



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



FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD

THIS FORM IS FOR NON-PARTIES ONLY. IF YOU ARE A PARTY, PLEASE FILE A FORM 150 – MOTION.

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.

CASE NO.: 21101

I, Joshua C. Toll hereby request the following relief:

☒ Accept an untimely filing of Form 140, Party Status Request

☐ To reopen the record to accept _____

Points and Authorities:

Accept an untimely filing: Please state each and every reason you believe the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your request to accept an untimely filing, including relevant references to the Zoning Regulations or Map. If you require more space, please use a separate piece of paper.

Reopen the Record: Please state each and every reason you believe the ZC or BZA should grant your request to reopen the record, including relevant references to the Zoning Regulations or Map. **The document(s) that you are requesting the record to be reopened for must be submitted separately from this form (see instructions). No substantive information is to be included on this form.**

***See attached document**

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date: 09/26/24

Signature:

Name: Joshua C. Toll

Address: 6001 3rd St. NW, Washington DC 20011

Phone No(s): 202-329-9884

E-Mail: jctoll@yahoo.com

Board of Zoning Adjustment
District of Columbia

CASE NO.21101
EXHIBIT NO.37

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

I, Joshua Toll, am the homeowner (with my wife) of the property at 6001 3rd St. NW (corner of 3rd and Peabody), which is next door to the property at 245 Peabody St. NW, where the applicant requests special exception approval to convert the use from a church to a Child Development Center (CDC) under Subtitle U-203.1(h). Subtitle U-203.1(h) prescribes that “[t]he facility shall be located and designated to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.” The CDC as proposed fails to satisfy this requirement. The CDC intends to serve no fewer than 82 children and 20 adult staff, which will attract at least 65 auto person trips both during AM peak hours and PM peak hours. The 100 and 200 blocks of Peabody St. and the surrounding area cannot absorb this exponential increase in activity in light of the traffic congestion emanating from the Capital City Public Charter School located at 100 Peabody St. NW. Additionally, Capital City Public Charter School has just acquired its licensing to be designated as a CDC as of September 13, 2024, which has not been accounted for in the projections the applicant has advanced in its traffic study materials. The influx of traffic will place an even greater burden on an already strained system that regularly results in sideswiped cars, and which will become more susceptible to pedestrian accidents as parents/guardians attempt to cross Peabody St. without the benefit of a crosswalk or traffic control officer to ensure their safety.

In addition, my garage opens onto the alley which is right next to 245 Peabody, and I am concerned that, if the special exception is approved and the project goes forward as described, parents will double-park their cars in the alley for purposes of effectuating pick-up and drop off, which will block my garage and prevent me from driving to and from work. I am also very concerned for the potential for accidents given that I will be backing out of my garage each morning and the alley would likely be getting significant vehicular and foot traffic. It’s a very narrow alley and it is simply not big enough to safely accommodate this purpose. (Other neighbors use it for the same purpose as well, but since I am closest to Peabody, my garage is most likely to be blocked). It is also very likely that the mouth of the alley will be blocked given the increased traffic that this project will create.

I request that the BZA accept this untimely request for party status, as I had previously relied upon my ANC (i.e., 4B), an automatic party in this case, to effectively represent my interest. My understanding is that the BZA must give “great weight” to the “issues and concerns” raised in a written report of an “affected” ANC approved at a properly noticed meeting that was open to the public by the full ANC with a quorum present. My ANC Michael Cohen (4B07) presented such a written report in the form of a resolution at the ANC 4B Public Meeting Monday night, September 23 (*see attached*). ANC Cohen’s resolution offered measured support for the application, but it also identified several reservations related to exacerbation of traffic, parking, and alley access issues and it implored the applicant to take proactive steps to mitigate these concerns. ANC Cohen’s resolution accurately captured my concerns and those of my neighbors (*see attached Petition with signatures*) and would have faithfully relayed those concerns to the BZA. However, ANC 4B rejected ANC Cohen’s resolution and adopted a resolution that provides complete support for the application, dismissing my concerns and those of my neighbors in a single line of the resolution. (*See attached*).

Therefore, as one of the immediate next-door neighbors to 245 Peabody St. NW, I require party status to effectively raise my concerns with the BZA regarding the negative traffic and safety implications of BZA Case No. 21101.

Respectfully Submitted,



Dated: 9/26/24

Joshua C. Toll

Homeowner

6001 3rd St. NW, Washington DC 20011

jctoll@yahoo.com

CERTIFICATE OF SERVICE

I, Joshua Toll, hereby certify that on September 26, 2024, I served the Form 140 plus attachments on the following by email:

Interactive Zoning Information System, zcsubmissions@dc.gov

BZA Submissions, bzsubmissions@dc.gov

D.C. Office of Planning, Planning@dc.gov

Office of Zoning, dcoz@dc.gov

Mendomas LLC, via their counsel, awilson@sullivanbarros.com

ANC 4B, 4B@anc.dc.gov

ANC Commission 4B Chairperson, Alison Brooks, 4B08@anc.dc.gov

ANC SMD, Michael Cohen, 4B07@anc.dc.gov

Respectfully submitted,



Joshua C. Toll, Homeowner

6001 3rd St. NW