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May 12, 2006

* ALSO ADMITTED IN THE DISTRICT OF COLUMBIA
+ ALSO ADMITTED IN MARYLAND
* ALSO ADMITTED IN WEST VIRGINIA
* ALSO ADMITTED TO PATENT BAR

FIRST CLASS MAIL

District of Columbia Zoning Office
One Judiciary Square
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: **PARTY STATUS APPLICATION**
The Unit Owners' Association of 3883 Connecticut Avenue, A Condominium
Case Number 05-26

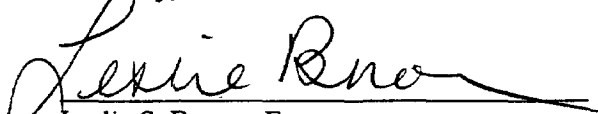
To Whom It May Concern:

Please find enclosed one (1) copy of the Party Status Application for the Unit Owners' Association of 3883 Connecticut Avenue, A Condominium ("Association") with regards to the hearing set for June 5, 2006 at 6:30pm on the variance application submitted by Tilden 800 LLC/Clark Realty Capital, LLC for the property located at 2950 Tilden Street Lot 800, Square 2234.

The Association respectfully requests party status for the June 5, 2006 hearing in Case No. 05-26. Included with the Association's party status application is the Association's list of witnesses scheduled to testify at the hearing.

Please contact the undersigned if there are any questions regarding the Association's party status application.

Sincerely,


Leslie S. Brown, Esq.

RECEIVED
D.C. OFFICE OF ZONING
26 MAY 15 PM 12: 21

Enclosures
LSB

cc: Board of Directors, 3883 Connecticut Avenue, A Condominium
Todd A. Sinkins, Esq.

ZONING COMMISSION
District of Columbia

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CASE NO. 05-26
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 46
CASE NO. 05-26
EXHIBIT NO. 46

Form 140 (Revised 03/15/02)		Case No. 05-26	
PARTY STATUS APPLICATION			
Notice: Click Here for Application Form Instructions			
Name:* David Rose, President, on behalf of the Unit Owners Association of 3883 Connecticut Avenue, A Condominium			
Address:* 3883 Connecticut Avenue, N.W.		City:* Washington State:* DC Zip:* 20008	
Phone:* (202)895-7208		Fax: (202)244-5135 Email: david.rose@wrightrobinson.com	
I, hereby request to appear and participate as a party.		Signature: <u><i>David J. Rose</i></u> Date:* 05/01/2006	
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: Todd A. Sinkins, Esq.			
Address: Rees, Broome & Diaz, PC, 8133 Leesburg Pike, 9th Floor		City: Vienna State: VA Zip: 22182	
Phone: (703)790-1911		Fax: (703)288-9411 Email: tsinkins@rbdlaw.com	
Please answer all of the following questions referencing why the above person should be granted party status. (If you require additional space, please attach an additional sheet.)			
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?*			
3883 Connecticut Avenue, A Condominium ("Condominium") is adjacent to and neighbors the subject property (2950 Tilden Street) on its southern wall. If the requested variance is granted, the unit owners whose units face the subject property will no longer have direct access to light and air.			
2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*			
David Rose is the President of the Unit Owners Association of 3883 Connecticut Avenue, A Condominium. The Unit Owners Association is comprised of all of the unit owners of the Condominium, with each owner having a vote in the Association proportional to each unit owner's respective common element interest. The Unit Owners Association is charged with the overall maintenance of the common areas of the Condominium, collecting assessments and the enforcement of the Association's covenants. The Board of Directors of the Association is the governing body of the Unit Owners Association and is elected by the membership at the Association's annual meeting.			
3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)*			
The 3883 Connecticut Avenue Condominium is directly adjacent to the subject property. It lies directly south of the subject property and is divided solely by a 20-foot wide easement between the two lots.			
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 is approved or denied?*			
The Unit Owners Association for the Condominium is concerned with the reduction of light and air to those units facing the proposed two-to six- story building. The Association is also concerned with the increase in usage of the driveway easement granted to the subject property and the overall congestion that will invariably be created by an increase in residents in the area. The driveway easement is located west of the Condominium, between the Condominium and property designated as "Lot 2/Square 2234." The subject property has an vehicular ingress and egress easement over the driveway to Connecticut Avenue.			
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 or denied.*			
The unit owners at 3883 Connecticut Avenue, A Condominium will be adversely affected if the requested zoning variance is granted due to the increase in vehicular and pedestrian traffic over the driveway easement granted to the residents of 2950 Tilden Street. The proposed development will infringe the light and air rights protected by the 20 foot-wide easement between the Condominium and the subject property. The proposed development will also add further density and congestion to an already dense area.			
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 person's in the general public.*			

The situation at 3883 Connecticut Avenue is distinctly unique due to the existence of two separate easement agreements between the Condominium and the subject property that have not been adequately addressed by the developer. Furthermore, the proposed development uniquely affects the residents at 3883 Connecticut Avenue due to the fact that the proposed development is part of the PUD that encompasses 3883 Connecticut Avenue and other surrounding properties.

WITNESS LIST FOR THE UNIT OWNERS ASSOCIATION OF 3883 CONNECTICUT AVENUE, A CONDOMINIUM

(to be included with the Association's party status application)

Witnesses:

- David Rose, President, Unit Owners' Association of 3883 Connecticut Avenue, A Condominium
- Geoff Thompson, Unit Owner, Unit 218, 3883 Connecticut Avenue, A Condominium
- John D. Kristoff, Unit Owner, Unit 317, 3883 Connecticut Avenue, A Condominium