# ZONING IN THE DISTRICT OF COLUMBIA

PARTY VS. PERSON



## PARTY VS. PERSON

One of the most frequently asked questions we receive at the Office of Zoning (OZ) is:

"What is the difference between party status and testifying as a person?"





## **A PARTY**

Generally, a **party** is a participant in a proceeding who has an interest in the outcome that is greater than that of the general public. They have the right to present witnesses and cross-examine witnesses of other parties at a hearing. They can also submit motions, including requests for a continuance and for reconsideration.

**Note:** It is <u>not</u> necessary to be a party in order to appeal the outcome of the case.



## **A PERSON**

A **person** is an individual, partnership, association, corporation, public agency, or other legal entity. Any person may submit testimony into the record or testify at a hearing, but they do not have the rights of a party. A person may also file an appeal (or petition for review) with the Court of Appeals, if they can show that they have been aggrieved by the decision.



## A CONTESTED CASE

In the context of proceedings before the Board of Zoning Adjustment (BZA) and Zoning Commission (ZC), a party can participate in contested cases, which include:

- Variances and Special Exceptions (including Campus Plans)
- Appeals (non-automatic parties are called intervenors in an appeal)
- Planned Unit Developments (PUDs)
- Map Amendments heard as contested cases



## WAYS TO PARTICIPATE IN A CONTESTED CASE

There are three ways in which you may participate in a contested case:

- Testify as a Witness anyone can appear and give oral testimony in support or in opposition to a case. (Note: You may also submit your testimony in writing.)
- 2. Submit Written Testimony anyone can submit a signed letter in support or opposition into the record, as long as the record is still open.



## WAYS TO PARTICIPATE IN A CONTESTED CASE

3. Apply to be a Party — anyone can apply to the Board of Zoning Adjustment (BZA) or Zoning Commission (ZC) for party status, by demonstrating that their interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Becoming a party is subject to approval by the BZA or ZC.





## **AUTOMATIC PARTY STATUS**

In a contested case, the following entities **automatically** have party status:

- The Applicant or Appellant;
- The ANC for the area within which the property that is the subject of the application is located; and
- In an appeal, the DC Official whose decision is being challenged and the owner of the property, if not the Appellant.









### PARTY STATUS

In a contested case proceeding, a party is afforded all the procedural rights provided in Subtitles Y and Z of DCMR - Title 11 – Zoning Regulations, including the right to receive a copy of any:

- Documents filed by any other party in the case at the same time or before the document is filed with the BZA or ZC; and
- Written notice of any decision or order entered in the case.





9

## PARTY STATUS

In all contested case proceedings before the BZA or ZC, a party may:

- Submit motions and requests to the Board, and respond to any motions or requests submitted to the BZA or ZC by other parties;
- Present witnesses in support of the party's position;
- Cross-examine all other persons testifying in the case;





### PARTY STATUS

- Submit proposed Findings of Fact and Conclusions of Law;
- Submit a Motion for Reconsideration or Rehearing after the issuance of the final order; and
- Exercise all other procedural rights provided in Subtitles Y and Z of DCMR - Title 11 – Zoning.

### BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA

Appeal of Nebrasko Avenus Nalphbothand Association )
From Decision of DICRA Susting Building Fermits
14356618 & 1845433 with respect to Survice Assisted
Living Baillity Located at 5111 Commerciat Ave. N.W.
)
IR-2 and R-548 Zone (Square 1988), [ar. 42)

| R-2 and R-548 Zone (Square 1988), [ar. 42)

### Opposition of Nebraska Avenue Neichborhoo Association to Motion to Distaisa

Stavins Americal Living ('acility ("Nummo") has illed a motion to distribute aboveoutlement appeal filled by Nehrara Avenue Neighbornood Association ("NANAT"), which appeal
elializeped els building on with transfers I would to Statistic, which it wisk construction permits
previously issued, to Startife in convention with in artisted thing the talling board at 51111
Convention Avvanue, N.W. Startife angues that of the appeal to harmed by principles of I
"administrative or "publication" at appling the other to pre-lighted in one for twee senselly.
Tograted or could have been different of prior appeals haven the Roard.

