Doc 04-02

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Sidwell Friends School for a special exception for additions to an existing private school and an increase in enrollment	)))	BZA Case No. 17149

MOTION TO ESTABLISH PARTY STATUS OF ANC 3F
(NORTH CLEVELAND PARK, FOREST HILLS, & TENLEYTOWN)

ANC 3F respectfully moves the Board to recognize either that it is automatically a party to the above-styled case, or in the alternative, that it is an "affected ANC" within the meaning of the ANC Act. In either event, the Board should grant ANC 3F party status in all respects, including notice of all proceedings and service of all documents, and should accord great weight to any written recommendations filed by ANC 3F.

In support of this motion, we point out that although the Sidwell Friends School, located at 3825 Wisconsin Avenue, N.W., is within ANC 3C, it is adjacent to ANC 3F on its northern boundary and across the street from ANC 3F on its eastern boundary. Thus, the distance between the property and the area represented by ANC 3F is much less than 200 feet. The properties in Squares 1825, 1900, 1905 listed in Exhibit I of the Application as within 200 feet of the subject property are located in Single-Member District (SMD) 3F01.

ANC 3F is also an "affected ANC" within the meaning of Section 13 of the Advisory Neighborhood Commissions Act, as amended, D.C. Code § 1-309.10 (2001), and thus is entitled to advise the Board in this matter. Anticipated impacts of granting some or all of the other relief sought by the Applicant would or could have a substantial and predictable effect on persons residing or working in ANC 3F, including impacts on:

- Traffic in ANC 3F
- Parking in ANC 3F
- The ambiance, streetscape, and environment of ANC 3F
- Noise and light in ANC 3F

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Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17149
EXHIBIT NO. 31

The fact that the school is located adjacent to and across the street from ANC 3F, but not within it, does not lessen the potential impact on ANC 3F. The DC Court of Appeals recognized this in *Neighbors United for a Safer Community v. DC Board of Zoning Adjustment*, 647 A. 2d 793 (DC 1994), a case like this, where the facility in question was next to the boundary between two ANCs:

> In our view, it would be manifestly unreasonable to conclude that the area represented by an ANC which is physically located directly across the street from the proposed facility for which the special exception is sought would not be affected by it.

Id. at 797.

For the foregoing reasons, ANC 3F requests that it be accorded party status in this case as an affected ANC and that its written recommendations be accorded "great weight". *See id.* at 798 ("it would defy both logic and common sense to conclude that an ANC can be 'affect[ed]' but its written opinion not entitled to 'great weight'").

Submission of this motion was approved by ANC 3F by a vote of 7-0-0 at a duly noticed public meeting on May 17, 2004, with a quorum present (a quorum being 4).

Respectfully submitted,

Karen Lee Perry

Karen Perry, Chair
ANC 3F
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CERTIFICATE OF SERVICE

I hereby certify that on May ___, 2004, a copy of the foregoing Motion was served by first class mail to:

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