



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name:	Sergei Mikhailov		
Address:	1235 4th St NW, Washington, DC 20001		
Phone No(s):	202.352.7634	E Mail:	sergei.s.mikhailov@gmail.com
I hereby request to appear and participate as a party in Case No.:		19187	
Signature:			Date: 2/8/2016
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:			
Phone No(s):		E Mail:	

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf; SEE Addendum 2
2. A summary of the testimony of each witness (Zoning Commission only); N/A
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (Zoning Commission only); and N/A
4. The total amount of time being requested to present your case (Zoning Commission only). N/A

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

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 Commission/Board? See Addendum 1
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) See Addendum 1
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.) See Addendum 1
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 Commission/Board is approved or denied? See Addendum 1
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied. See Addendum 1
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 persons in the general public. See Addendum 1

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

Addendum 1

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 Commission/Board?

The density of the proposed development is not characteristic of an R-4 neighborhood. Residential zones explicitly tie the number of dwelling units to the size of the lot to preserve and maintain the desired density. This factor is an important characteristic to prospective buyers. In fact, this was a factor we considered when we purchased the property at 1235 4th St NW. Constructing a project that undermines the residential and family-conducive feeling of the block will have a negative effect on property values and will have detrimental social impact. After all, this block is unique because it is the first residential-zoned block north of New York Ave, which is the beginning of the Downtown zone. We value being in close proximity to Downtown, yet live in a quiet residential neighborhood.

2. What legal interest does this person have in the property?

Owner.

3. What is the distance between the person's property and the property that is the subject of the application?

Within 200 feet.

4. What are the environmental, economic, or social impacts that are likely to affect the person and/or person's property if the action requested of the Commission/Board is approved or denied?

Economic: As stated in the answer to question 1 above, the uncharacteristic density proposed by this development is very likely to have adverse affects on property values.

Environmental and Social: There is a critical shortage of larger, family-conducive units in neighborhoods close to downtown. Those families that do make it their home, find it hard, since there are few families around and thus few options for kids to play and for families to share resources - babysitters, carpool to school, etc. I am noticing more and more families that want to stay in our neighborhood. If this project stayed matter of right and built 11 larger units, it would provide a supply of family-sized units, which will allow even more families to move in.

Developers, understandably, seek to maximize their return per square foot. More smaller units produce a higher return than fewer large units. While this kind of optimization is permitted in other zones, it is not allowed in residential zones and it should not be allowed for this project.

If the Board denied the variances, the negative impacts described above would be prevented.

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.

It is important to point out the the recently adopted ZRR preserves the relationship between lot size and the number of dwelling units. After many years of public discussions, it is fair to say that the ZRR represents the latest thinking in what constitutes best city planning. The fact that this project would still require the same variances under the new ZRR should be a red flag for the Board and I ask that the Board reviews this case with greater scrutiny.

Lastly, those neighbors that do support this project, support it because the project will provide a large underground garage. Parking is a significant problem in our area and, understandably, some neighbors are excited to have a garage. My concern is that the current terms of how the garage can be used by the neighbors are vague and not sufficient.

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

I will be more significantly and uniquely affected because of the proximity of my house to the development - across the street, within 200 feet of the development.

Addendum 2

Part 1 - List of Witnesses

Tentative list of witnesses, subject to witness availability. Substitute witnesses may be used with similar area of expertise - construction takeoff estimates, construction management, and/or environmental disposal.

1)

Matt Kulp
Galaxy Homes
Partner, Director of Production
4214 Gallatin Street
Hyattsville, MD 20781

2)

John Linam
Architect
1608 Washington Plaza
Reston, Virginia 20190

3)

Raj Gupta
President, Simsona Corp.
2275 Research Boulevard
Rockville, MD 20850