Form 140
(Revised 03/15/02)

Case No. 17392

PARTY STATUS APPLICATION

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

NAME: Last	First	Middle I.
JOHANSON	RALPH	N., JR.

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
1730 Q Street, NW		Washington	DC	20009

Phone No.	Fax No.	E-Mail
202-332-9585	—	Johansonmandr@aol.com

I hereby request to appear and participate as a party. Signature: Ralph N. Johanson Date: 11/2/05

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.
Williams & Connolly, LLP	(Daniel Katz, Esq.)	

ADDRESS: Street	Ste. # (if any)	City	State	Zip Code
725 12th Street, NW		Washington, DC		20005

Phone No.	Fax No.	E-Mail
202-434-5143	202-434-5029	dkatz@wc.com

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?
The variance sought by the applicant would, if granted, and as more fully explained in my counsel's brief, severely and permanently denigrate the residential nature of the neighborhood surrounding his home. This includes my home, which is on the same block as the applicant's home.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
Owner of residence at 1730 Q Street, NW

BOARD OF ZONING ADJUSTMENT District of Columbia
CASE NO. 17392
EXHIBIT NO. 24

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.)
Approximately 275'

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? My home is ~~on~~ on the same block as the applicant's. If the variance sought were to be granted, and as explained more fully in my counsel's brief, the integrity of our R-5-B Zoning District would be permanently compromised and degraded, or worse.

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. My home is on the same block as the applicant's. If the variance sought were to be granted, and as explained more fully in my counsel's brief, there is a grave danger that our R-5-B residential Zoning District would quickly succumb to commercialization.

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.

#24

My home is located close to the applicants, on the same block. Each of our homes is in the same R-5-B residential zoning District. Unlike the general public, I will suffer directly from the added noise and traffic generated by the ~~so~~ extensive commercial enterprises which applicant seeks a variance for to legitimate ~~his~~ the unlawful use of his residence.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17392
EXHIBIT NO. 24

Ralph N. Johanson, Jr.
1730 Q Street, NW
Washington, DC 20009
(202-3232-9585)
(johansonmandr@aol.com)

November 3, 20005

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Board of Zoning Adjustment
Room 210
441 4th Street, NW
Washington, DC 20001

Re: 1700 Q Street, NW
Application for Variance
Case No. 17392

Dear Sirs:

Since 1991, I have owned and resided in the residence located at 1730 Q Street, NW. This residence is located approximately 270 feet from the residence located at 1700 Q Street, NW. I hereby request party status in Case No. 17392. Further, I hereby authorize the law firm of Williams & Connolly to represent me in connection with this Case.

My residence is located on the same block and in the same R-5-B Zoning District as the residence located at 1700 Q Street, NW. As additional evidence of the unique concerns which prompt me to request party status in this Case, I enclose copies of (1) my letter dated May 5, 2005 to the Zoning Administrator in the District of Columbia's Department of Consumer and Regulatory Affairs, in which I set forth facts which strongly suggested that the owner of 1700 Q Street, NW was using his residence in violation of the Zoning Regulations and requested that an investigation of such use be undertaken, and (2) a letter to me dated May 17, 2005 from the Zoning Administrator which stated that an investigation had been made of the use of the residence at 1700 Q Street, NW, that the use was indeed in violation of the Zoning Regulations, that a Notice of Infraction had been issued, and that a referral would be made to the General Counsel requesting revocation of the issued Home Occupation Permit.

Sincerely yours,

Ralph N. Johanson, Jr.

Ralph N. Johanson, Jr.
1730 Q Street, NW
Washington, DC 20009
(johansonmandr@aol.com)

May 5, 2005

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District of Columbia Department of Consumer and Regulatory Affairs
Attn: Toye Bello, Zoning Administrator
941 North Capitol Street, NE
Washington, DC

Re: 1700 Q Street, NW – Use in Apparent Violation of Zoning Regulations

Dear Sirs:

I am a resident of 1730 Q Street, NW. **The residence located at 1700 Q Street, NW is apparently being used as the headquarters of Dupont Title & Settlements, LLC in blatant, open and notorious violation of the zoning regulations of the District of Columbia. Information about the commercial activities of Dupont Title & Settlements can be found on its website, www.dupontttitle.com.** I request that an investigation be made of this apparent violation, and if such violation be found, I request that fines for such violation be assessed as provided in Section 3201.1 of the Zoning Regulations and that the Attorney General of the District Of Columbia be requested to institute proceedings to enjoin such violation, as provided in Section 3201.2 of the Zoning Regulations.

