

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:	Matthew Borghard		
Address:	1307 Clifton St NW Apt 23		
Phone No(s):	703-919-9182	E Mail:	mjborghard@gmail.com
I hereby request to appear and participate as a party in Case No.:	15-03		
Signature:			Date: 11-30-2015
Will you appear as a(n)	<input type="checkbox"/>	Proponent <input checked="" type="checkbox"/>	Opponent <input type="checkbox"/>
Will you appear through legal counsel?	<input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If yes, please enter the name and address of such legal counsel.			

Name:	N/A		
Address:	N/A		
Phone No(s):	N/A	E Mail:	N/A

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;
2. A summary of the testimony of each witness (*Zoning Commission only*);
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
4. The total amount of time being requested to present your case (*Zoning Commission only*).

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

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.

ZONING COMMISSION

District of Columbia

CASE NO.15-03

EXHIBIT NO.45

Person vs. Party in a Proceeding

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, submit a Motion for Reconsideration or Rehearing, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

INSTRUCTIONS

Any request for party status as provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, not less than fourteen (14) days prior to the date set for the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W., Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 * (202) 727 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

Party Witness Information

- 1. A list of witnesses who will testify on the party's behalf;**

None

- 2. A summary of the testimony of each witness (Zoning Commission only);**

Not applicable

- 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**

Not Applicable

- 4. The total amount of time being requested to present your case (Zoning Commission only).**

Equal to the time of the proponent(s).

Party Status Criteria

- 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 property, 1307 Clifton St NW Apt 23, will have its privacy and outdoor space significantly impacted by the granting of the action by the Commission as requested by the developer, Aria Development Group. The structure currently occupying the adjacent parcel at 1309 Clifton St is built with its back wall along a straight line with the structure at 1307 Clifton St, separated by a setback of around 8ft.

If the Commission allows the developer's proposal to be built as-is, there will be a 5 story wall of at-risk windows extending around 50ft along the property line, giving a view both into the property at 1307 Clifton St NW Apt 23, and onto the outdoor space that said property enjoys.

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

Matthew John Borghard is the tenant, acting on behalf of himself, the other occupants of the condo, and of the owner, John Charles Borghard.

- 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.)**

0 ft.

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?

If the action requested of the Commission is approved, the resultant structure in the current proposal's form will have a significant impact on the equity of the owner, John Borghard, in that the value of the outdoor space his property currently enjoys will be greatly diminished by having a 5 story wall of windows looking directly down upon it. Further, considering that both properties in question have only northern exposure, this 5 story wall will block most of the sunlight that does reach this outdoor space at 1307 Clifton St NW as well as the indoor space of the same that faces north, further reducing the value of the property. Any future potential buyers or tenants will value this property much less if the Commission allows the developer's plans to go forward as-is.

The environmental impacts will include the loss of a significant number of trees on the developer's property, as well as the possibility of the loss of a number of other trees surrounding it due to the loss of the only light source available, as well as a similar impact on other forms of mature landscaping invested in by John Borghard and the neighboring properties. Further, the loss of the vast majority of the permeable surface cover on the parcels in question will increase the possibility of flooding in the structures adjacent to the developer's lands.

The social impact includes the denial of quiet enjoyment of both the indoor and outdoor space of the owner and any potential tenants at John Borghard's property, which will have a direct impact on future rental income or any potential sale.

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.

Any potential buyers or tenants of John Borghard's property will have a much more difficult time dealing with traffic and the use of transit in the neighborhood, of which capacity is maxed out for both during peak usage times.

Additionally, the construction of this building will make it even more difficult to find parking for maintenance and service vehicles, causing a decrease in the availability of those services to an already-underserved area (only one or two companies in the entire Metropolitan Washington area will agree to service appliances and the like in our neighborhood due to the inability of their technicians to find parking as-is).

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.

Being that this development in its current form would be built immediately adjacent to the property, and would include a 5 story wall of windows looking directly down into the Borghards' condo, and onto their outdoor space, this project will have a greater direct impact on their financial and quality of life interests than it will the general public.