Form 140
(Revised 03/15/02)

Case No. 17315

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions. PAGE 1

NAME: Last	First	Middle I.
MICHELS	MARTHA	J.

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
404 N ST. N.W.		WASH.	DC	20001-4610

Phone No.	Fax No.	E-Mail
202-638-2043	—	—

I, hereby request to appear and participate as a party. Signature: Martha J. Michels Date: 4-9-05

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 PAGES 2-5, & 7

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
OWNER OF 404 N

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.) 0 FEET (REAR OF 404 N ADJOINS REAR OF LOT 865)

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 PAGE 6.

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 PAGE 6.

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 PAGE 6.

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Case No. 17315
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO. 17315
EXHIBIT NO. 38

MARTHA J. MICHELS CASE NO. 17315

PARTY STATUS APPLICATION

1) IN THE APPLICATION, EXH. 14 - THE EXISTING SITE PLAN - FAILS TO SHOW THE COMPLETE BRICK RETAINING WALL SURROUNDING 404 N ST., N.W., FAILS TO SHOW THAT THE REAR WALL OF 404 N IS A PARTY WALL, AND FAILS TO SHOW THE DROP OF 9 FEET TO THE BASEMENT LEVEL AT THE REAR OF 1236 & 1238 4TH ST. THE YARD AT 404 N IS HELD UP BY A "T"/"L"-SHAPED WALL, AND I, THE OWNER OF 404 N, WILL NOT AGREE TO REMOVING ANY PART OF THAT WALL, BECAUSE ANY SUCH ACTION WOULD JEOPARDIZE THE INTEGRITY OF THE WALL. THERE IS ONLY A DECK AT GRADE, FROM THE REAR DOOR OF 1236 4TH TO THE GATE ONTO THE PROPERTY AT 1234 4TH. THE REAR OF 1236 IS 9 FEET BELOW GRADE.

[ALSO, THE APPLICATION STATES THAT A CAB COMPANY OCCUPIED 1232 4TH. THIS PROPERTY HAS NO STRUCTURES, THE GLOBE CAB CO. WAS LOCATED AT THE COMMERCIAL CORNER PROPERTY AT 4TH & N, WHICH HAS BEEN REMODELED INTO "THE FLATS @ SHAW."]

AS IT ACTUALLY EXISTS, THE REAR WALL AT 404 N IS AN INTEGRAL SUPPORT MECHANISM FOR THE SIDE WALL AT 404N. IT FORMS A "T" BELOW GRADE, AND AN "L" ABOVE GRADE. (IT WAS ORIGINALLY A "T" ABOVE GRADE, ALSO). THIS BACK WALL MAINTAINS THE STABILITY OF THE SIDE WALL, WHICH IS 47 FEET LONG, AND 15 FEET TALL (9 FEET BELOW GRADE, 6 FEET ABOVE GRADE.) FOR MOST OF ITS LENGTH ABOVE GRADE, IT IS 2 BRICKS IN WIDTH.
THE BACK WALL & SIDE WALL ARE INTERLOCKING TO FORM ONE CONTINUOUS PIECE. CUTTING AWAY THE BACK WALL FROM THE SIDE WALL, OR REMOVING ANY PART OF THE SIDE WALL ABOVE GRADE, WOULD RESULT IN BREAKING THE DOWNWARD FORCE OF THE WEIGHT THAT PREVENTS THE EARTH IN THE YARD AT 404 N FROM PUSHING OUT THE WALL & COLLAPSING INTO THE BACKS OF THE 4TH ST. HOUSES.