If you should have any difficulty accessing the above website, please let me know and I will fax you hard copies of the website pages.

1700 Q Street, NW and Applicable Zoning Designation

1700 Q Street, NW is an extremely impressive, stone-faced turn-of-the-century residential townhome designed by the famed architect T.F. Schneider. It serves as the anchor, on the south side of Q Street, for a long row of similarly-dated residential townhomes which were also designed by T.F. Schneider. On its 17th Street side, 1700 Q Street serves as the anchor for several other residential townhomes, two residential apartment buildings, and four other residential townhomes, three of which are currently being renovated for sale as condominium residences. It is located in an area which has been designated an historic district, and it is the subject of an historic preservation easement. To the best of my knowledge, until its use as described in and which is the subject of this letter, it has always been used solely for residential purposes.

1700 Q Street, NW is located in a General Residence District designated in the District of Columbia Zoning Regulations as R-5-B.

Applicable Zoning Regulations

The Zoning Regulations of the District of Columbia permit residences in a General Residence District designated R-5-B to be used for home occupations. As provided in Section 203.1, "**the purpose of the home occupation provisions shall be to allow home occupations as accessory to residential uses**; provided that they are compatible with the residential neighborhood in which they are located. The intent is to protect residential areas from adverse effects of activities associated with home occupations, while permitting residents of the community to use the home as a workplace and source of livelihood under specific regulatory conditions." (emphasis supplied)

Section 203.3 provides that home occupations shall meet specified requirements, which include the following:

> "(a) No person shall practice a home occupation without a Home Occupation Permit;
>
> "(b) A Home Occupation Permit may be issued without a public hearing if the requirements of this subsection are met, or may be granted by the Board of Adjustment pursuant to Section 203.10;
>
> "(c) A Home Occupation Permit may be granted only to a designated person or group of persons who reside at a residential address;..."

Section 203.4 requires that '[a] practitioner of a home occupation, and any owner of a dwelling unit in which a home occupation is practiced, shall comply with the requirements of Sections 203.5 [which relate to advertising signage affixed to the residence] and 203.6 [which relate to the making of sales], and with" a number of specified conditions, which include the following:

> "(a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes;
>
> "(b) Except as provided in Sections 203.7(c) [which relates to fine arts occupations] and 203.8(d) [which relates to the use of a residence as a Bed and Breakfast], no more than the larger of two hundred fifty square feet ... or twenty-five percent ... of the floor area of the dwelling, excluding basement or any accessory structure, shall be used in the home occupation;
>
> "(c) the practitioner shall store all materials or finished products within the floor area that is designated in paragraph (b) of this subsection, or in a basement

or accessory structure;

"(d) No more that one (1) person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation."

Section 203.7 lists uses that shall be allowed as home occupations, provided that the conditions specified in Sections 203.4 through 203.6 are met at the time of the establishment of the home occupation and maintained on a continuing basis. It further provides that the uses listed, which include the home office of a business person, shall include similar uses in each category.

Section 203.10 provides that a home occupation that is not permitted or prohibited in that Section may be permitted as a special exception by the Board of Zoning Adjustment under Section 3104, provided:

"(a) The proposed use and related conditions shall be consistent with the purposes set forth in Section 203.1 and shall generally comply with the requirements of Sections 203.4 through 203.8, subject to specific findings and conditions of the Board in each case;

"(b) An applicant for a home occupation that is permitted by Sections 203.6 through 203.8 may request the Board to modify no more than two ... of the conditions enumerated in Sections 203.4 through 203.8; provided that the general purposes and intent of this section are complied with;

"(c) **In no case shall more than two (2) persons who are not residents of the subject home be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession** [emphasis supplied];

"(d) Any request to modify more than two (2) of the requirements of Sections 203.4 through 203.8 shall be deemed to be a request for a variance ..."

