

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

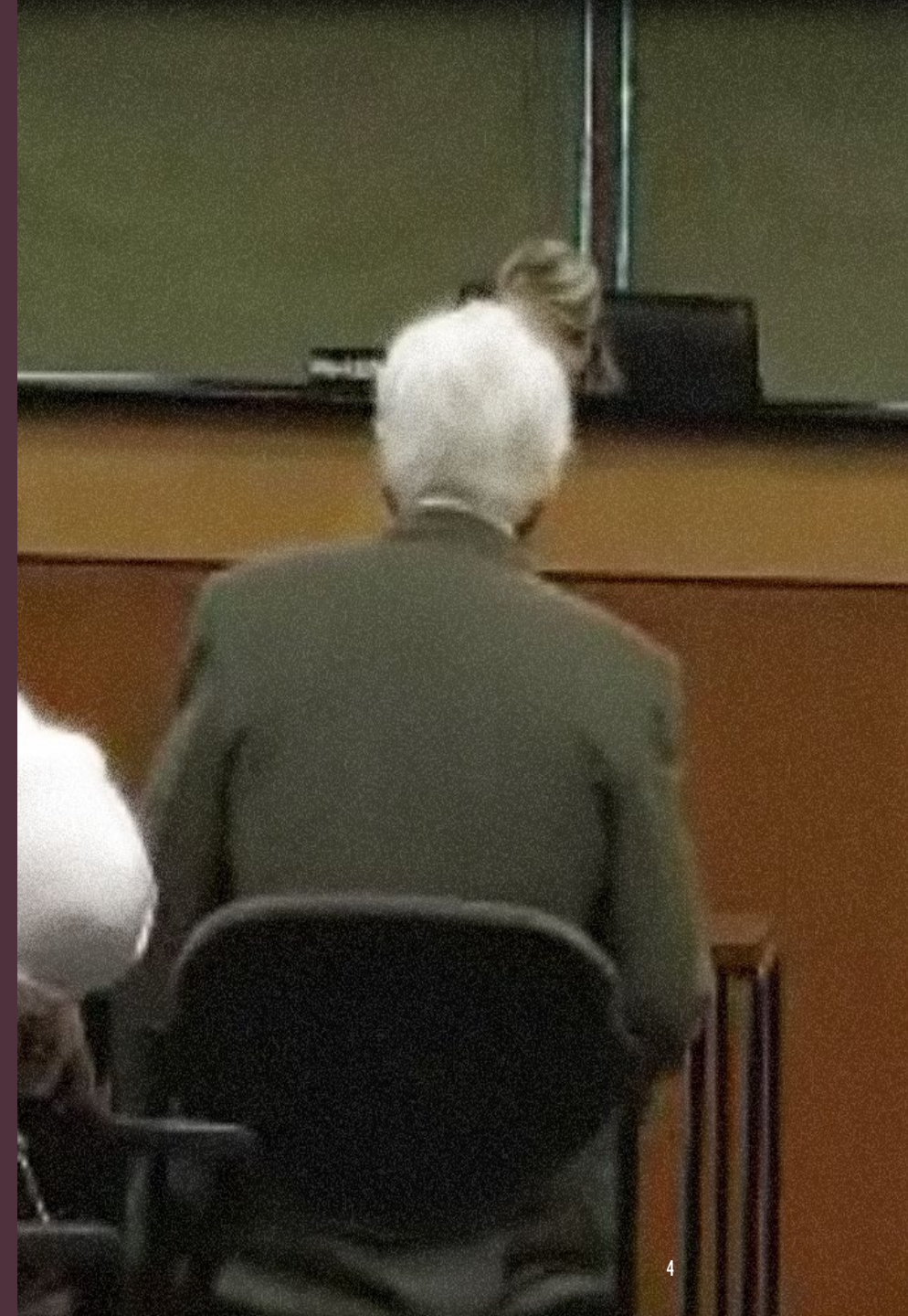
Generally, a **party** is a participant in a proceeding who has an interest in the outcome that is greater than that of the general public. They have the right to present witnesses and cross-examine witnesses of other parties at a hearing. They can also submit motions, including requests for a continuance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

Note: It is not 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:

1. **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

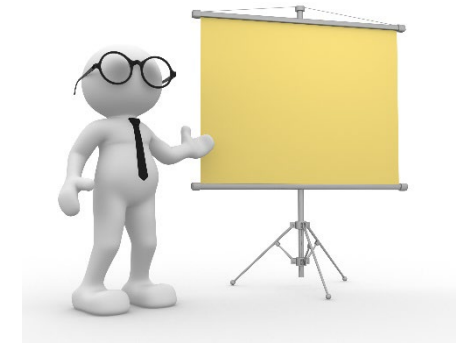
3. **Apply to be a Party** – anyone can apply to the Board of Zoning Adjustment (BZA) or Zoning Commission (ZC) for party status, by demonstrating that their interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general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

