ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

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RICHARD B. NETTLER
(202) 775-0725

November 4, 2003

BY HAND

Mr. Geoffrey Griffis
Chairman
Board of Zoning Adjustment
441 Fourth Street, N.W., Room 201
Washington, D.C. 20001

Re: BZA Appeal No. 17034
Notice of Intervention

Dear Mr. Griffis and members of the Board of Zoning Adjustment:

On behalf of Herbert S. Miller and Patrice R. Miller, the owners of Lot 21 in Square 1270, one of the record lots subject to the above-referenced appeal, we request party status as an intervenor in support of the action of the Zoning Administrator. Enclosed herewith is the Party Status Application, which sets forth why Herbert S. Miller and Patrice R. Miller should be accorded party status in this appeal.

I appreciate your consideration.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler

cc: Advisory Neighborhood Commission 2E
Strategic Georgetown, LLC
G'town 32nd Street, LLC
John Epting, Esq.

BZA
Case No. 17034
Exhibit No. 12

Board of Zoning Adjustment
District of Columbia
CASE NO. 17034
EXHIBIT NO. 12

Form 140
(Revised 03/15/02)

Case No. 17034

PARTY STATUS APPLICATION

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

NAME: *Last*	*First*	*Middle I.*
Miller	Herbert S. & Patrice R.	

ADDRESS: *Street*	*Apt. # (if any)*	*City*	*State*	*Zip Code*
3124 Q Street, N.W.		Washington	DC	20007

Phone No.	*Fax No.*	*E-Mail*
(202) 338-0700	(202) 338-8361	herb@westdev.com

Signature [signature] *Date* November 3, 2003

Will you appear as a(n) ☐ Proponent ☒ Opponent | Will you appear through legal counsel ☒ ☐

If yes, please enter the name and address of such legal counsel

NAME: *Last*	*First*	*Middle I.*
Nettler	Richard	B

ADDRESS: *Street*	*Ste. # (if any)*	*City*	*State*	*Zip Code*
1801 K Street, N.W.	1200	Washington	DC	20006

Phone No.	*Fax No.*	*E-Mail*
(202) 775-0725	(202) 223-8604	rbnettler@rkmc.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?**

The appeal seeks to limit the future ability of the applicants for party status to develop their property, Lot 21 in Square 1270, one of the lots that is the subject of this appeal. If the appeal is successful, the future marketability and value of the property will be negatively impacted. Moreover, the other lots at issue, lots 19 and 20, were previously owned by applicants and were purchased by their present owners in reliance on the Zoning Administrator's written determination that the lots could be developed in a certain manner as a matter of right. This appeal seeks to undermine that determination and would thus irreparably harm applicants and the owners of the adjacent lots by limiting the development rights for the parcels, requiring redesign of the townhouses proposed for the parcels, at considerable expense to the owners, and by reducing the value of the parcels.

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

The applicants own lot 21 and formerly owned lots 19 and 20.

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.)**

The appeal concerns applicants' lot 21 and the lots immediately adjacent to lot 21.

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?**

The applicants will be adversely and irreparably harmed economically by a reduction in development rights and a commensurate reduction in property value should the Board grant the appeal.

(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.

By reversing the Zoning Administrator's written determination, and thus reducing the development potential and value of the applicants' lot and the adjacent lots formerly owned by applicants, as noted above, the applicants stand to be directly, and thus much more significantly affected than the Georgetown community and the general public. The proposal for lots 19 and 20 call for the construction of townhouses. The appellant's opposition to the townhouses has centered on preserving the historic integrity of the block, design issues, and disruption due to demolition and construction over the past several years. With regard to historic integrity, the now vacant lots were formerly occupied by a wing of the former Episcopal Home constructed in the 1950's, well after much of the rowhouse construction in Georgetown had ceased. The proposed townhouses would be within the scale and design of the surrounding historic neighborhood than what previously existed on the site. Quiet enjoyment and design issues for the Georgetown community are issues that are more properly addressed in other forums and in negotiations between the owners and the community, not by reversing a well reasoned determination that has been relied upon by the applicants for party status and the adjacent lot owners to their potential economic detriment.

INSTRUCTIONS

Any request for party status for action provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. Form 140 must be completely filled out and be typewritten or printed. If additional space is necessary, use separate sheets of 8½? x 11? paper to complete the form.

2. Present this form to the Office of Zoning at 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

APPEARANCE AND REPRESENTATION

In a proceeding before the Zoning Commission or Board of Zoning Adjustment, any person or party may appear on his or her own behalf. Any person or party may be represented by any other person duly authorized in writing to do so. The authorization shall state specifically that the authorization includes the power of the agent or representation to bind the person in the case.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, not less than fourteen (14) days prior to the date set for the hearing, the following information.

(a) The person's name and address;

(b) A request to appear and participate as a party;

(c) Whether the person will appear as a proponent or opponent of the application or appeal;

(d) Whether the person will appear through legal counsel and, if so, the name and address of such legal counsel;

(e) A list of witnesses who will testify on the persons behalf; and

(f) A written statement setting forth why the person should be granted party status, including reference to the following:

(1) The property owned or occupied by such person, or in which such person has an interest, that will be affected by the action requested of the Board;

(2) The legal interest such person has in such property, such as owner, tenant, trustee or mortgagee;

(3) The distance between such person's property and the property that is the subject of the application or appeal before the Board;

(4) The environmental, economic or social impacts that are likely to affect such person and/or such person's property if the action requested of the Board is approved or denied; and

(5) Any other relevant matters that demonstrate how such person likely will be affected or aggrieved if the action requested of the Board is approved or denied.

(6) **In considering any request for party status pursuant to Subsection 3106.2, the Board shall grant party status only if the person has clearly demonstrated that his or her interests will be more significantly, distinctively or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.**

November 4, 2003

Mr. Geoffrey Griffis
Chairperson
District of Columbia Board of Zoning Adjustment
441-4th Street, N.W.
Room 210
Washington, D.C. 20001

Re: Appeal of ANC 2E from Final Determination of Zoning Administrator; Case No. 17034; Square 1270, lots 19, 20 and 21

Dear Mr. Griffis:

This letter, on behalf of myself and my wife, is to authorize the law firm of Robins, Kaplan, Miller & Ciresi, L.L.P. to file on our behalf an application with the Board of Zoning Adjustment for party status as an intervenor in the above-referenced matter and to act on our behalf and as our agent with respect to this matter.

Sincerely,

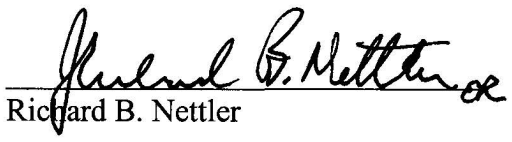
Herbert S. Miller

I hereby certify that the request to intervene as a party to this appeal, the application for party status, and the agency appointment, were mailed first class, postage prepaid, to the following:

Advisory Neighborhood Commission 2E
3265 S Street, N.W.
Washington, D.C. 20007

Strategic Georgetown, LLC
G'Town 32nd St reet, LLC
c/o ResAgent, Inc.
1025 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20006

John T. Epting, Esq.
Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20036



Richard B. Nettler