2946 Newark Street, N.W.
Washington, D. C. 20008

February 26, 2002

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Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: BZA Application No. 16842, 2943 Macomb Street, N.W.

Dear Sir or Madam:

I am writing to request Intervention as a party to the above captioned proceeding pursuant to Title 11, § 3106 of the District of Columbia Municipal Regulations (DCMR). In addition, I urge the Board to reject the special exception requested by Mary Jane and Gerald Suskind for their property located at 2943 Macomb Street, N.W., Square 2082, Lot 23, R-1-B District (the "Suskind Property"), based on the standard set forth in 11 DCMR § 223, and 11 DCMR § 3104.1.

I also respectfully request that the public hearing presently scheduled for March 12, 2001 be postponed till the next available hearing date. I will be unavailable on the presently scheduled date but would like the opportunity to present my concerns directly to the Board of Zoning Adjustment.

I own and reside in a single-family home located at 2946 Newark Street, NW, Washington, DC 20008 (the "Berger Property"), which is directly behind the Suskind Property. The Suskind Property borders the entire rear of the Berger Property.

Given the proximity of the Berger Property to the Suskind Property, and the potential for serious adverse visual effects, as well as the intrusion on the

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privacy of use and enjoyment of the Berger Property, it is clear that my interests would be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning relief than those of other people in the general public. (11 DCMR § 3106.3).

If the special exception is granted allowing the Suskinds to increase their lot occupancy from 38.5% to 41.3% and decrease their Rear Yard allowance from 35 ft. to 25.2 ft, in order to make an addition to their kitchen, then the Suskind Property which is already outside the limits of the zoning regulations, will be in further violation of such requirements. Moreover, the addition will severely visually intrude on the Berger Property and the use and enjoyment of the Berger Property will be unduly compromised.

I urge the Board to deny this application because the requirements of 11 DCMR § 223 are not met in this case. Section 223 provides that a special exception may be granted only if:

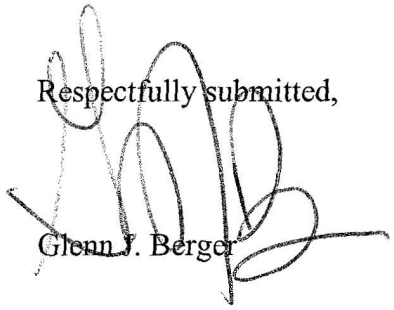
> (a) The light and air available to neighboring properties shall not be unduly affected;
>
> (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
>
> (c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street frontage; and
>
> (d) In demonstrating compliance with l(a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.

Furthermore, "the lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 districts..." 11 DCMR § 223.4.

In this case, privacy of use and enjoyment of the Berger Property will be unduly compromised. The Suskind Property is already well beyond the zoning restrictions set out in § 405 of the DCMR. In addition, there is a very large tree which stands on the Suskind Property and creates a buffer between the Suskind Property and the Berger Property. Although the plans filed by the Suskinds do not indicate the fate of this tree, it appears as if it will need to be taken down in order to accommodate the Suskind's addition. This would severely impact our view which will significantly affect the privacy of use and enjoyment of the Berger Property.

In conclusion, the proximity of the Berger Property to the Suskind Property, as well as the potential for destroying a large tree, creates a unique interest in the outcome of these proceedings. As an intervening party in opposition to the requested special exception, I will argue that the Suskind's application does not meet the requirements of 11 DCMR § 223.

Respectfully submitted,



Glenn J. Berger