Form 140
(Revised 03/15/02)

Case No. 16977

PARTY STATUS APPLICATION

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

NAME: Last	First	Middle I.
Schachter,	Scott A.	

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
3627 Alton Place, N.W.		Washington	D.C.	20008

Phone No.	Fax No.	E-Mail
(202) 514-4632	(202) 514-8865	scott.schachter@usdoj.gov

I hereby request to appear and participate as a party. Signature 2/10/2003 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.

ADDRESS: Street	Ste. # (if any)	City	State	Zip Code

Phone No.	Fax No.	E-Mail

Please answer all of the following questions refereneing 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 attached sheet.

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

See attached sheet.

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 attached sheet.

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 attached sheet.

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 attached sheet.

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.

See attached sheet.

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB 10 AM 11:03

BZA
Case No. 16977
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 16977
EXHIBIT NO. 26

Before the Board of Zoning Adjustment of the District of Columbia

Form 140 – Party Status Application of Scott A. Schachter, Attachment

Case Number 16977

Hearing Date: Tuesday, February 25, 2003

1. The property that I own and occupy will be adversely affected by the action requested of the Board in the following manner:

The Sheridan School's proposed physical plant expansion, enlargement of enrollment, and enlargement of operations from school-year to year-around will have adverse environmental, economic, and social impacts on my property, the nature and specifics of which impacts are described in greater detail below.

2. I am the owner and occupant of the property, which is a private single family home at 3627 Alton Place, N.W. Washington D.C. 20008.

3. The distance between my property and the property that is the subject of the application before the Board is approximately 31 feet (directly across the street).

4. The environmental, economic and social impacts that are likely to affect me and my property if the action requested of the Board is approved include, but are not limited to, the following:

a. increased vehicular traffic;
b. increased pedestrian traffic;
c. increased risk of vehicular accidents and pedestrian accidents;
d. increased noise pollution from increased enrollment, the proposed new rooftop industrial HVAC facilities; and the need for additional and larger deliveries to the school;
e. decreased on-street residential parking;
f. increased garbage generation, filth, and rodents;
g. decreased open space;
h. increased air pollution;
i. continued violations of law and violations of previous BZA Orders by the Sheridan School; and
j. decreased real estate property value.

5. Other relevant matters that demonstrate how I will likely be affected and aggrieved if the

action requested of the Board is approved include the following:

I purchased my home in May 1998. Since that time, almost 5 years ago, I have personally observed numerous, repeated violations by the Sheridan School of: (1) Board of Zoning Adjustment Order in the Sheridan School's Application Number 15656 (decided June 17, 1992, final order December 23, 1992) (hereinafter "December 1992 BZA Order"); and (2) Board of Zoning Adjustment Order in the Sheridan School's Appeal Number 7282 (entered May 21, 1963, released July 2, 1963) (hereinafter "July 1963 BZA Order"). The Sheridan School's violations include, but are not limited to, repeated and continuing violations of the following BZA requirements and special conditions:

a. December 1992 BZA Order, special condition 2 (regarding on-site parking layout);

b. December 1992 BZA Order, special condition 3 (regarding landscaping);

c. December 1992 BZA Order, special condition 8 (regarding deliveries to the school);

d. December 1992 BZA Order, special condition 10 (regarding creation of community liaison group and quarterly meetings);

e. December 1992 BZA Order, special condition 11 (regarding annual reports by the School to the BZA and the community liaison group); and

f. July 1963 BZA Order, special condition (d) (regarding garaging of school bus).