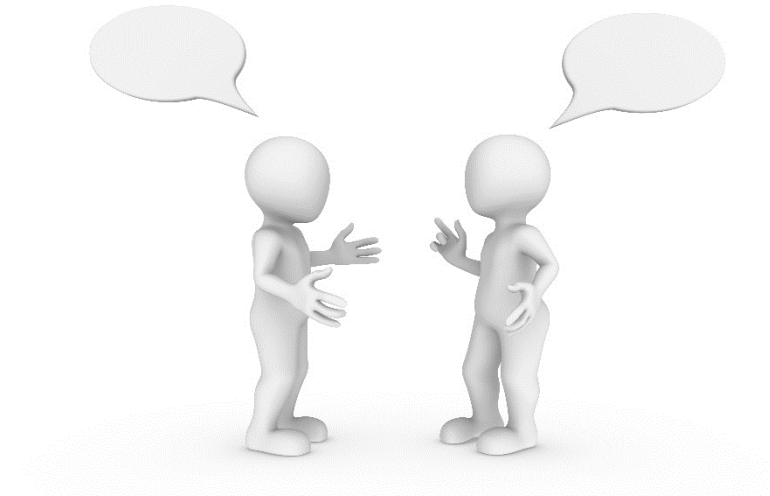
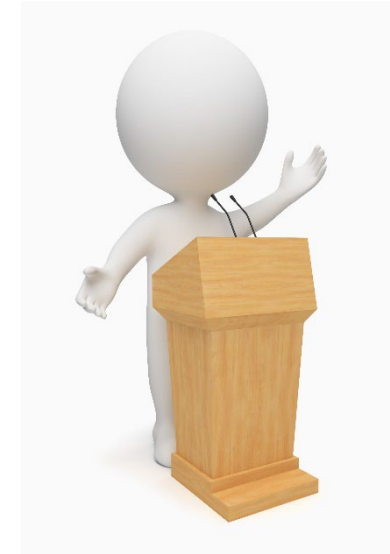
- Documents filed by any other party in the case at the same time or before the document is filed with the BZA or ZC; and
- Written notice of any decision or order entered in the case.



PARTY STATUS

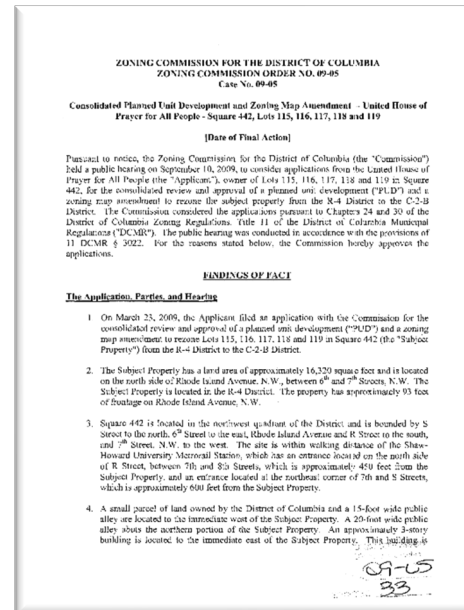
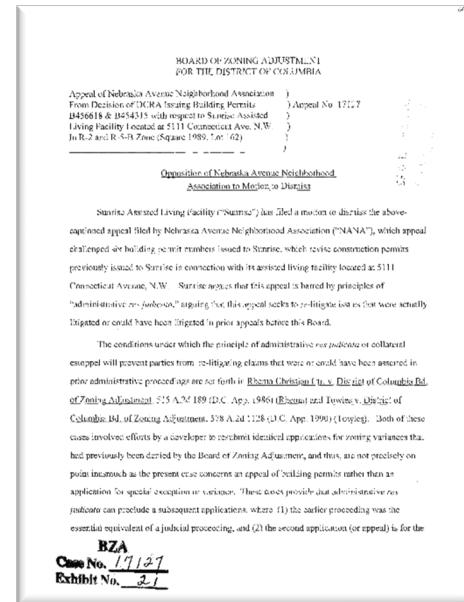
In all contested case proceedings before the BZA or ZC, a party may:

- 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.



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 § 404.1 or Subtitle Z § 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

Form 140

Please use the tabs below to complete this application. Your application is saved automatically when you navigate between tabs. When your application is submitted, an application form will be generated based on the information provided.

