Form 140
(Revised 03/15/02)

Case No. 17022

PARTY STATUS APPLICATION

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

NAME: Last	First	Middle I.
SHINBERG	MILTON	H

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
2949 UPTON ST, NW		WASHINGTON	DC	20008

Phone No.	Fax No.	E-Mail
(202) 537-5055	(301) 652-1999	milton@shinberglevinas.com

I, hereby request to appear and participate as a party. Signature: [signature] Date: 6/30/03

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?

SEE ATTACHED

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

OWNER OF 2949 UPTON ST, NW

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

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

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

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

BZA
Case No. 17022
Exhibit No. 49

Board of Zoning Adjustment
District of Columbia
CASE NO. 17022
EXHIBIT NO. 49

Application of Milton Shinberg, 2949 Upton Street, NW, for Party Status
Case number 17022: Edmund Burke School

Question 1

It will intensify already negative impacts, caused by the school's operations over the BZA-authorized population, in terms of safe and reliable egress from our property traffic, noise, air quality, emergency vehicle access and parking.

We cannot rely on the applicant to attempt to mitigate adverse impacts, based on its history of clear and intentional violations of zoning restrictions, as has been cited by a city Administrative Law Judge. Due to our extreme proximity to the school, we will be very greatly affected if the Board approves the application.

Question 2:

This property is my home, which I own together with my wife, and occupy with my two children, is in the first single-family duplex pair of houses immediately east of the existing school. We have owned and occupied the property for 17 years.

Question 3:

Approximately 31' separates our property from the subject property.

Question 4:

Environmental: Air quality reduction due to intensification of car traffic in the immediate neighborhood, and parking busses only 35' from our home on a residential street.

Economic: Loss of property value due to reduced access to the rear of our property and congestion of road/alley network caused by applicant's activities. Loss of property value compared to by-right development of the applicant's site.

Access to Public Streets and Alleys:

The proposed expansion of the school will create nightmarish access/egress conditions for all the properties east of the school that share the alley north of the existing building. Ours is one of those properties. Access by emergency vehicles to protect our home, and access for city services, is reduced by the school's operations and lack of controls on them.

Parking:

The proposed expansion will further stress the already inadequate supply of street parking. Visitors are frequently unable to park anywhere near our home during periods in which the school has scheduled events, meetings and programs. This is a regular occurrence, which will intensify due to the space uses incorporated in the expansion.

Question 5:

Under the applicant's proposal, I will share a burden that should exclusively fall to the school for monitoring mitigation of its impacts. The applicant's proposal is profoundly reliant on a traffic management and enforcement plan that is complex and cumbersome. Neighborhood involvement in that process, including mine, will be cumbersome in time, and will expose neighbors' involved in critical aspects to significant financial liability, which will discourage neighbors, such as me, from participating. The proposal transfers its burdens to neighbors, such as me.

Question 6:

Due to extreme proximity, due to complete reliance on an alley that will become a significant traffic conflict point under the applicant's proposal, due to probable loss of property value for close neighbors, due to the possibility of structural damage due to blasting/excavation for the project, due to constrictions in emergency access to our home by the applicant, due to an intensification of institutional activity in this neighborhood, already grossly overburdened by institutional traffic and parking, we are much more significantly, distinctively, and, together with the other 5 homes in this small section on the north side of Upton Street, uniquely affected by the proposed zoning action than other persons in the general public.

