The Dupont Circle Conservancy

12 October 2005

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Jerrily R. Kress, Director
Government of the District of Columbia
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210-S
Washington, D.C. 20001
202 727 6311

Regarding: application 17392

Dear Jerrily and honorable BZA board members;

In our meeting last evening, The Dupont Circle Conservancy overwhelmingly and unanimously voted to oppose the BZA application 17392 made by one Babak Movahedi concerning the property he owns at 1700 "Q" Street, N.W., lot 264, square 156 in the heart of the Dupont Circle Historic Overlay District.

As you are aware this property is located on a critical residential corner which is the anchor to the Dupont Circle residential neighborhood on 17th Street. The delicate balance between residential and commercial in this area is extremely fragile. We feel that the deterioration of the edge of the residential neighborhood as requested in changing the Zoning from R5B Residential to Commercial-general office use, will severely and irreparably harm the Dupont Circle Historic District, the character of the Dupont Circle neighborhood and the peace and harmony of the adjacent residential neighborhood. Further we feel this re-zoning, if successful, will create a powerful economic incentive for adjacent residential owners along "Q" Street and 17th Street to seek the same treatment from the BZA, forever altering the character of 17th Street as a small scale, commercial support corridor for the existing residential uses.

The Zoning code indicates that the Dupont Circle Overlay has Seven objectives, one of which is to ***"enhance the residential character of the area by MAINTAINING existing residential uses and controlling the scale, location and density of commercial and residential development. (1501.4(c))".*** The proposed change in Zoning is clearly inconsistent with the intent of this Zoning code and the Dupont Circle Overlay District objectives.

The Zoning Variance being requested "runs with the property", once granted is becomes permanent. When Mr. Movahedi moves on from this location, the future owners of the property, or Mr. Movahedi himself, propose a future use that is quite a bit more detrimental to the neighborhood than the current proposed simple "title company" he is currently operating out of the property. We already have great concerns regarding vehicular traffic accommodation for this commercial use, since the applicant clearly states there is no available parking (a known condition when the building was purchased for residential use not a new hardship), and we are concerned with the increase in pedestrian traffic to and from this residential building currently and in the future.

In the application the Owner claim as hardship and justification for the re-zoning request *of "...the configuration of the building, absence of rear access and rear views"* are conditions existing at the time Mr. Movahedi acquired the building in full knowledge of its use as a residence. His Claim of*" limited light"* is entirely false as there are numerous large openings on both the east and north facades of this building, more in fact than any other residential building on this block of Q street because of it's prime location as a corner lot. Further his claim of *"proximity to the noise on 17th Street, making the building unsuitable for residential use"* is wholly ridiculous and an insult to all the families who have lived in this house since it was built in 1890, and all of his neighbor residents in the adjacent houses along "Q" Street

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and 17th Street. Mr. Movahedi's position on the ANC 2B has provided him ample opportunity to address the contributory issues on may votes regarding commercial use and noise on 17th Street, nearly all of which he has argued for and voted strongly in favor of those same establishments contributing to the very problem he raises as justification for this Zoning "hardship". The applicant also claims, as an example of his contributory efforts to the neighborhood, to *"have spent thousands of dollars to hire a landscaper to "drastically improve" the garden in front of the house"*. It should be clear, in this and other matters related to this property, Mr. Movahdi' s taste is not shared by everyone. The destruction of the well established green arbor vitae hedges was considered by many to be extremely offensive.

Mr. Movahedi's current established use of this building as a commercial establishment, referenced by his application, appears to already be in violation of his current "home occupancy" allowance, which exemplifies his disregard for the law and total disrespect for the historic and residential character of the neighborhood. This is particularly disturbing in that Mr. Movahedi has been given the public trust in his election as ANC commissioner for this area, which in our opinion he is in gross violation. We need to be able to trust our elected officials, at every level of government, to hold the public trust above any real or perceived personal gain, regardless of how tempting.

Clearly there are many issues of great concern related to the current and future use of this property. We STRONGLY recommend the existing legal R5B, residential zoning use be maintained and strictly enforced.

Thank you for your consideration of this matter. Please do not hesitate to call if you have any questions or comments related to our position on this issue.

Historically;

Michael Lee Beidler
President of the Dupont Circle Conservancy