



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

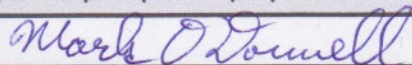


FORM 140 - PARTY STATUS REQUEST

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:	Mark F. O'Donnell			
Address:	1359 Massachusetts Ave SE Washington, DC 20003			
Phone No(s).:	202-544-3737	E Mail:	odonnellfam8@hotmail.com	
I hereby request to appear and participate as a party in Case No.:	19037			
Signature:			Date:	06/18/2015
Will you appear as a(n)	Opponent	Will you appear through legal counsel?	No	

If yes, please enter the name and address of such legal counsel.

Name:	Mark O'Donnell		
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.

**Attachment to Form 140
Party Status Request
Mark F. O'Donnell**

Witness Information:

1. Mark F. O'Donnell
Susan M. Oehler
2. N/A
3. N/A
4. N/A

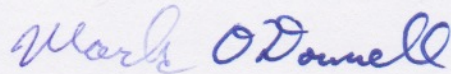
Party Status Criteria:

1. If the Board of Zoning Adjustment approves Derek Mattioli's requested zoning variances, my home will be devalued and the quality of our home life will decline. The structures at our end of the 1300 block of Massachusetts Ave SE are already too densely packed. Adding an unnecessary 2-story structure covering virtually 100 percent of the lot will block our light and air. Also, approving Derek Mattioli's requested zoning variances will set a precedent for all owners at our end of the block to cover virtually 100 percent of the lot with 2-story structures. Because Derek Mattioli cannot demonstrate exceptional hardship or exceptional and undue circumstances to justify his requests for zoning variances, all the owners at our end of the 1300 block of Massachusetts Ave SE would be encouraged to follow Derek Mattioli's precedent and build on virtually 100 percent of the block. This would lead to a very real decline in the quality of life and architecture on our block and a decline in the values of our homes. The proposed structure would be visible from Independence Avenue. Our block is within the Capitol Hill Historic District, and this should mean something significant in terms of permitted construction.
2. My wife, Susan M. Oehler and I own 1359 Massachusetts Ave SE.
3. The distance between our home, 1359 Massachusetts Ave SE, and Derek Mattioli's property subject to the zoning variance requests is about 100 feet.
4. Derek Mattioli's proposed 2-story structure covers virtually 100 percent of the lot, blocking light and air of properties at our end of the 1300 block of Massachusetts Ave SE. If the Board of Zoning Adjustment approves the Derek Mattioli's requested zoning variances, my home will be devalued and the quality of our home life will decline. In addition, if the requested

zoning variances are approved, a precedent will be set that encourages others to build 2-story structures on virtually 100 percent of their lots.

5. It is critical that the Board of Zoning Adjustment consider the full and complete facts relating to Derek Mattioli's application for zoning variances. For example, the application that Derek Mattioli submitted makes no reference to a BZA decision rejecting his arguments for the same zoning variances for a 1-story structure that Derek Mattioli illegally built on the same property covering essentially the same footprint. Consequently, Derek Mattioli was forced to tear down his illegal construction. Derek Mattioli makes no mention that the Capitol Hill Restoration Society voted to oppose his current application. In addition, representations that he makes on his plat and plans are questionable. I need to be made a party to this case to assure that all of the relevant facts are revealed to the Board of Zoning Adjustment.
6. My wife and I own and live in a neighboring property with our children. We are directly affected by Derek Mattioli's proposed 2-story structure covering 100% of the lot. Derek Mattioli's proposed structure would reduce the light and air on a block already overcrowded with structures. It would devalue our home and reduce the quality of life on our historic district block that Pierre L'Enfant drew on his original plans for "Washington City." In addition, approval of Derek Mattioli's 100 percent lot occupancy 2-story structure will set a dangerous precedent for others on our block and across the city to follow. Allowing this structure to be built would make a mockery of the strict zoning rules and permitting process that every other Capitol Hill Historic resident is supposed to follow.

By my signature below, I certify that the representations I make in my Form 140 and this attachment are true and accurate to the best of my knowledge.



Mark F. O'Donnell