1119 S. Carolina Avenue, SE
Washington, DC 20003-2205
23 December 2002

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D.C. OFFICE OF ZONING
2003 JAN -7 AM 11: 53

Ms. Jerrily R. Kress
D.C. Board of Zoning Adjustment
441 Fourth Street, NW
Washington, DC 20001

Dear Ms. Kress:

This is a response to the notice of filing of BZA application 16980. I am enclosing the form to request the status of a party in opposition. Patricia M. Keegan and I are the owners of the house at 1119 South Carolina Avenue, SE. The application is for a zoning variance for 301 12th Street, NW. That building is approximately 20 feet from our house (being separated by one row house and two party walls).

The application states that the applicant requests a special exception to change a non-conforming use (grocery store) to another non-conforming use (artist studio). I have not read the details of the plan for the artist studio. However, the request for a special exception is not valid. The property has not been used as a grocery store at least since 1977. The previous special exception has lapsed in accordance with the rule that non-conforming uses expire after three years of disuse. The applicant should therefore be requesting a use variance from residential use to use as an artist studio, which requires an entirely different and stronger burden of proof. The property should be restored to the residential use for which the neighborhood is zoned, unless the applicant can meet the burden of proof for a use variance. The impacts that the non-conforming use is likely to have on the neighborhood include parking, and noise if the art involves sculpture.

I request the standing of a party in opposition to this application.

Thank you.

Yours truly,

Robert McClenon

Robert McClenon

BZA
Case No. 16980
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 16980
EXHIBIT NO. 25

Form 140
(Revised 03/15/02)

Case No. 16980

PARTY STATUS APPLICATION

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

NAME: Last	First	Middle I.
McCLENON	Robert	

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
1119 South Carolina Avenue. SE.		Washington.	DC	20003

Phone No.	Fax No.	E-Mail
202 547-1377	703-345-8295	robert.mcclenon@verizon.net

I hereby request to appear and participate as a party. | Signature: Robert McClenon | 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 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?

Parking, other impacts

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

Owner

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.)

Approximately 20 feet

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?

Parking impact, other impacts

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.

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.

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