ALTHOUGH IN DISREPAIR AT THAT TIME, THE WALL AROUND 404 N EXISTED SINCE BEFORE I FIRST LOOKED AT THE PROPERTY IN 1987. WHEN I ULTIMATELY PURCHASED THE PROPERTY IN 1989, THE WALL WAS CRUMBLING AT VARIOUS LOCATIONS BETWEEN THE 2 EXISTING HOUSES (1236 & 1238) ON

MARTHA J. MICHELS CASE NO. 17315

PARTY STATUS APPLICATION PAGE 3

1) CONT, 4TH ST. AND THE WALL SURROUNDING 404 N, AND THE BACK WALL SECTION CLOSEST TO 406 N.
BRICKS HAD BEEN REMOVED, BRICKS HAD TUMBLED FROM LACK OF REPAIR OF MORTAR, PARTS WERE CRUMBLING BECAUSE THE WALL WAS FACED WITH CEMENT IN A MANNER INCOMPATIBLE WITH THE SOFT BRICK, AND BRICKS WERE BEING PILFERED FROM THE BACK WALL WHERE LOOSE.
TWO LARGE SECTIONS OF CHAIN LINK FENCE AND SOME PLYWOOD WERE PROPPED UP AGAINST A HOLE IN THE BRICK WALL TO KEEP TRESPASSERS OUT OF THE YARD.
THESE SECTIONS OF CHAIN LINK FENCE WERE NEVER AN AFFIXED PART OF MY PROPERTY. I LEFT THE CHAIN LINK SECTIONS IN PLACE TO DISCOURAGE INTRUDERS UNTIL I FINISHED REPAIRING THE WALL, AND THEN HAULED THE FENCE TO A SCRAP YARD.

I REPAIRED THE WALL STARTING IN 1989. SINCE ENTIRE SECTIONS OF WALLS SUPPORTING THE RETAINING WALL WERE MISSING, I STRENGTHENED THE BASE OF THE WALL AT THE EMPTY SECTIONS BY ADDING BRICKS IN "PIERS." THESE ARE ON THE PROPERTY OF 1236 & 1238 4TH ST. THESE HOUSES WERE VACANT AT THAT TIME.
THE MISSING PORTIONS OF WALL THAT ONCE SUPPORTED THE RETAINING WALL WERE NEVER REPLACED.
A FEW FEET OF THE WALL CLOSEST TO MY GATE WERE GONE COMPLETELY, BUT UPON DIGGING A FEW INCHES BELOW THE SOIL, I FOUND THAT THE FOUNDATION WAS THERE, AND THAT IT CONTINUED ALONG THE PROPERTY LINE BEHIND 406N (ALTHOUGH DISRUPTED BY TREE ROOTS.) I EXPANDED THIS END OF THE WALL SLIGHTLY TO FINISH IT OFF PROPERLY (MADE A POST.) I PURCHASED A LOT OF USED SOFT BRICK TO FINISH THIS SECTION AND THE CRUMBLED TOP OF THE BACK WALL, DUE TO BROKEN & MISSING BRICKS.

THE PROPERTY AT 1232/1234 4TH ST. WAS PREVIOUSLY GOING TO BE DEVELOPED BY THE NORTH CAPITAL DEVELOPMENT CORP. I CONTACTED THEM AFTER A SIGN WENT UP ON THE PROPERTY IN JULY, 2000. THEY WANTED ME TO GIVE ACCESS TO THE DECK OF 1236 4TH BY CUTTING OUT PART OF THE RETAINING WALL TO GRADE, SO THAT THE OCCUPANTS OF 1236 COULD WALK THROUGH MY YARD.