The conditions uncar which the principle of administrative respectives or collared empty will prevent parties from re-biligating claims that were no could have been secured in price administrative proceed upon not act from its <u>Beams Christian (n.v. Discipl</u> of Colonghis <u>DM</u>, of Zoning <u>Administration</u> 575 A24 189 (DC. App. 1986) (Bhemat and Towins v. <u>Obrigist</u> of Colonghis <u>DM</u>, and a second of the Colonghis <u>DM</u>, and a second of the colonghis of the observation of the colonghis of the colonghis of the observation desired upon colones for zoning variances that held previously been derived by the Board of Zoning Adjacomers, and thus, as not precludy on point interanch as the present case concerns an appeal of realising permits rather than an application to a specific acceptance in the colonghis or acceptance. These theory condition has administrative ran pudicator can proceeded a subsequent applications, where (1) the parties proceeding was the exerction equivalent of a judicial proceeding, and (2) the sevents applications (or appeal) is for the **R7.2**.



### ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA ZONING COMMISSION ORDER NO. 09-05

Consolidated Planned Unit Development and Zoning Map Amendment - United House of Prayer for All People - Square 442, Lots 115, 116, 117, 118 and 119

### [Date of Final Action]

Pass and to netice, the Zeeing Constraints for the District of Collechia, the "Commission" of all a public heating on Sepander 10, 20%, to consisting applications from the Lunet House of Prayer for All Projec the "Applicati", owner of Lefs 113, 116, 117, 118 and 119 as Square 42, for the consultation review and passess of the Collection of the Collection of Collection (Collection Collection Co

### FINDINGS OF FACT

### The Application, Parties, and Hearing

- 1 On March 23, 2009, the Applicant filed an application with the Commission for the consolidated review and approved of a planned unit development ("P2UD") and a zoning map amendment to recone Lots 115, 116, 117, 118 and 119 in Square 442 (the "Subject Property") from the It-4 District to the C2-3B District.
- The Subject Property has a land area of approximately 16,320 squase foor and is located
  on the rorth side of Rhode Exand Avenue, N.W., between 6th and 7th Sevens, N.W. The
  Subject Property is located ir, the R4-4 District. The property has approximately 93 feet
  of feotatege on Rhode (stand Avenue, N.W.
- 3. Segues 442 is Assabel in the northwest quotient of the District and is bounded by sail, served to the north-off-steed or the extit, these datafact where and 8 Stores to the Sound, and 1<sup>th</sup> Storest, N.W. 50 the west. The aire is within welling distance of the Shan-Horned University Marrical States, which case on creame county of the point of the Shan-Horned University Marrical States, which case on creame county of the point of the Shan-Horned University Shanness and Shanness and the supportunities of the Color Shanness and Sh
- 4. A small parcel of land owned by the District of Columbia and a 15-feet wide public alley are located to the intracelians west of the Subject Property. A 20-feat wide public alley about the northern portion of the Subject Property. An approximately 3-story building is located to the immediate east of the Subject Property. This juiding is







## SUBMITTING YOUR PARTY STATUS REQUEST

Any person who desires to participate as a party a BZA or ZC case must request party status and must comply with the provisions of Subtitle Y  $\S$  404.1 or Subtitle Z  $\S$  404.1 .

The request must be filed the Board NO LESS THAN 14 DAYS PRIOR TO THE ORIGINAL DATE SET FOR THE HEARING (or 14 days prior to a scheduled public meeting if seeking advanced party status consideration).

