

Michael Kim, Pharm.D.
Grubbs' Care Pharmacy
326 East Capitol Street
Washington, DC 20003

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January 22, 2014

Mr. Lloyd Jordan, Chairperson
D.C. Board of Zoning Adjustment
One Judiciary Square
441 4th Street NW
Second Floor
Washington, DC 20001

Re: BZA Application No. 18651 (Peter Fitzgerald of Fitzgerald Property Management's Application for Variance Relief in CAP/R-4 District at 319 A Street, NE and Rear of 321 A Street NE (Square 786, Lots 22 and 827).

Dear Chairperson Jordan and Members of BZA:

This is to authorize Tom Brew to act as my agent and appear on my behalf to represent my Capitol Hill business, Grubb's Care Pharmacy, in all proceedings before the Board of Zoning Adjustment for the above referenced application for zoning adjustment. My agent is authorized to speak for me and bind me in all respects with regard to the application.

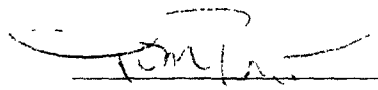
Sincerely,

Dr. Michael Kim, President
Grubb's Care Pharmacy



Acceptance of Agent:

I, Tom Brew, hereby accept the above designation of Agent on behalf of Michael Kim.

 date 1/24/2014
602-523-1477

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18651
EXHIBIT NO. 44

Board of Zoning Adjustment
District of Columbia
CASE NO. 18651
EXHIBIT NO. 44

**BEFORE THE DISTRICT OF COLUMBIA BOARD OF ZONING
ADJUSTMENT**

In Re Matter of Application No. 18651 of Peter Fitzgerald

**EMERGENCY MOTION TO STAY ABOVE STYLED APPLICATION SO
THAT THE BZA CAN REQUEST RELEVANT INFORMATION
THERETO**

Comes before this Board of Zoning Adjustment, Dr. Michael Kim and Grubbs' Care Pharmacy and requests that the Board of Zoning Adjustment stay the above proceeding for the reasons outlined below.

Dr. Kim owns Grubbs' Care Pharmacy ("Grubbs" or "Pharmacy") which is located at 326 East Capitol Street NE, Washington, DC and is within 200 feet of the two contiguous properties that are the subject of the above referenced application currently before the BZA. The application of developer/landlord Fitzgerald (Applicant) requests a variance in order to re-subdivide lots, demolish existing structures, and build a new building in the alley behind the Pharmacy. The requested development project involves construction of a building on land where a telecommunications and utility pole is currently located and it will necessitate the removal and relocation of that pole, which serves all of Square 786 where Grubbs is located. Such pole removal and relocation will result in significant interruption

of utilities and telecommunications services to Grubb's Pharmacy which it depends upon to carry out its essential business activities as described below.

Neither Grubb's Pharmacy nor its owner, Dr. Kim, has ever been provided with notice by Applicant Fitzgerald of the existence of the above styled application or a copy of same. Accordingly, Dr. Kim only recently learned that such request was pending before the BZA and that it would involve the interruption of the Pharmacy's telecommunication and utilities services, effectively shutting down his business during such interruptions-hence the emergency nature of this motion.

A pharmacy has existed at the Grubb's Pharmacy location for over 145 years, and Dr. Kim has continued that tradition for the past 14 years. Grubb's Pharmacy is uniquely affected by Applicant's intended telecommunications and utilities interruption because it is the only business establishment within 200 feet of Applicant's proposed new building.

Moreover, in addition to serving the pharmaceutical needs of the greater Capitol Hill and Washington DC area, Grubb's performs a critical function for the United States Congress and Senate. Grubb's Pharmacy fills prescriptions and provides other pharmaceutical support to members of Congress, Senate and Supreme Court under a contract with the U.S. Office of Attending Physician. This contractual obligation cannot be interfered with by Applicant Fitzgerald's utilities interruptions that result from the unplanned for vagaries of his proposed

construction project. It is Dr. Kim's understanding that Applicant/developer Fitzgerald's application does not even acknowledge that such interruptions will occur much less contain a plan for avoiding the interruption of telecommunications and utilities services to Grubbs and adjacent neighbors.

Despite the fact that Applicant's request for a variance did not broach this issue, a hearing is currently scheduled before the BZA for January 29, 2014, ostensibly to obtain approval of said application in the absence of any plan to avoid utilities interruptions to the affected neighborhood of which Grubbs is a part. The creation and coordination of such a plan comes under the jurisdiction of the D.C. Public Service Commission. Therefore, Dr. Kim and Grubb's Pharmacy request that the pending hearing and the BZA proceedings regarding Applicant's request for a variance be stayed until such time as the BZA has requested an impact study from the D.C. Public Service Commission that details a plan for avoiding the interruption of public services which it regulates in the area affected by Applicant's request. Grubbs further requests that the BZA refer such requested impact statement and pole relocation plan to the ANC for consideration and incorporation into a revised report to the BZA that reflects its consideration of such information.

Once the D. C. Public Service Commission report on this matter has been submitted to the BZA and referred to the ANC, it is requested that Grubbs be given

the opportunity to review and provide comment on the report to the ANC and BZA before this matter is resumed by the BZA

Dr. Kim hereby designates Tom Brew as his authorized agent to appear on his behalf and on behalf of Grubb's Pharmacy in the above captioned proceedings before the ANC and BZA.

Respectfully,

A handwritten signature in black ink, appearing to be 'Michael Kim', enclosed within a large, hand-drawn oval.

Dr. Michael Kim
Owner and President
Grubb's Care Pharmacy
326 East Capitol Street NE
Washington, DC 20003

Certificate of Service

A copy of the foregoing motion was sent via first class mail, postage prepaid this 24th day of January 2014 to:

Patrick Brown, Esq.,
Counsel for Applicant

/s/Dr. Michael Kim
Owner and President
Grubbs Care Pharmacy
326 East Capitol Street NE
Washington, DC 20003