

BEFORE THE
DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

APPEAL OF MARSHALL STEWART
PROPERTIES -- 2175 K STREET, N.W.

No. 17667

APPLICATION OF WEST END PLACE CONDOMINIUM
ASSOCIATION, FLORENCE HARMON AND TOM SCHOLZ
FOR LEAVE TO INTERVENE AS
PARTIES IN OPPOSITION TO THE APPEAL

Pursuant to section 3106.2 of the Zoning Regulations, the West End Place Condominium Association (the "Association"), Florence Harmon and Tom Scholz (collectively the "Applicants") hereby request the Board of Zoning Adjustment to grant them leave to intervene as parties in opposition to this appeal challenging the Zoning Administrator's decision. In support thereof, the Applicants hereby state as follows:

Name address and daytime telephone:

West End Place Condominium Association 1099 22 nd Street, NW Washington, D.C. 20037 (202) 429-8996 Attn: Mr. Chris Labas	Florence Harmon 1099 22 nd Street, NW Washington, DC 20037 (202) 390-4438	Tom Scholz 1099 22 nd Street, NW Washington, DC 20037 (202) 345-2373
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Nature of application:

This is a request for party status as parties in opposition to the appeal.

Legal counsel:

Cornish F. Hitchcock 5301 Wisconsin Avenue, N.W., Suite 350 Washington, D.C. 20015 (202) 364-1050 Fax: 315-3552 E-mail: conh@hitchlaw.com Counsel for West End Place Condominium Association	Stephen N. Gell 1101 30 th Street, NW Washington, DC 20007 (202) 625-8311 E-mail: sgell@his.com Counsel for Florence Harmon and Tom Scholz
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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17667
EXHIBIT NO. 18

Board of Zoning Adjustment
District of Columbia
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Witnesses:

The Applicants expect to offer factual testimony from Association members on all issues pertinent to the appeal, including the key question of whether this case involves one building or two buildings. They may also present expert testimony on issues relating to planning, land use, and the adverse effects of the appeal on the appellant's closest neighbors.

Reasons for granting party status:

The Association is a condominium association whose members own residential units in the condominium located at 1099 22nd Street, N.W. Their building is immediately north of the office building at 2175 K Street (the "Office Building") that is the subject of this appeal. Ms. Harmon and Mr. Scholz own units on the top floor immediately adjacent to the roof and penthouse of the Office Building. The Association's Building and the Office Building were constructed one after the other and share common facilities (such as a garage) and utilities.

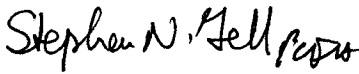
This case began when the appellant filed a request for variance relief in No. 17594, seeking to add several stories on top of the Office Building. Before that case could be heard, however, the appellant decided that it did not need zoning relief because the Association's Building and the Office Building were, in fact, one building. The Zoning Administrator disagreed, finding that there were two buildings, such that variance relief was required. His decision is the subject of this appeal.

The Applicants have already been granted party status in the pending variance case and incorporate by reference the arguments for party status there. In brief, the Association seeks to intervene here on behalf of itself and its members; Ms. Harmon and Mr. Scholz seek to intervene in their own right, although the Applicants would work together to present a unified case. The appeal, if granted, would add several stories immediately adjacent to the Association's Building and to units owned by Ms. Harmon and Mr. Scholz. The proposed construction will have a negative effect on the Association and its members by transforming the Office Building into a high-density development that will block light and air of Association residents. Affected units will also diminish in value as a result. In addition, a ruling that no zoning relief is necessary will affect Association members because the proposed construction will generate traffic, create noise and disruption during the construction period, and alter the character of their immediate neighborhood.

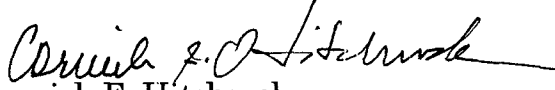
A ruling in favor of the appellant will more profoundly affect the Association and its members, including Ms. Harmon and Mr. Scholz, than any other District residents, particularly as appellant is arguing that the Association's Building is part of the same building as the Office Building.

Conclusion:

Accordingly, the West End Place Condominium Association, Florence Harmon and Tom Scholz respectfully request that they be allowed to intervene as parties in opposition to the appeal.


Stephen N. Gell
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Attorney for Florence Harmon
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Respectfully submitted,


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Attorney for West End Place
Condominium Association

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Application was this 24th day of August, 2007 served by electronic mail upon:

John T. Epting
Pillsbury Winthrop Shaw Pittman
2300 N Street, NW
Washington, DC 20037
and by first-class mail, postage prepaid upon:

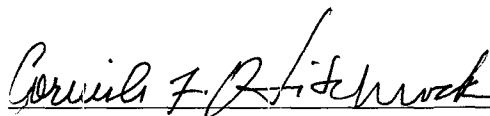
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