ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW

ATLANTA
BOSTON
CHICAGO
LOS ANGELES
MINNEAPOLIS
ORANGE COUNTY
SAINT PAUL
WASHINGTON, D.C.

SUITE 1200
1801 K STREET, N.W.
WASHINGTON, D.C. 20006-1301
TELEPHONE (202) 775-0725
FACSIMILE (202) 223-8604
TELEX 4931197 RKMC

RICHARD B. NETTLER
(202) 775-0725

May 30, 2000

BY HAND

Ms. Sheila Cross Reid
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W., Room 201
Washington, D.C. 20001

Re: BZA Application No. 16641
REQUEST FOR PARTY STATUS & REQUEST FOR WAIVER OF FILING REQUIREMENT

Dear Ms. Reid and members of the Board of Zoning Adjustment:

On behalf of Peter Schwartz and 1234 Massachusetts Avenue LLC, we request that the Board of Zoning Adjustment waive the time requirement of 11 DCMR § 3106.2, and permit Mr. Schwartz and the 1234 Massachusetts Avenue LLC (hereinafter collectively referred to as "Schwartz") to appear as a party in opposition to the relief requested in the above-referenced application.

Pursuant to 11 DCMR § 3106.2, Schwartz was required to seek party status by the filing of the instant request on December 5, 2000, fourteen days before the hearing in the above-referenced matter. Schwartz had requested that the applicant provide him with copies of its proposed plans so that he could determine the impact of the proposed development on his apartment building at 1234 Massachusetts Avenue, N.W., the property immediately adjacent to the proposed construction. Those plans were not received until December 4, 2000. Upon review of those plans, Schwartz met with undersigned counsel late on December 5, 2000, to review his opportunity to participate in these proceedings. Accordingly, Schwartz was unable to file the subject request for party status until today, one day late. Since the applicant will not be prejudiced and Schwartz is the property owner most affected by the proposed development, we respectfully request that the Board waive the requirements of 11 DCMR § 3106.2 and accept this request for party status, one day late.

With regard to the requirements of 11 DCMR § 3106.2(a)-(e), we state as follows:

BZA
Case No. 16641
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16641
EXHIBIT NO.24

a. The persons seeking party status are Peter N. G. Schwartz and 1234 Massachusetts Avenue LLC. Their address is 135 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20006;
b. The persons request to appear as a party;
c. The persons will appear in opposition to the application;
d. The persons will appear through undersigned legal counsel; and
e. Schwartz and 1234 Massachusetts Avenue LLC are the legal owners of the apartment building at that address. The property abuts the property which is the subject of this application for a special exception and area variances. The applicant seeks approval from the Board to provide roof structures that do not meet the requirements of 11 DCMR § 411, and to reduce the applicable residential recreation space and the closed court requirements of the zoning regulations. We also note that the proposed design of the new construction provides for apartment units to be built up to the property line of the two sites. It appears to Schwartz that the area variances are not necessary for the development of residential uses on the site. Instead, the applicant is seeking to provide more units on the site than are reasonable with the consequent adverse impact on the use and value of the residential units at 1234 Massachusetts Avenue. By decreasing the closed court and increasing the number of residential units, on the side of the building which is less designed than any other portion, the increased units will adversely impact on the use and enjoyment of the court area provided for 1234 Massachusetts Avenue, on any matter of right development opportunities for that site and the value of the site and its units.

Accordingly, we request that the time requirements of the Board's rules be waived and that Peter N.G. Schwartz and 1234 Massachusetts Avenue LLC be allowed to appear as a party at the hearing scheduled for December 19, 2000, in the above-referenced matter..

We appreciate your consideration.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler
Jeannine Rustad Zigner

enclosure
cc: Andrew Altman, Office of Planning (By Hand)
Peter N.G. Schwartz