Form 140
(Revised 03/15/02)

Case No. 17344

PARTY STATUS APPLICATION

Notice: Click Here for Application Form Instructions

Name:*	**Lindsley Williams**						
Address:*	**3307 Highland Place NW**	**City:***	**Washington**	**State:***	**DC**	**Zip:***	**20008**
Phone:*	**(202)246-4814**	**Fax:**	**(202)955-5564**	**Email:**	**LWilliams@his.com**		

I, hereby request to appear and participate as a party. **Signature:** Lindsley Williams **Date:*** 06/21/2005

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:			
Address:	**City:**	**State:**	**Zip:**
Phone:	**Fax:**	**Email:**	

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 statement

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

Co-onwer, along with spouse, Linda Dodd-Major

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.)*

28-30 feet (see attached statement).

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 statement.

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 statement.

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 statement.

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BZA
Case No. 17344
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 17344
EXHIBIT NO. 20

Supplement to BZA Form 140 – Request for Party Status – BZA Application 17344

Lindsley Williams
3307 Highland Place, NW
Washington, DC 20008

(202) 246-4814 (cell)
(202) 955-5564 (facsimile)
LWilliams@his.com (email)

6/21/2005 (date on which party status sought)
Opponent
Not appearing through legal counsel

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 property my wife and I own is located along the westernmost and narrowest segment of Highland Place, NW. This right of way is narrow, mostly 30 feet wide but about 2 feet narrower at my lot which juts out into the otherwise linear alignment. There are no sidewalks or curbs along this portion of Highland Place, NW. It operates one-way eastbound, with parking allowed only along its southern side with gaps for existing lawfully established driveways.

We are adversely affected by the proposal in terms of its establishing a precedent that non-conforming uses may expand without having to be taken up as a variance case to deal with both the issue of expansion as well as the area variance issues that arise in connection with the proposed plans themselves.

The site on which BZA 17344 focuses consists of two single-family dwellings attached to each other back-to-back on a single record lot, that lot also being a through lot running between Newark Street to the south and Highland Place to the north. There are two single-family dwellings on the single lot; accordingly, the use is exactly that defined in the Zoning Regulations as a "flat." Lot 37 consists of three distinct areas, two "limited common elements" of a "horizontal" condominium regime and a smaller "general common element" the two limited common elements share.

Under §223 of the Zoning Regulations, the Board may consider relief that would otherwise have been a variance as a special exception for "a one-family residential buildings or a flat, in Residence districts where flats are allowed" under the further provisions of that section.

My home, along with all of lot 37 (the property in question), and all other land on Square 2075 and adjacent Squares is zoned R-1-B. Flats are not allowed in that zone district, being first permitted in the R-4 zone. Accordingly, proceeding under §223 is inappropriate and unsupportable.

To us, BZA 17344 must be heard as a set of variance cases, first to overcome the expansion of a non-conforming use as well as to address the applicable court and yard requirements. Only in this way do we achieve full protection from further expansions of the building on lot 37 that could be adverse to our home, which is a single-family detached dwelling that is conforming as to use but encroaches on side-yard requirements established decades after our home was built in the late 1800s.

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

As in the response to item 1, my wife and I are joint owners of 3307 Highland Place, NW.

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.)*

As noted above, our property comes within 28 feet of the property at issue in BZA 17344.

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?*

Failure to take of the issues of the case under the stronger variance rules and standards could establish a precedent for this property, potentially others, that non-conforming residential uses may expand without consideration of the impact that would have on adjacent and nearby properties as provided in the Regulations at Chapter 20.

The Board should also consider if it feels the property on record lot 37 should seek approval within this or a some companion case for the limited expansion of the kitchen of the "Newark" portion of the condominium, whereby the former rear porch became enclosed without benefit of full public scrutiny. See the Surveyor's plat (Exhibit 3) and compare to the attached condominium subdivision diagrams.

See also response to Question 5.

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.*

Surveyor's Plat (exhibit 3 within BZA 17344) diagrams four parking spaces along Highland Place (rear of one unit, front of the property at the core of BZA 17344 as filed).

The two parking spaces shown at the rear of the Newark property are under review within DC-DOT as to whether they are legal or if applications to eliminate on-street parking must be filed, with input from the ANC and others affected.

As to those shown for 3317, there is a single driveway 6' 4" wide near, but not at, its eastern edge that runs between Highland Place up to and inside of the existing garage building. This driveway is further divided by a gate on a fence that generally parallels Highland Place, features the plat does not reveal. These two parking spaces are not in line with the Applicant's verbal description of the plans and adding an adjacent parking space directly accessible from Highland Place would further reduce the linear footage along it that could be used for on-street parking, a change we would resist. While the driveways and parking areas shown on Exhibit 3 are not among the areas for which zoning specific relief is sought in the application, the Board may and should examine the overall site plan and establish appropriate conditions to prevent changes that would be detrimental to the overall area and those living nearby such as us.

