are no trees or other foliage located at this end of the parking lot. From the second floor of our home, we have a clear, virtually unobstructed view of the entire parking lot.
4. The PNC Bank application (Application), dated May 12, 2014 and identified as Application No. 18799, seeks to operate a parking lot limited to the use of its customers during daily banking hours, consistent with the hours of operation of its branch. We support this Application insofar as it addresses the needs of banking customers while permitting us to enjoy the use of our property with only limited disruption and preserving the economic value of our property. This Application also is consistent with the approved variance that existed regarding the parking lot at the time we purchased our home in 1985, and at all times during which Riggs Bank owned the now PNC Bank property. Additionally, this Application is consistent with approved variances permitting customer parking during business hours on neighboring accessory lots zoned R-2.
5. As noted above, we support the approval of the PNC Bank application to permit parking for customer use during business hours. Also, as noted above, we are physically located very close and immediately south of the PNC Bank parking lot. Activity in the parking lot, particularly noise and moving automobile lights, easily can be heard and/or seen from our home. We are of the view that any alteration of the PNC Bank proposal, e.g., to permit non-customer use and/or to permit use after hours, will create noise and disturbance of the peace and enjoyment of our property as well as have a deleterious impact on the financial value of our property. The east side of our property runs the length of a public alley, across from which are located the rear of commercial properties located in the 5500-5530 block of Connecticut Avenue. Thus, non-customer use and/or after-banking hours' utilization of the PNC Bank parking lot effectively would create constant day and evening commercial activities on two sides of our property, a situation sure to have a negative effect on its financial value.
6. The eastern side of our property fully abuts the alley and is approximately 16 feet away from the closest commercial building in the C-1 zone located in the 5500-5530 block of Connecticut Avenue. Indeed, the front door and dining room windows directly face the

alley. We are in the unique position of being more directly impacted by the engine, honking and back-up noise, smell (including garbage and diesel fumes), traffic congestion, disruption and vibrations created by the delivery trucks, refrigeration trucks, trash trucks and automobiles that load and unload and otherwise use or park in this alley or attempt to enter this alley than any other residents or properties located on this side of Livingston Street, NW or adjacent to the PNC Bank parking lot. We are of the view that permitting other than the currently requested limited use of the PNC Bank parking lot will have the effect of essentially converting the Bank's accessory lot, now zoned R-2, into a commercial parking lot. We likewise are of the view that such de facto conversion will result in our property being bordered on two sides by properties in commercial use in addition to facing a busy, heavily trafficked public street. This situation will have a significant and deleterious impact on the economic value of our property, beyond the disturbances and inconveniences which currently affect the enjoyment of our home. Finally, non-customer use and/or parking after business hours are not consistent with the variances approved for neighboring accessory lots.

**Affidavit of Service
Board of Zoning Adjustment
for the District of Columbia
PNC Bank Application No. 18799**

I hereby affirm that on this date, July 8, 2014, I served the following parties in the above-referenced manner by regular mail:

Lynn F. Osman, RPA
Vice President – Realty Services
The PNC Financial Services Group
800 17th Street, NW
Washington, DC 2006-3906

Jim McCarthy, Chair
ANC 3/4G
PO Box 6252
Washington, DC 20015

Name



Date

