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April 15, 2000

VIA FAX --
MAIL DELIVERY TO FOLLOW

Ms Sheila Cross Reid, Chair
District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Suite 220
Washington, DC 20001

ATTN: Ms. Sherri Pruitt Williams

'00 APR 17 P1:40

In re: **Case No. 16535** Georgetown Flea Market,
Appeal from the Zoning Administrator; ar d

Case No. 16542 Georgetown Flea Market, Application
For Use Variance.

Dear Ms. Reid:

Pursuant to the Board's Rules of Practice and Procedure, I hereby respectfully petition the Board to grant me status as an **opposing party** in both of the above-entitled cases.

My request is supported by the following points:

1. I am a 15-year residential property owner within the immediate vicinity of the subject site and am one of the residents most directly and heavily impacted by the commercial activities in question.

2. No other person, to the best of my knowledge and belief, has as yet been granted opposing party status, though there is significant opposition to the subject applications. It would be inappropriate and unjust to deny party status to at least one residential opponent of this commercial use..

3. Two neighboring property owners support this request and have authorized me to indicate their names and addresses below, as residents in opposition to the subject applications and in support of my present status request.

BZA
Case No. 16535
Exhibit No. 17

Board of Zoning Adjustment
District of Columbia
CASE NO.16535
EXHIBIT NO.17

4. Given my property's proximity, the fact that I am the first resident to petition for opposition status, and the support from two other owners on my block, I submit that I would be a true representative of the class of persons who oppose.

To the extent that granting this request would require the Board to waive any applicable rule, I respectfully request that the Board in fact do so waive.

In presenting this request, I wish also to assure the Board that I understand fully that the first of the two cases to be heard, No. 16535, is an appeal centering on issues of law, not factual merits. Accordingly, if I am granted party status, I will confine my opposition in the appeals case to the legal issues raised by the Flea Market and will refrain from interjecting factual argumentation relating to the specific detrimental impacts that I and others believe it produces. I will reserve such factual argumentation for the variance application case to follow.

For the sake of the record and to avoid any misunderstanding or adverse appearance, I wish to underscore that my activities in this case are, of course, in no manner whatever related to my capacity and role as an attorney for the Federal government. I am acting, solely and exclusively, as a private property owner in the area, in reliance upon my First Amendment right to appear in defense of my property interests in proceedings such as this.

Lastly, I must also emphasize that I am in no manner in this case acting, purporting to act, or seeking to act as an attorney at law representing any person other than myself. I specifically do not legally represent the two property owners named below who authorized me to convey to the Board their own support for the request I make here.

Most sincerely,

Ronald Sol Mlotek
1723 34th Street, NW

Nearby Property owners in support of this request:

Mr. James Gormley
1733 34th Street NW
Washington, Dc 20007

Mr. Bert Eastridge
1722 34th Street, NW
Washington, DC 20007