Form 140
(Revised 03/15/02)

Case No. 17075

PARTY STATUS APPLICATION

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

NAME: Last	First	Middle I.
MARCHAND	MARGARET ANNE	

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
1413 17th St NW		WASH	DC	20036

Phone No.	Fax No.	E-Mail
202-257-2956		anne@annemarchand.com

Signature: Anne Marchand | Date: 2/9/04

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	Sta. # (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 LETTER

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.)

15 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?

See attached letter

BZA
Case No. 17075
Exhibit No. 25

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 letter

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.

#25 I live here, the proximity is greater to the Restaurant and my property is affected.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17075
EXHIBIT NO. 25

Anne Marchand
Steven Carroll Foster
1413 17th Street NW
Washington, DC 20036

February 5, 2004

DC Office of Zoning
441 4th Street NW
Suite 210
Washington, DC 20001

Dear Members of the Board of Zoning,

My husband, Steven Carroll Foster and I own the property adjacent to Mark Bjorge at 1413 17th St. NW. Mark lives next door to Chef Express Carryout at 1415 17th St. We are in opposition to the application by the Gorgone Family for a zoning use variance.

My husband and I have been at 1413 17th Street for seven years. During that time, the owners of Chef Express Restaurant moved into the basement at 1417 17th St. NW and began an extensive enlargement of kitchen facilities, adding a huge exhaust fan to the roof of the townhouse in order to cope with increased cooking and oil fumes inside the restaurant. The fan is one of many complaints we have in the neighborhood. It blows hot smelly air onto the balconies of the Richmond residents particularly in spring and summer.

The quality of all our lives declined when Chef Express carry out moved into the townhouse basement. We began to have trash disposal issues with their garbage dumpster spills in the fire lane alley next to our house, garbage odors from improper garbage disposal, insufficient trash collection and containers, and rodent harborage in the garbage area behind the restaurant. The restaurant dumpster is 10 feet from my back door. The dumpster today has no lid covering the garbage. It has been this way for 6 months. I became involved in these issues in 1999 when we began to get foul smells and heavy cooking odors in our homes adjacent to the restaurant. At that time, we didn't know the extent of the rat infestation in the building at 1417 17th Street. We knew soon enough when rats invaded our own homes. I became profoundly interested in the carry out and how it was operating.

At the beginning of 2000, I contracted the same Pest Control Company that serviced the carry out, to service Mark Bjorge and my town homes. Entech Pest Control determined for us that the rodents were coming in from the restaurant and confirmed the unsanitary conditions inside the establishment. I also had a first hand view from a young manager who toured me through the back of the carry out building. I saw improper and unsanitary food storage on the floors of the establishment. All 3 townhouses had many visits from Entech, many rodent baitings, and many direct applications of poison in the walls. None of this helped. There were too many rats and too much ready access to the restaurant food. The end result was that the Pest control company could not stem the entry of rodents into our homes. We had to take more aggressive measures.

These measures cost Mark Bjorge thousands of dollars to tear out walls and put up a barrier of chicken wire and concrete between the party walls with the restaurant. My husband and paid a thousand dollars into sealing one section of common basement wall with Mark as a preventative measure for our home. After Mark sealed his basement, we heard from the tenants living above the carry out restaurant that the rats were coming into the upper floors of their house. The rodent insulation is a preventative measure until the

rats chew another way into our homes. This is one of the efforts that are not working for us and at great expense.

Over the last four years, we enlisted the help of then ANC Commissioner Doug Damron, Michele Molotsky of Jack Evans Office, Clark Ray and Carol Mitten to help us resolve these issues. We have brought this to the attention f the ANC and to your attention. Everyone is aware of the deficiencies of operating a carry out restaurant in a tiny basement townhouse. Everyone has done his or her best to address the problem and get it resolved. Nothing has worked. We still have the same problems and the same issues. It is because the use is inappropriate to the space.

The Chef Express carryout still operates in that small space with insufficient food preparation areas and unsanitary storage. The Dept of Health has closed them on several occasions, the most recent being November of 2003. We have tried every conceivable enforcement to get the restaurant and building owner to comply.

The fact is that the space is deficient. The carry out is using a residential townhouse basement in an incompatible way. It does not have the zoning required for this intense use. It's not compatible to have a carry out restaurant inside a residence and surrounded by other residences. The residents immediately above the restaurant are still faced with rats in their living rooms. They are still faced with intense cooking and garbage smells from a dumpster 5 feet out their back door. So are I and my other neighbors as well. Mark Bjorge and I have been fighting a rear guard battle with this establishment since it occupied the space. Our neighbors have been facing similar conditions. The investment in time, money and resources has caused us great hardship for a return of a poor quality of life. We have the same issues to address today as we did in 1999. It affects our property, our surroundings, our family health and our quality of life

To summarize:
We tried insulating ourselves through rodent exclusion and pest control. This hasn't worked.

We tried enforcement through city channels. This hasn't worked.

The restaurant and homeowner have tried and their own efforts at sealing and abating haven't worked. The place is not suited to this use. It's too small to run a business of this kind. Nothing works.

It's not our intention to put Chef Express out of business. It's not about the business. It's about the zoning use. We want the restaurant to thrive. It's not able to function and thrive at its present location. The intensity with which it operates in this intimate residential zone is having an adverse effect on everyone including the restaurant workers. In the summer, temperatures inside the restaurant are unbearable. This residential area is not the place to conduct this business.

We hope you will consider the hazards posed by this business in our midst, consider the residential quality of our block and make a ruling not to give the Gorgone family a special exception or variance for the use of their property.

Sincerely,

Anne Marchand

Anne Marchand

1415 17th St. N.W.
Apartment #2
Washington, D.C. 20036
February 5, 2004
Reference: Application Number 17075

Office of Zoning
441 4th St. N.W.
Suite 210
Washington, D.C. 20001
Dear Members of the Board of Zoning Adjustments:

Subject: Conveyance of Power of Agent to Represent the Interests of the Undersigned In Re: Gorgone Family LP Application, Number 17075

I, the undersigned, grant Mark Bjorge power of agent to represent my interests at the Board of Zoning Adjustment in regards to Application 17075 of the Gorgone Family LP.

Signed:

Name	Address	Phone Number:
Paul Johnson	1626 P St. N.W.	202-483-3091
William P. Fanelli	1622 P. ST NW	202 965-6998
Jeff Molinoff	1401 17th st. NW No. 1001	202-483-8352
Roy Gilbert	1628 P ST NW	202-667-0960
James Plumtree	1624 P ST, NW	202-518-6116
[illegible]	1425 17th St NW No. 101	~~703-237-2417~~ 202-232-4164

cc: Darren Bowie
Clark Ray
Carol Mitten
Anne Marchand
Richmond Condominium Association
Paul Johnson
Roy Gilbert
Bill Fanelli