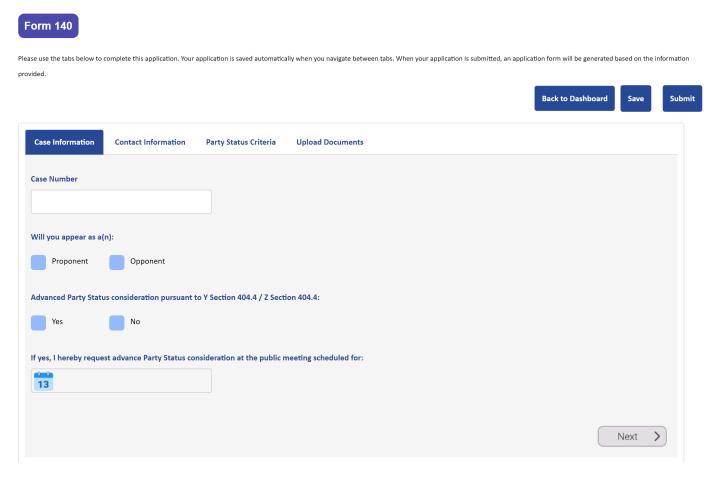


## FILLING OUT FORM 140

Persons seeking party status must submit a Form 140 - Party Status Application through the Interactive Zoning Information System ("IZIS"). The form is also available to download from OZ's website.

Please Note: You do not have to file this form if you wish to testify as a person.

### **ZC/BZA Shared Forms**





## FILLING OUT FORM 140 — Party Witness Information

It is very important that you answer all of the applicable "Party Witness Information" and save it as a PDF document and submit it along with your request.

Case Information Contact Information Party Status Criteria Upload Documents

### PARTY WITNESS INFORMATION:

The following information must accompany your submission as an attachment. You will be prompted to upload the documents in next tab.

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



## FILLING OUT FORM 140 — Party Status Criteria

The "Party Status Criteria" is critical information used by the BZA and ZC in determining whether your request will be approved. Be sure to answer each of these questions in detail, using drawings or plans, if necessary. You <u>must clearly demonstrate that your interest would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than others in the general public.</u>

### **PARTY STATUS CRITERIA:**

<u>All</u> of the following questions, referencing why the above entity should be granted party status, must be submitted as an attachment. You will be prompted to upload the documents in next tab.

- 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.



PARTY STATUS REQUEST

Please note: Party status is subject to the approval of the BZA or ZC. If you are not granted party status, you will still be able to testify as a person.

In the event your request is approved, be prepared to be a party to the case the day of the hearing.





## PARTICIPATING AS A PERSON

### **Oral Testimony**

Interested persons or representatives of organizations may be heard at the virtual public hearing. You are strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing on OZ's website at Sign Up to Testify dcoz or by calling Robert Reid at (202) 727-5471 for the BZA or Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures. If you forget to sign up 24hours prior to the hearing, please call the OZ Hotline at (202) 727-5471 to sign-up to testify and to receive WebEx login or call-in instructions.



## PARTICIPATING AS A PERSON

### **Written Statements**

Written statements, in lieu of oral presentation, may be submitted for inclusion in the record, provided that ALL WRITTEN COMMENTS AND/OR TESTIMONY MUST BE **SUBMITTED TO THE RECORD AT LEAST 24 HOURS PRIOR** TO THE START OF THE HEARING, unless the Board approves a request to introduce written comments at the public hearing upon demonstration of good cause and no prejudice to parties. The public is encouraged to submit written testimony through **IZIS** at; however, written statements may also be submitted by e-mail to <a href="mailto:bzasubmissions@dc.gov">bzasubmissions@dc.gov</a> or zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for the BZA or Ella Ackerman at (202) 727-0789 for the ZC for further assistance.



## FOR MORE INFORMATION



www.dcoz.dc.gov



dcoz@dc.gov



(202) 727-6311



441 4th Street, NW, Suite 200-S, WDC, 20001



Judiciary Square Metro



Find us on Facebook!