Ownership of 1700 Q Street, NW and The Use That Is Being Made Thereof

Based upon District of Columbia real estate purchase records, Mr. Babak Movahedi is the owner the residential property located at 1700 Q Street, NW. According to a prominent sign that has been affixed to the residence, the commercial enterprise known as Dupont Title & Settlements, LLC conducts its business therein. According to the website for Dupont Title & Settlements (www.dupontttitle.com), Mr. Movahedi is the founder of Dupont Title & Settlements. Also according to this website, **Dupont Title and Settlements has seven (7) persons on its staff in addition to Mr. Movahedi.** Further according to this website, Dupont Title and Settlements provides a full range of commercial services related to the settlement of real estate transactions, including closing services, which would include the hosting of multi-party closings, and post-closing services.

Apparent Violations of Zoning Regulations

Based on the information contained on the website for Dupont Title & Settlements, based on the undersigned's familiarity with the layout of the residence located at 1700 Q Street, based on observations of the use of the residence from the sidewalk outside, and based on comments made by persons who have visited the residence since it was converted into the headquarters of Dupont Title & Settlement, it appears that the use of the residence as the headquarters of Dupont Title & Settlements violates the Zoning Regulations in the following fundamental ways:

(1) The use of the residence as the headquarters of Dupont Title & Settlements clearly appears to be its primary use;

(2) Much more than the larger of two hundred fifty square feet or twenty five percent of the floor area of the residence, excluding basement (a portion of which is apparently also being used for Dupont Title & Settlements' purposes), appears to be utilized in the business of Dupont Title & Settlements; and

(3) As many as seven persons who are not residents of the residence appear to be engaged or employed in the commercial activities of Dupont Title & Settlements being conducted in the residence.

As noted at the outset, **the purpose of the home office provisions is to allow home occupations as accessory uses to residential uses**, which is why the regulations specify conditions to such uses. The use of the residence located at 1700 Q Street, NW as the headquarters of Dupont Title & Settlements, LLC appears to be clearly contrary to such purpose and appears to clearly violate a number of specific and fundamental conditions set forth in the Zoning Regulations. It is not known if the owner of 1700 Q Street, NW has sought and obtained the Home Occupation Permit that any practitioner of a home occupation must have. If the owner has sought and obtained such a permit without a hearing, it would appear that it was issued in error and on the basis of false representations, since the requirements of Section 203 of the Zoning Regulations (in particular the requirement that no more than one person who is not a resident of the dwelling shall be engaged in the home occupation) do not appear to have been met. And if it was granted by the Board of Adjustment pursuant to Section 203.10, if would appear again that it was issued in error and on the basis of false representation, since Section 203.10 provides that in no case shall more than two persons who are not residents of the dwelling unit be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession.

Request for Investigation and Penalties

As a resident of the 1700 block of Q Street, NW who lives in close proximity to 1700 Q Street and is very concerned that the residential nature of the block, and the surrounding neighborhood, be preserved, consistent with the Zoning Regulations, I request that an investigation be undertaken of the use being made of the residence located at 1700 Q Street, NW. I further request that if such use should be found to violate the Zoning Regulations, fines should be imposed as provided in Section 3201.1 and the Attorney General of the District of Columbia should be asked to institute proceedings to enjoin such unlawful use as provided in Section 3201.2.

I would be grateful if you would acknowledge receipt of this letter and provide me with periodic reports on your efforts to deal with this issue. Thank you very much.

Very truly yours,

Ralph N. Johanson, Jr.

.cc Mr. Lenox Douglas
Administrator
District of Columbia Building and Land Regulation Administration Affairs

Mr. Patrick Canavan
Director
District of Columbia Department of Consumer and Regulatory Affairs

Julia Lee, Esq.
General Counsel
District of Columbia Department of Consumer and Regulatory Affairs

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May 17, 2005

To: Ralph N. Johanson, Jr.
(johansomandr@aol.com)

From: Toye Bello
Zoning Administrator

Re: 1700 Q Street, NW

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Good Evening Mr. Johanson:

This letter responds to your May 5, 2005, electronic mail to me regarding possible zoning violations at the above referenced property. Specifically, that the property was being used as the headquarters for Dupont Title & Settlements, LLC in violation of the Zoning Regulations.

On May 11, 2005, a Zoning Inspection was conducted of the property and the owners of the Dupont Title & Settlements, LLC were not conducting the business in accordance with the requirements of the Home Occupation Permit (HOP) regulations.

A Notice of Infraction was issued for operating an office without a certificate of occupancy. Additionally, a referral will be made to our General Counsel requesting revocation of the issued Home Occupation Permit.

If further information is needed, please contact Zoning Inspector Yvonne Rockett on 442-4576.