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.*

To the extent that this or subsequent expansions of this non-conforming use result in additional automobiles that owners seeks to park on their land by eliminating on-street parking, we are significantly and adversely affected. Of all the properties that face the 3300 block of Highland Place, ours is the only one that has no area for even one automobile. Thus, we will seek assurance from the applicant in this case that the renovated and expanded area will not result in their having more passenger vehicles or trucks they will seek to park on land that is not now paved (the existing driveway).

Likewise, we will ask the Board to have the applicant provide information as to the degree to which each part of the horizontal condominium regime's separate "limited common elements" – which are essentially lots – are now or would be developed in terms of the zoning standards that would apply if it were a regular record lot or assessment and taxation lot in terms of percentage of lot occupancy, rear and side yards, court requirements, and the like. We will ask that these measurements start with a correct Survey Plat, as widths set out on Exhibit 3 differ from those on file in the Office of the Surveyor (copy attached).

We feel that neither portion of the limited common elements should exceed or fall short of applicable zoning standards without consideration by the Board.

In effect, we seek to make sure that the property is developed as consistently as possible with the zone plan, allowing each owner to have full enjoyment without creating external adverse affects on those living nearby.

SUPPLEMENTAL REMARKS:

We do not oppose the expansion of the non-conforming uses in the manner and degree proposed in this application. The property as it now exists and would can readily satisfy the three-pronged test of variances, which is what we ask. During that process, we can fully and satisfactorily address other issues noted above.

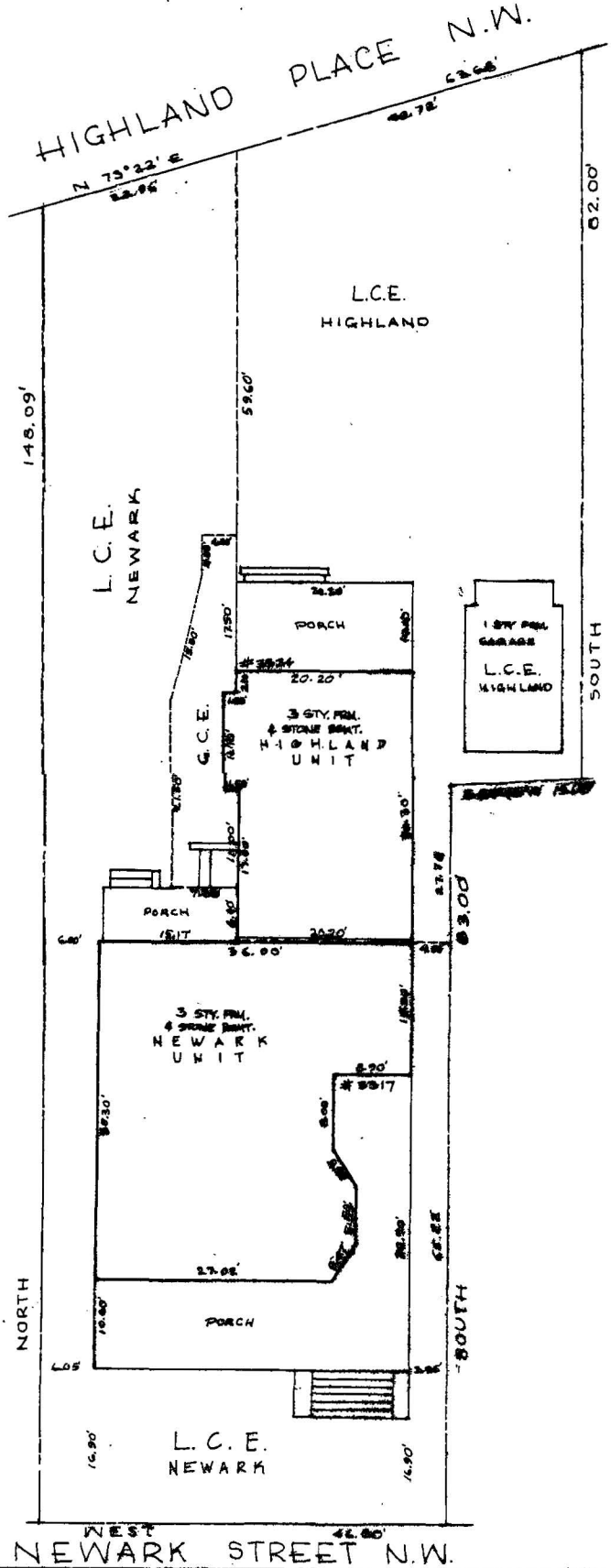
As far as we are concerned, while the case should be taken up under variance standards, there is no reason (to us) that suggests the case not proceed on July 6, the date advertised, for the building plans (but not the parking plans) advanced in that application.

3006002_v1

PLAT OF CONDOMINIUM SUBDIVISION

" NEWARK-HIGHLAND CONDOMINIUM "

LOT 37 SQUARE 2075



SCALE 1"=10'

NOTE :
L.C.E. = LIMITED COMMON ELEMENT
G.C.E. = GENERAL COMMON ELEMENT

R.M. JONES & ASSOCIATES
CIVIL ENGINEERS