[Back to Dashboard](#) [Save](#) [Submit](#)

Case Information

Contact Information

Party Status Criteria

Upload Documents

Case Number

Will you appear as a(n):

☐ Proponent ☐ Opponent

Advanced Party Status consideration pursuant to Y Section 404.4 / Z Section 404.4:

☐ Yes ☐ No

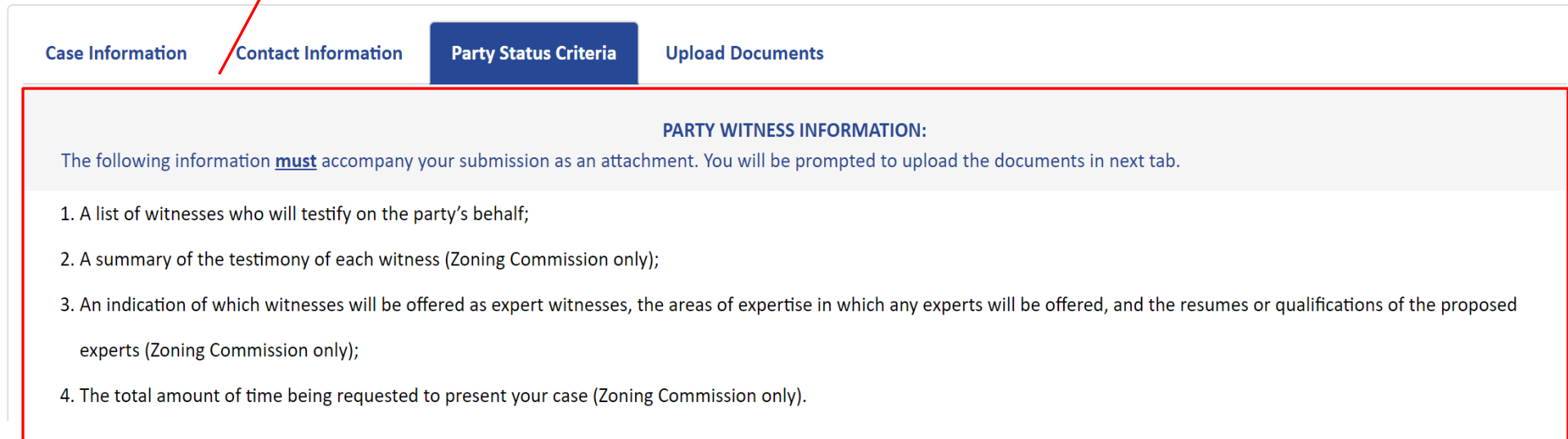
If yes, I hereby request advance Party Status consideration at the public meeting scheduled for:

Next >



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.



The screenshot shows a web form with four tabs: 'Case Information', 'Contact Information', 'Party Status Criteria' (which is selected and highlighted in blue), and 'Upload Documents'. A red line points from the text above to the 'Party Status Criteria' tab. Below the tabs, a red rectangular box highlights the 'PARTY WITNESS INFORMATION' section. This section contains a heading 'PARTY WITNESS INFORMATION:' followed by a paragraph stating that the following information must accompany the submission as an attachment and that the user will be prompted to upload documents in the next tab. Below this, there is a numbered list of four requirements.

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 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.

PARTY STATUS CRITERIA:

All 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.

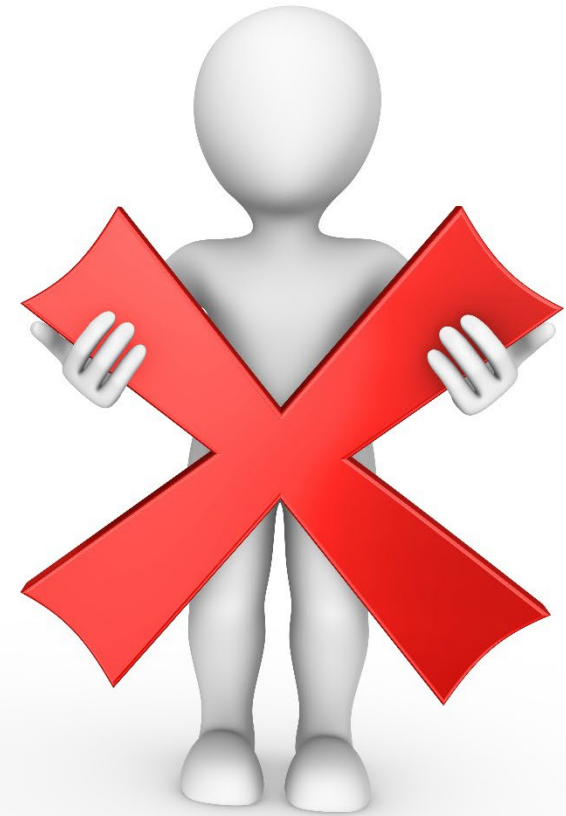
1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person’s 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 24-hours 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 bzasubmissions@dc.gov 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



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