

John Paul ("J.P.") Szymkowicz
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February 8, 2016

Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street, N.W., Suite 200/201-S
Washington, DC 20001
(202) 727-6311

Re: BZA #19205 - Application of William B. Magrath and Susan Shen, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the rear yard requirements under § 404, to construct a rear deck to an existing one-family dwelling in the R-3 District at premises 1541 44th Street, N.W. (Square 1327, Lot 40).

To Whom It May Concern:

My name is J.P. Szymkowicz. On my behalf and on behalf of my wife, I submit our formal opposition to the above-referenced Application of my next-door neighbors to construct a rear deck to their existing one-family dwelling. In addition, I request that the Board of Zoning Adjustment remove this case from the Expedited Review Calendar and schedule this matter for a public hearing. Furthermore, I request that my wife and I be given "party status" in opposition to the Application.

The purpose of our opposition is that this proposed deck is part of a major proposed expansion of the rear of the Magrath house that would significantly alter the character of our historic Foxhall Village neighborhood. Our homes were built in the late 1920's as part of a planned community of beautiful homes. Each home on our side of the street backs out onto Rock Creek Park, which is visible from the enclosed "sleeping porches" that were built as an integral part of the house design. If approved, the proposal at issue is believed to result in the first home to ever extend toward Rock Creek Park beyond the frame of the "sleeping porch." Why is this a deal big enough to oppose out next-door neighbor, with whom we have had pleasant relations for the almost ten years we have lived together? – because the extension will significantly and detrimentally affect the

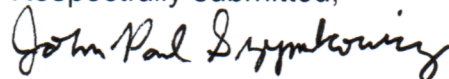
Board of Zoning Adjustment
District of Columbia
CASE NO.19205
EXHIBIT NO.22

air and light that currently comes into our home. Whereas, currently we can look out our windows from any vantage point and have a 180 degree view of Rock Creek Park. If approved, the proposal will result in us looking at three feet of solid wall on the right side of our home. Thus, this is a big deal. In addition, on a macro level, approval of the Magrath project will be precedent establishing and result in a "Cold War" escalation of home extensions on our alley that force every homeowner to extend their home's footprint beyond the existing "sleeping porch" if they want to retain their beautiful view.

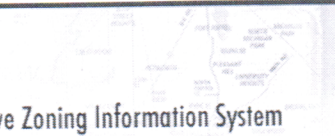
My neighbors led me to believe that their proposal was "by right" under District of Columbia law. I have learned through our Advisory Neighborhood Commission's (ANC 3D) unanimous vote to oppose the Magraths' application that the proposed project is not "by right," because the lot at 1541 44th Street does not meet the minimum width and area requirements specified at 11 DCMR 401.3. In our R-3 Zone, a lot must be at least 20 feet wide and 2000 square feet in area. Apparently, the Magraths' lot does not meet this requirement. Moreover, the Magraths' proposed deck will violate 11 DCMR 404 because the deck will extend beyond the 20 foot rear setback required for homes in the R-3 Zone.

Therefore, please accept our formal opposition to the above-referenced Application, remove this case from the Expedited Review Calendar, schedule this matter for a public hearing and give my wife and I "party status" in opposition to the Application. Both Lauren and I will testify at the hearing on this matter. We will testify in a manner consistent with the statements contained in this letter. I expect that our testimony will last around 15 minutes.

Respectfully submitted,

A handwritten signature in black ink, reading "John Paul Szymkowicz". The signature is written in a cursive, flowing style. The first name "John" is written with a large, prominent "J". The last name "Szymkowicz" is written with a large, prominent "S" and a long, sweeping "z" that extends to the right.

John Paul Szymkowicz


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Application Forms

BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

Name:	John Paul Szymkowicz & Lauren Emeritz Szymkowicz		
Address:	1543 44th Street, N.W., Washington, DC 20007-2004		
Phone No.(s):	(202) 607-5500	E-Mail:	jp@szymkowicz.com
I hereby request to appear and participate as a party in Case No.:		19205	19205
Signature:	John Paul Szymkowicz & Lauren Emeritz Szymkowicz		
Date:	02/08/2016		
Will you appear as a(n):	☐ Proponent ☒ Opponent		Will you appear through legal counsel: ☒ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

Name:	John Thomas Szymkowicz		
Address:	P.O. Box 57333, Washington, DC 20037-0333		
Phone No.(s):	(202) 862-8500	E-Mail:	john@szymkowicz.com

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness (Zoning Commission only);
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (Zoning Commission only); and
4. The total amount of time being requested to present your case (Zoning Commission only).

PARTY STATUS CRITERIA:

On a separate piece of paper, please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

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