MARTHA J. MICHELS CASE NO. 17315

PARTY STATUS APPLICATION PAGE 4

1) CONT.) I REJECTED THIS IDEA BECAUSE IT IS A RETAINING WALL, AND ALSO, BECAUSE I PURCHASED 404N BECAUSE I WANTED A WALLED GARDEN, NOT A PUBLIC THOROUGH FARE. AFTER MEETING WITH 2 GENTLEMEN FROM NCDC AT THE SITE & LOOKING AT THE WALL, I THOUGHT THAT THEY REALIZED IT WAS A BAD IDEA. DEALING WITH ACCESS OR EGRESS TAKEN BY THE OWNER OF 1236 4TH DID NOT & DOES NOT INVOLVE ME OR MY PROPERTY.
THE SIGN STATING THAT NCDC WAS GOING TO DEVELOP THE LOT WAS THE ONLY WAY I WAS INFORMED OF PENDING CONSTRUCTION.
ALSO AROUND THIS TIME, SEVERAL 10'x10'x5' DEEP HOLES WERE DUG ON THE LOT. I DON'T KNOW WHAT THEY WERE DIGGING UP OR LOOKING FOR. THE HOLES WERE LATER FILLED BY HAND.

ARE THERE GOING TO BE ANY PORCHES, AWNINGS, BALCONIES OR OTHER EXTENSIONS NOT SHOWN IN APPLICATION 17315 THAT WILL FURTHER BLOCK THE OPEN SPACE BEHIND MY PROPERTY AT 404 N?

AS YOU MUST KNOW, ANY WALLS USING MODERN CEMENT OR MORTAR WILL NOT BE COMPATIBLE WITH EXISTING OLD SOFT BRICK WHERE EXPOSED TO FREEZING AND THAWING. WHAT WILL BE DONE TO ACCOMPLISH THESE CONNECTIONS WITHOUT CAUSING DETERIORATION OF THE SOFTER MATERIALS?

HOW WILL THE CONSTRUCTION BE ACCOMPLISHED WITHOUT DAMAGING MY PLANT MATERIAL OR STRUCTURES, COMPACTING MY GARDEN SOIL, OR PUTTING STRESS ON THE RETAINING WALL?

SINCE THE BACKS OF ALL OF THE PROPOSED PROPERTIES ARE TO BE CEMENTED OVER, HOW IS STORM RUNOFF GOING TO BE DEALT WITH? THIS AREA HAS A COMBINED SEWER, AND I UNDERSTAND FROM A WASA PAMPHLET THAT NEW CONSTRUCTION WON'T PUT RAIN WATER INTO THE SEWER SYSTEM, BUT INTO THE BACK YARD. ALSO, BECAUSE OF THE LACK OF GREEN SPACE, HEAT WILL INCREASE IN SUMMER, & POLLUTION.

MARTHA J. MICHELS CASE NO. 17315

PARTY STATUS APPLICATION PAGE 5

1.) (CONT.) IF A 2 OR 3 STOREY STRUCTURE IS BUILT AGAINST OR ON TOP OF MY BACK WALL FOR TWO-THIRDS OF ITS LENGTH, I WOULD BE IMPRISONED. IT WOULD RUIN THE OPEN CHARACTER OF MY PROPERTY, CUT OFF LIGHT & AIR CIRCULATION TO MY PERSON & MY GARDEN, AND PREVENT THE FULL ENJOYMENT OF MY PROPERTY BY MYSELF AND ANY OTHER OCCUPANTS OR VISITORS TO MY PROPERTY. A GIANT BLANK WALL WOULD SEVERELY RESTRICT MY MENTAL WELL-BEING.

WHY ISN'T AS MUCH THOUGHT PUT INTO THE BACKS OF NEW CONSTRUCTION AS THE FRONT? (HISTORIC AREA DESIGNATION?) I DON'T REALLY CARE WHAT PEOPLE PASSING THROUGH THE NEIGHBOR HOOD SEE, IF THE PARTS OF THE STRUCTURES WE HAVE TO LIVE WITH SEEING (THE BACK YARDS, WINDOW VIEWS OF THE YARDS & HOUSES) ARE NOT PLEASING TO HUMAN BEINGS.

