Form 140
(Revised 03/15/02)

Case No. 17164

# PARTY STATUS APPLICATION

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

| NAME: Last | First | Middle I. |
|---|---|---|
| NEIGHBORS UNITED TRUST (through Trustees Katherine Van Sickle Demallie & Nancy Feldman) | | |

| ADDRESS: Street | Apt. # (if any) | City | State | Zip Code |
|---|---|---|---|---|
| 4911 Ashby Street, NW | | Washington, DC | | 20007 |

| Phone No. | Fax No. | E-Mail |
|---|---|---|
| (202) 965-0654 (Demallie) & (202) 965-0654 (Feldman) | (202) 333-8749 | demallie@erols.com |

Signature: Nancy L Feldman 5/2/04

Will you appear as a(n) ☐ Participant ☑ Opponent Will you appear through legal counsel ☐ (ND)

**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 Attachment

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

See Attachment

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 farther than 200ft.)

See Attachment

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 Board is approved or denied?

See Attachment

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 app or denied.

See Attachment

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the propos zoning action than that of other person's in the general public.

See Attachment

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BZA
Case No. 17164
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO. 17164
EXHIBIT NO. 21

**BOARD OF ZONING ADJUSTMENT**

SPECIAL EXCEPTION, APPLICATION NO. 17164

ATTACHMENT -- REQUEST FOR PARTY STATUS

**Neighbors United Trust**

1. How will our property be affected by the Board's action?

Neighbors United represents 24 neighbors, comprising most of the residents facing and surrounding the subject property. These homes are very near to the new door access (on Ashby Street), the additional heating and cooling equipment facing Ashby Street and the lawn area, and the new traffic and usage patterns that would occur if the school were permitted to retroactively add materially to its student load ("habitable space") capacity.

2. Legal interest

All Trustee/members are both owners and residents. Attached is a list of the current Trustee/members of the Neighbors United Trust.

On April 15, 2002, the Neighbors United Trust was formed to represent property owners and residents on Ashby, 49th and W Streets and the 48th through 50th blocks of MacArthur Boulevard in The Palisades area of the District of Columbia, in the St. Patrick's junior high school project and other cases, including such activities as the preparation of submissions and offer of testimony to governmental entities. At its recent annual meeting, held on April 25, 2004, the Trustee/members unanimously appointed Trustee Katherine Van Sickle DeMallie as the Trust's administrative officer, and Trustees Nancy L. Feldman and Katherine Van Sickle DeMallie to represent the Trust as a party or as official spokesmen for the Trust before any District of Columbia administrative agency or official or to designate other Trustees in either of their places to perform any such functions.

3. Distance

All Trustee/members' residences are within 200 feet.

**LIST OF TRUSTEE/MEMBERS - NEIGHBORS UNITED**

**April 25, 2004**

DIANNE HAART (4918 Ashby St.)
CATHY WRIGHT (4913 MacArthur Blvd.)
LAWRENCE SKRIVSETH (4913 MacArthur Blvd.)
SUSAN LOCKWOOD (4901 MacArthur Blvd.)
RICHARD E. HILTON (4905 MacArthur Blvd.)
TIEN H.CLAUDIO (4905 MacArthur Blvd.)
KAY E. ROGERS (2220 49th St.)
JOHN N. PAOLELLA, SR. (2230 49th St.)
DOUGLAS S. ORMEROD (4901 Ashby St.)
HOWARD E. FENTON (4915 Ashby St.)
NORA E. CARBINE (4915 Ashby St.)
HARRY F. GATES (4911 Ashby St.)
MICHAEL LOVENDUSKY (4927 MacArthur Blvd.)
MELEVA LOVENDUSKY (4927 MacArthur Blvd.)
CAMPBELL DEMALLIE (4923 Ashby St.)
KATHERINE VAN SICKLE DEMALLIE (4923 Ashby St.)
WINSTON J. YEE (4948 Ashby St.)
FLORA HARPER (4903 Potomac Ave.)
RONALD I. SOFFER (4916 MacArthur Blvd.)
PAMELA SQUIRES KIDRON (4914 MacArthur Blvd.)
ANN GIBBONS (4905 W St.)
THERESA L. ABERNATHY (4907 W St.)
NANCY L. FELDMAN (4911 W St.)
EVA RAKUSAN (4915 W St.)

4. Enviromental, economic, and social impact likely to affect the Trust's members or their properties

The planned deployment of the space by the school for play rehearsals, as well as music-making, is likely to be conducted after regular school hours, thus increasing the span of the noise and activity level, and the comings and goings and individual pickups on Ashby Street (after the regular shuttle service) and elsewhere in the neighborhood. The school has indicated that its "soundproofing" efforts will allow it to increase these activities substantially. Further, the whine of the additional heating and cooling equipment will be particularly noticeable and disturbing at night and other off-hours, after cessation of "ambient" daytime noise, when our members would like to enjoy their outdoor areas or have their windows open in the evening. The noise and unsightliness of these units, and the increase in overall activity, are traditionally the types of usages that adversely affect residential property values.

5. How else would Trust members likely be affected or aggrieved

Approval would significantly increase the BOCA Code-type student load capacity available both for this institution (which has an extensive history of denying its interest in increasing numbers and then quickly changing its mind) and future occupants. The applicant has already effectively acquired another large property (the "Brady estate") to develop nearby, and our members are forced to consider the significant additional burden they would face in dealing with any institutions and their impact upon residential "tranquility", the zoning code standard, if this increase in habitable space is granted.

Our members rely upon the Trust to help represent their interests and speak for them in an organized fashion. It was the Trust's representatives, rather than the City's "compliance" apparatus, that discovered the applicant's unauthorized build-out of the basement, researched the building permits and discovered the substituted plans, and filed the paperwork to help bring this matter to an appropriate hearing. We would like to continue in that role.

6. More significantly, distinctively, or uniquely affected in character or kind, then the general public

The general public doesn't live and sleep right across the street or next to or behind this particular school, and so would not bothered by additional noise and disruption emanating therefrom.