The Sheridan School's repeated and continuing violations of the December 1992 BZA Order and the July 1963 BZA Order[1/] have adversely affected my personal economic, environmental and social interests by: (1) adversely affecting the value of my property; (2) increasing air and noise pollution on my property; (3) increasing risks to my personal physical safety from the School's vehicular traffic and illegal parking by Sheridan School employees; (4) regularly and periodically waking me up with pre-dawn truck deliveries; (5) requiring me to contend with increased garbage, filth, and rodents; and (6) otherwise interfering with my use and quiet enjoyment of my property. The Sheridan School's proposed expansion of the physical plant and infrastructure of the school, along with its second proposed increase in student enrollment and duration of operations, will exacerbate the existing adverse effects on my economic, environmental and social interests by: (1) decreasing open space; (2) increasing vehicular and pedestrian traffic; (3)

[1/] This Party Status Application should be granted without requiring presentation of evidence to the Board of the Sheridan School's violations of law. Nothing 11 DCMR § 3106.2 requires such an evidentiary showing. However, in the event that the Board requires evidence of the Sheridan School's violations of law in order to grant this Party Status Application, the Board should grant this Applicant leave for an opportunity to present evidence of the Sheridan School's violations of law.

increasing air and noise pollution; (4) exacerbating aesthetic and visual impacts; (5) increasing on-street and off-street parking violations, as a result of the already inadequate parking facilities; and (6) increasing noise pollution and shadowing from the School's newly proposed rooftop HVAC equipment. Moreover, by letter dated February 5, 2003, from C. Randall Plummer, Head of School to ANC 3F (a copy of which is attached hereto), the School informed the community that it will seek to modify its application to have the Board ratify additional violations of law regarding "stacked" parking and the School's summer program. Stacked parking increases health and safety risks both for people at the School and in the neighborhood, and year-around operations increase the direct and indirect impacts of the School on the neighborhood. Moreover, I will be adversely affected and aggrieved if the Board ratifies the School's unauthorized conduct regarding these issues.

Given the Sheridan School's record of the years of violating and disregarding previous BZA Orders, there is little likelihood that it will suddenly become a "model neighbor," despite whatever newly discovered protestations it might offer now. While the December 1992 BZA Order provides that the Sheridan School "is subject to all of the applicable enforcement mechanisms available to ensure compliance with this or any other order of the Board," I am aware of no enforcement actions taken against the Sheridan School for its record of violations of law and prior BZA orders, and consequently there is little or no factual basis to believe that the School will be any more likely to comply with the Board's orders in the future. The Board should grant this Party Status Application so that these issues can be fully aired and adjudicated with the benefit of both sides of the story.

6. My interest will be more significantly, distinctively, and uniquely affected in character and kind by the proposed zoning action than that of other persons in the general public in the following manner:

Members of the general public do not live 31 feet from the Sheridan School property that is the subject of the application before the Board. Because I live so close to the School, I have to see the School every day, and I am subjected to the direct and indirect impacts of the School every day. Members of the general public do not have to look at the Sheridan School property every day, nor do members of the general public have to contend with the attendant health risks, air and noise pollution, aesthetic impacts, pre-dawn deliveries of supplies by large trucks, and the School's vehicular and pedestrian traffic every day. Most members of the general public have probably never heard of the Sheridan School, and even if they have heard of it and know where it is located, most members of the general public likely have never seen the school. However, if members of the general public have seen the school, they are not subjected to the direct and indirect impacts of the school from living immediately across the street from the School.

Moreover, in the December 1992 BZA Order, the Board previously recognized the unique interests of those such this Applicant living within 200 feet of the Sheridan School. In that Order, the Board required the Sheridan School to comply with numerous special conditions specifically for the benefit of the school's immediate neighbors. In addition, the Board

previously recognized that the interests of the owner of the same property that I now own are more significantly, distinctively, and uniquely affected in character and kind than that of the general public in the December 1992 BZA Order. In that proceeding, the Board granted party status to the previous owner of my property, Stanley Levine. Since the interest of the prior owner of my property was sufficient to confer party status in the December 1992 BZA Order proceedings, my interest too is sufficient. There is no valid reason for the Board to depart from this precedent of granting party status to the owner of my property.

For the foregoing reasons, the Board should grant this Party Status Application.

Respectfully submitted,

Date: 2/10/2003

Scott A. Schachter
3627 Alton Place, N.W.
Washington D.C. 20008
(202) 514-4632
fax (202) 514-8865
scott.schachter@usdoj.gov