SINCE APPLICATION 17315 STATES THAT THE AAARTMENTS WILL BE BUILT AT A LOSS, WHY NOT ALLOW THE DEVELOPER TO BUILD SINGLE FAMILY HOMES THE LENGTH OF THE EXISTING HOUSES ON 4TH ST.? THEY WOULD HAVE AMPLE ROOM IN THE REAR FOR GREEN SPACE AND PARKING, THEREBY IMPROVING THE NEIGHBORHOOD. THIS IS A RESIDENTIAL NEIGHBORHOOD THAT ALREADY HAS ENOUGH APARTMENT BUILDINGS. CRAMMING MORE & MORE PEOPLE INTO THE FEW REMAINING LOTS WILL COMPLETELY ALTER THE CHARACTER OF THE NEIGHBORHOOD, AND INDEED, IT WILL NO LONGER BE A NEIGHBORHOOD.

PLEASE NOTE THAT ALTHOUGH THE PROPERTIES TO BE BUILT ALLOW FOR 2 PARKING SPACES IN THE REAR FOR EACH STRUCTURE, THAT SINCE THE PURCHASE AND RENTAL PRICES IN THIS AREA WILL BE HIGH, THERE WILL PROBABLY BE MORE THAN ONE DRIVING ADULT PER UNIT. ALSO NOTE THAT THE APARTMENT UNITS AT 402 N, 1236 & 1238 4TH, AND "THE FLATS @ SHAW" AND 404, 406, 408 N DO NOT HAVE & WILL NEVER HAVE OFF-STREET PARKING.

MARTHA J. MICHELS CASE NO. 17315

PARTY STATUS APPLICATION PAGE 6

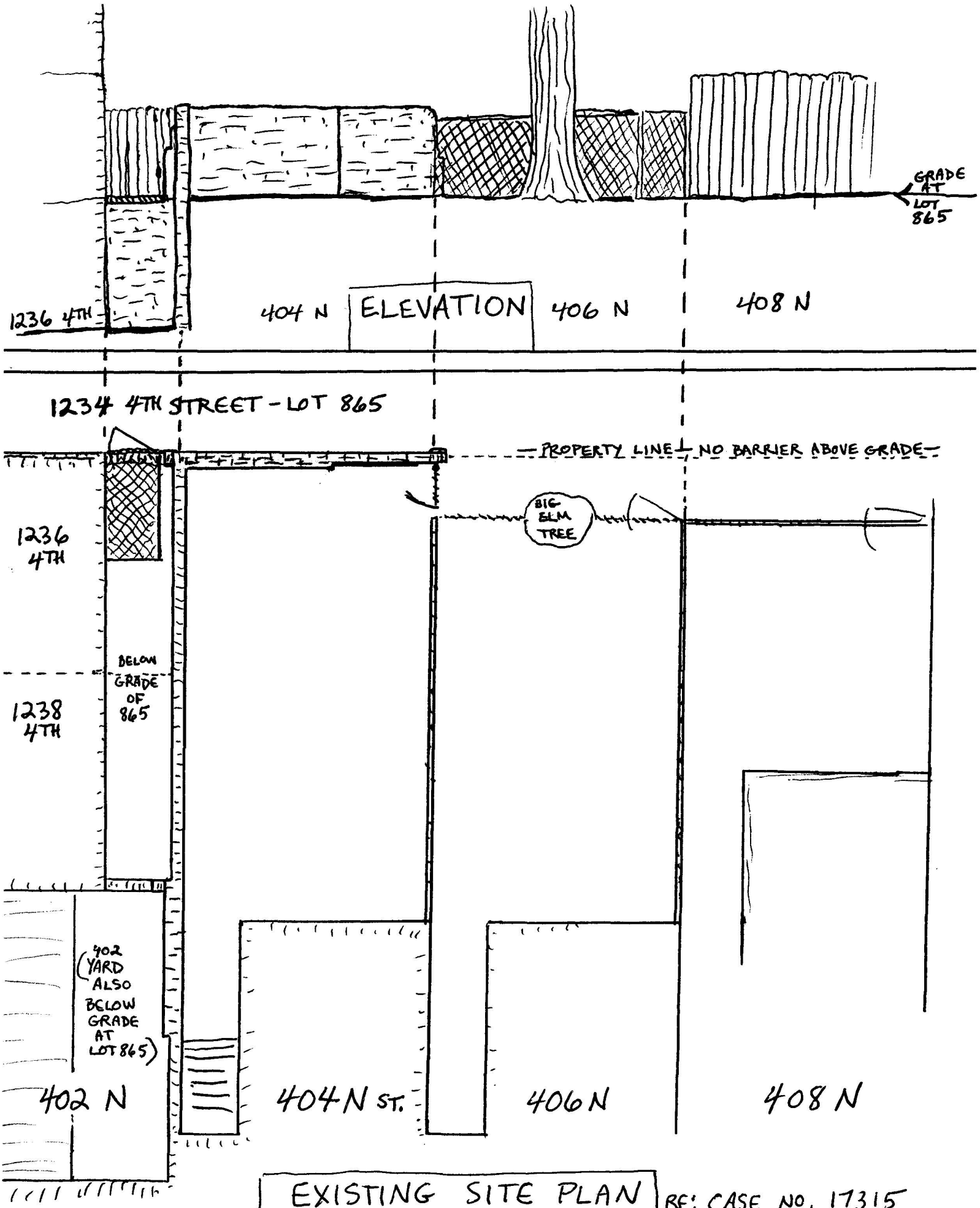
4.) IF APPROVED AS SHOWN:
- COLLAPSED RETAINING WALL;
- IRREVERSIBLE AFFECTS OF CONSTRUCTION ON GARDEN - DESTROYED PLANT MATERIAL, COMPACTED SOIL, MARRING OF MY WALL;
- LESSENING OF GREEN SPACE CAUSING HEAT & POLLUTION
- FLOODED BASEMENT/FOUNDATION PROBLEMS FROM STORM WATER.

