Form 140
(Revised 03/15/02)

Case No. 16915

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: Last	First	Middle I.
See Attachment		

ADDRESS: Street	Apt. # (If any)	City	State	Zip Code

Phone No.	Fax No.	E-Mail

I hereby request to appear and participate as a party	Signature	Date

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: Last	First	Middle I.
Rich	Joseph	D.

ADDRESS: Street	Ste. # (If any)	City	State	Zip Code
2847 Hurst Terr. NW		Washington	DC	20016

Phone No.	Fax No.	E-Mail
202-514-6018	202-307-3961	theriches@aol.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?

See Attachment

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

See Attachment

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.)

See attachment

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?

See Attachment

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.

See Attachment

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.

BZA
Case No. 16915
Exhibit No. 66

Board of Zoning Adjustment
District of Columbia
CASE NO.16915
EXHIBIT NO.66

Case No. 16915

ATTACHMENT

1. **How will the property owned and occupied by the persons seeking party status be affected by the action requested by the Board?**

ANSWER: Attached hereto is a list of the names, addresses and signatures of those persons in opposition to the application for a special exception who are seeking party status. Those designated with an asterisk are residents of Hurst Terrace and live within 200 feet of 2828 Hurst Terrace. The persons listed without an asterisk live near the child development center, but are slightly outside the 200 foot range, either on Hurst Terrace or on Garfield Street Like those within the 200 foot range, these persons are also directly affected by the traffic and parking congestion resulting from operation of the child development center. For many years, the child development center has adversely affected the quality of life of all persons listed and its renewal will continue that adverse effect.

The persons on this list seek party status as a group because all experience the same adverse impact. Several opponents wish to express their opposition to the application. However, there will be only one spokesman for the opponents who will conduct cross-examination of the witnesses for the applicant.

2. **What legal interest does the person have in the property? (owner, tenant, trustee, or mortgagee)?**

ANSWER: All persons listed as opponents own their residences.

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?**

ANSWER: See answer #1.

4. **What are the environmental, economic and social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved?**

ANSWER: Residents of Hurst Terrace did not oppose earlier special exceptions for this child development center granted in 1984, 1987 and 1992, because of their friendship with Barbara Allan. However, since the last special exception for this child development center was approved in 1992, the above opponents have experienced a major increase in the adverse environmental, economic and social impacts caused by the changing nature of the child development center and other conditions on Hurst Terrace. As a result, there is now strong opposition to extension of the special exception from the residents of Hurst Terrace and the Hurst Terrace – Garfield Street area. The adverse environmental impact is primarily in the increased

traffic and parking congestion on Hurst Terrace over the last several years, both of which are central factors in consideration of special exceptions for child development centers. See 11 DCMR 205.3 and 205.4. With respect to traffic on Hurst Terrace, the increase has been very significant, as follows:

- Traffic congestion on Hurst Terrace caused by the child development center has become a major problem compared to conditions in 1992. The earlier special exceptions specifically noted that the school would be a neighborhood school to which most of the students would walk.. For example, the BZA noted in its 1987 findings: "Ms. Allan testified that the majority of children live within walking distance of the site. No more than five children reside outside the immediate area and they are dropped off and picked up by parents who work in the area." That is no longer the case. Virtually all students are driven to the center, and a significant number come from Maryland and Virginia. Many of the vehicles used to drive students to school are now large SUV's which on occasion block traffic on a small street like Hurst Terrace. In sum, the center is no longer "located and designed to create no objectionable traffic condition," as required by 11 DCMR 205.3.

- More generally, traffic on Hurst Terrace has become a major problem for the past several years. This was not the case when earlier special exceptions were granted. As the 1984 BZA order stated: "the site is located on a local street, having a minimum volume of through traffic and primarily serving as access to the properties fronting on it. The street is lightly traversed, and experiences its greatest traffic volumes during arrival and departure times at the Key Elementary School." That is no longer true. For several years Hurst Terrace has been used by commuters looking for a shortcut to avoid the corner of MacArthur Blvd. and Arizona Avenue, causing major traffic and safety concerns on our small block. Moreover , a major addition to Key School has been under construction for the last two years causing increased traffic congestion. While this construction should end in the next year, the size and density of Key School will be increased significantly. This will inevitably result in increased traffic on Hurst Terrace and the surrounding neighborhood. In sum, Hurst Terrace is no longer "lightly traversed" and the increased traffic congestion from the child development center, in the context of the new traffic conditions on Hurst Terrace, now has a major adverse impact on the quality of the lives of Hurst Terrace residents.

With respect to parking, 11 DCMR 205. 4 requires that "the center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors." This child development center has never provided any off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors, in direct violation of this requirement. While this violation of the regulations had only a minor adverse impact on the opponents when the school was limited primarily to persons from the neighborhood, it now has a major adverse impact because of the change in the nature of the school:

- Most directly, the change in the nature of the child development center to one that

is no longer a neighborhood facility means more parents who visit the school must park on or near the block. Indeed, on special event days at the school, parking congestion is a major problem, affecting residents beyond the immediate Hurst Terrace neighborhood.

