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September 30, 2002

D.C. BOARD OF ZONING ADJUSTMENT
2002 SEP 30 PM 1:23

HAND DELIVER
Ms. Sherri M. Pruitt
Secretary
D.C. Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210
Washington, D.C. 20001

Re: BZA Application No. 16936
Mike Meier
Square 2208, Lots 40, 42, 43 and 44
Unit 103, 2829 Connecticut Avenue N.W.

Dear Ms. Pruitt:

The Carlton Unit Owners Association Inc., through counsel, requests to be admitted as a party to this matter.

We have submitted the attached submission to request the same.

Respectfully Submitted,

Richard P. Schmitt

cc: Mike Meier, Applicant 3C
Nancy J. Macworth, Chairperson
Advisory Neighborhood Commission 3C
John Moore, Office of Planning

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BZA
Case No. 16936
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16936
EXHIBIT NO.28

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

D.C. ... 2002 OCT 8 PM 1:23

Re: Application of
Mike Meier
Unit 103,
2829 Connecticut Avenue, N.W.

BZA Application No. 16936
Hearing: October 15, 2002
ANC 3C

REQUEST FOR PARTY STATUS

1. The Carlton Unit Owners' Association, Inc., 2829 Connecticut Avenue N.W., Washington D.C. 20008, through counsel, submits the following.

2. The Carlton Unit Owners' Association Inc. requests that it be allowed to appear and participate as a party in this proceeding.

3. The Carlton Unit Owners' Association, Inc. (hereinafter sometimes referred to as "Association") seeks to appear as an opponent of the application.

4. The Carlton Unit Owners' Association will appear through counsel, Richard P. Schmitt, Esq., Kass, Mitek & Kass, P.L.L.C. , 1150 17th Street NW, Suite 1100, Washington D.C. 20036.

5. The Carlton Unit Owners' Association should be granted party status because the property for which the certificate of occupancy is sought, Unit 103, is a part of the condominium building maintained, managed and overseen by the Carlton Unit Owners' Association, 2829 Connecticut Avenue N.W., Washington D.C.

6. The Carlton Unit Owners' Association, Inc. exists pursuant to the Condominium Declaration filed among the land records of the District of Columbia on April 25th, 1980, as Instrument No. 13771. The Carlton Unit Owners' Association, by virtue of being a unit owners' association, is empowered by District of Columbia law, D.C. Code

§ 42-1903.08 (4) (2001 ed) to, " ... intervene in litigation or administrative proceedings in the name of the unit owners' association or 2 or more unit owners on any matter that affects the condominium."

7. The Association is given the power to adopt rules and regulations restricting the use of the units within the condominium building. D.C. Code § 42-1903.08 (6) (2001 ed) as a means to control the residential environment. The bylaws of the Carlton Unit Owners' Association recorded, in the land records of the District of Columbia on April 25th, 1980, as instrument No. 13772, as amended, provides that the Association shall have power to enact rules and regulations. The Association has rules and regulations which restrict among other things, but are not limited to, no advertising in or on the condominium, noise levels in the units and building, items in the hallways, and use of the trash disposal systems.

8. There will be a social affect on the residential character of the condominium and the privacy of the other unit owners. There are 118 residential units in the building and three units, including unit 103, used as offices. Individuals seeking to use the business services offered in unit 103 will have to enter through the locked front entrance, or the parking lot area, and use the hallways A change in the type of commercial use of the unit will affect the character of the building if the change results in additional foot traffic, visitors and or delivery of goods and merchandise.

9. The commercial use of Unit 103 and the two other units commenced before the Association was formed by the developer. The Unit Owners' Association has never had a voice in the commercial, as opposed to residential, use of the units. This is the first time that one of the three units changed ownership and or requested a change in the certificate of occupancy. Maintaining the residential character of the building is

important to the Association and its members.

10. A change in the use of the unit will have an economic affect on the Association. The bylaws of the Carlton Unit Owners' Association recorded, in the land records of the District of Columbia on April 25th, 1980, as instrument No. 13772, as amended, provides that the Association shall be responsible for the maintenance and repair of the common elements, Declaration, Article VI, 5. Furthermore, the Association is responsible for the security in the building.

11. The common elements which are maintained and managed by the Carlton Unit Owners' Association surround unit 103. The applicant, Mike Meier, his guests and invitees cannot enter his unit with out using the front or rear entrance and crossing over other common elements of the condominium building.

12. Increased foot traffic, deliveries to the unit, increase trash disposal, and other increased use of the common elements occasioned by a change in the use of unit 103 will more than likely result in increased maintenance needs and costs. Increased foot traffic also will have an impact on the security concerns and associated costs.

13. The Carlton Unit Owners' Association, Inc. will be affected both on a social and economic level by any changes in the allowed uses of Unit 103.

Therefore, Carlton Unit Owners' Association, Inc. requests that it be accorded the status of party in this application proceeding.

Respectfully submitted,

Richard P. Schmitt # 256024
Kass, Mitek & Kass, P.L.L.C.
1050 17th Street, N.W., Suite 1100
Washington, D.C. 20036
(202) 659-6500
Attorney for Carlton Unit Owners' Association, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Request To be Admitted as a Party was mailed on this 30th day of September, 2002, by first class mail, postage prepaid to:

Mike Meier
Unit 103
2829 Connecticut Avenue, N.W.
Washington, D.C. 20008

Advisory Neighborhood Commission 3C
c/o Nancy J. Macworth
Chairperson
2737 Devonshire Place, NW
Washington, DC 20008

Mr. John Moore
Office of Planning
801 North Capitol Street, N.E.
Forth Floor
Washington, D.C. 20002

Richard P. Schmitt

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