5.) AESTHETICS - REDUCED ENJOYMENT OF MY PROPERTY.
VIEW - DIMINISHED SUNLIGHT & SENSE OF OPENNESS.
GREEN SPACE - GENERALS CONCERNS OF HEAT & POLLUTION.
CHANGE IN NEIGHBORHOOD CHARACTER.

6.) THE STABILITY OF MY PROPERTY (AND 1236 & 1238 4TH & 402 N) ARE IN JEOPARDY IF IMPROPER CONSTRUCTION IS DONE ON OR AROUND THE RETAINING WALL, OR ON OR AROUND THE SUPPORTING WALL RUNNING BETWEEN LOT 865 AND 404 N & 1236 4TH, OR IF ANY PARTS OF THE WALLS ARE REMOVED. THIS DOES NOT AFFECT THE GENERAL PUBLIC.
I WILL HAVE TO LOOK AT THE BACKS OF THE PROPOSED BUILDINGS; THE GENERAL PUBLIC WILL NOT.

I REFUSE ANY CHANGE TO THE PARTY WALL BETWEEN 404 N & LOT 865, DUE TO THE EXTREME CHANGE IT WOULD BRING ABOUT IN THE AESTHETICS OF MY PROPERTY. ONE OF MY MAIN REASONS FOR PURCHASING 404 N WAS BECAUSE OF THE CHARACTER OF THE OLD BRICK-WALLED YARD. I HAVE PERSONALLY PUT A LOT OF HARD WORK, TIME & MONEY INTO THE WALL.

I COULD GET A FLOODED BASEMENT OR FOUNDATION PROBLEMS DO TO IMPROPER CHANNELING OF STORM WATER FROM CONCRETE AREAS OF PROPOSED BUILDINGS. THIS COULD ALSO CHANGE THE HYDRODYNAMICS IN THE SOIL AGAINST THE RETAINING WALL IN MY YARD.



EXISTING SITE PLAN

$\frac{1}{8}$ INCH = 1 FOOT

RE: CASE NO. 17315
PAGE 7
MARTHA J. MICHELS