- As a result of a general increase in the density of development in our neighborhood, parking congestion on Hurst Terrace has increased significantly in recent years and this will only continue. The major addition to Key School will also add to parking congestion because of the increased number of parents coming to the school.

Socially, the traffic and parking congestion caused by the school affects virtually everyone on the block. For example, on many occasions, traffic and parking congestion has resulted in the blockage of driveways on Hurst Terrace; the blockage of Hurst Terrace to traffic, impeding the ability of neighbors to drive down the street or park near their homes; and, on one occasion interfering with the ability of emergency medical vehicles reaching the home of a neighbor. These conditions result in major adverse impact on the quality of life on a small, residential block..

Economically, the presence of schools in neighborhoods generally tends to depress the value of residential property located nearby the school. Indeed, many neighbors who have moved on to the block in recent years were unaware of the presence of the child development center and the traffic and parking congestion it caused, and would have reconsidered buying had they been aware of it.

5. **Describe any other relevant matters that demonstrate how the [opponents] will likely be affected or aggrieved if the action requested of the Board is approved?**

ANSWER: The application includes as a co-applicant Christine Lonergan, who does not presently live in the residence where the child development center is operated – 2828 Hurst Terrace. The reason for including this co-applicant is a plan Ms. Allan has to sell the residence and school business to Ms. Lonergan in approximately two years. The granting of this special exception beyond the time in which the property is owned by Ms. Allan – with or without Christine Lonergan's name on the application – will result in the continuation of a major school business on Hurst Terrace beyond the time that Barbara Allan operates the school. This clearly was not contemplated when the BZA granted earlier special exceptions. For example, at the time the 1984 and 1987 special exceptions were granted, those orders explicitly limited operation of the child development center to Barbara Allan.

6. **Explain how the [opponents'] 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.**

ANSWER: The adverse impact of the child development center falls directly on all persons who live on Hurst Terrace or at the corner of Hurst Terrace and Garfield Street. Other

persons in the general public do not experience this impact. For example, other persons who live on other streets that fall within the 200 foot distance from 2828 Hurst Terrace – those on North Glade and Fulton Streets – are not adversely affected because they do not experience the traffic and parking congestion that Hurst Terrace does.

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PERSONS IN OPPOSITION SEEKING PARTY STATUS

Name: Kathy Sternberg

* **Address:** 2834 Hurst Terrace, NW

Signature: K. Sternberg

Name: Chuchi Allison

* **Address:** 2840 Hurst Terrace NW 20016

Signature: CAllison

Name: WILLIAM FRASER

Address: 2827 ARIZONA AV. 20016

Signature: William Fraser

Name: Mary K. Leonard

* **Address:** 5030 Garfield St NW
Washington DC 20016

Signature: Mary K. Leonard

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PERSONS IN OPPOSITION SEEKING PARTY STATUS

Name: Lynn Kauffman

* **Address:** 2836 Hurst Terrace NW

Signature: Lynn C. Kauffman

Name: Gene Cohen Fulcher

* **Address:** 2827 Hurst Terrace, NW

Signature: Gene Cohen Fulcher

Name: Karen Cohen Holmes

* **Address:** 2827 Hurst Terrace, NW.

Signature: Karen Cohen Holmes

Name: Susan C. Smith

* **Address:** 2835 Hurst Terrace NW

Signature: S C Smith

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PERSONS IN OPPOSITION SEEKING PARTY STATUS

Name: Ursula Daniel

* **Address:** 2539 Hurst Ter. NW DC 20016

Signature: Ursula Daniel

Name: Carol W Beaver

Address: 5002 Hurst Terrace N.W.
Washington DC 20016

Signature: Carol W. Beaver

Name: C. L Beaver

Address: 5002 Hurst Terrace, N.W.
Washington D.C. 20016

Signature: C. L Beaver

Name: Sherry Rich

Address: 2847 Hurst Ter NW
Washington DC 20016

Signature: Sherry Rich

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PERSONS IN OPPOSITION SEEKING PARTY STATUS

Name: MEREDITH A. OLSON

Address: 5049 Garfield St, NW
Wash, DC 20016

Signature: Meredith A Olson

Name: Antonia Cabot

Address: 5045 Garfield St. NW
Washington, DC

Signature: Antonia Cabot

Name: Joseph D. Rich

Address: 2847 Hurst Terrace NW

Signature: Joseph D. Rich

Name:

Address:

Signature:

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PERSONS IN OPPOSITION SEEKING PARTY STATUS

Name: Kate Martin

Address: 2843 Hurst Terr NW

Signature: Kate Martin

Name: Hannah G. Mazer

Address: 5001 Hurst Ter., NW

Signature: Hannah G. Mazer

Name:

Address:

Signature:

Name:

Address:

Signature:
