



January 19, 2022

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VIA IZIS

Chairperson Frederick L. Hill
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

RE: BZA Case No. 20603

Request for Advanced Party Status in Opposition from Marwick Associates LLC, the owner of the directly adjacent property at 1641 R Street, N.W. and 1637 R Street, N.W. (the “Marwick Property”)

Chairperson Hill and Honorable Members of the Board:

Marwick Associates LLC (“Marwick”), the owner of 1641 and 1637 R Street, N.W. (the “Marwick Property”), respectfully requests party status in opposition to the above-referenced case, scheduled for a hearing on February 2, 2022.

The applicant, Abdollah Poozesh (the “Applicant”), describes requested special exception relief for the property located at 1709 17th Street, N.W. (the “Applicant’s Property”) to allow: a two-level addition to an existing 3-level mixed-use building (the “Applicant’s Structure”) located in the Dupont Circle Historic District and MU-18 Zone. Specifically, the Applicant is requesting special exception relief from the rear yard (G § 605.2) and side yard (G § 606.2) requirements of the MU-18 Zone. The Applicant proposes to completely eliminate the existing rear and side yards of the Applicant’s Property.

Party Witness Information

1. A list of witnesses who will testify on the party’s behalf;

Raymond Saba, Laura Saba, or John Sisk will testify on behalf of Marwick, and we reserve the right to add witnesses, including but not limited to an architect, at the time of the public hearing.

2. A summary of the testimony of each witness;

All witness(es) will testify, collectively or individually, that the Applicant’s proposed addition will substantially and adversely impact airflow, openness, and light available to the Marwick

Property, that the use and enjoyment of the Marwick Property will be unduly compromised, and that the proposed addition is out of character with the neighborhood, and in particular with the adjacent residential units on the Marwick Property. Further, the witnesses will detail that the Applicant's Structure would not be in harmony with the intent of the Zoning Regulations.

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; and

Marwick reserves the right to supplement the record and provide information pertaining to witnesses or expert witnesses at a future date before the hearing.

4. The total amount of time being requested to present your case.

Marwick anticipates presenting its case-in-chief in approximately 30 minutes.

Party Status Criteria

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?

As will be addressed more fully at the hearing, the requested special exceptions will unduly impact the light, air, and quiet enjoyment available to the Marwick Property. The Marwick Property will be significantly and uniquely impacted because it directly abuts the Applicant's Property to the south and shares a party wall with the Applicant's Structure. The requested relief from rear and side yard requirements will block airflow, openness, and light available to the Marwick Property.

It appears from the plans in the record that the Applicant has incorrectly identified the grade of the property so the height of the proposed addition will have a more negative impact on the Marwick Property than indicated by the Applicant.

The Applicant has also mischaracterized this "small addition" as including a mezzanine, which is misleading since the purported mezzanine will extend far above the ceiling of the existing first floor of the Applicant's Property.

Marwick objects to the location of the skylight abutting its property and is concerned that the proposed skylight could offer rooftop access. Such access would have a grave impact on the privacy of the residential units on the Marwick Property. Accordingly, Marwick requests that, should the Board approve Applicant's Structure, it condition such approval on the skylight not providing rooftop access.

Finally, Marwick is concerned that the Applicant's Structure, if approved, could be converted to residential use or further additions in the future. Therefore, should the Board approve Applicant's requested relief, such approval should be conditioned on no further expansion or conversion from storage use to other uses.

2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

Marwick is the owner of record of the directly adjacent property at 1637 and 1641 R Street, N.W.

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.)

The Marwick Property is directly adjacent to, and shares a party wall with, the Applicant's Structure (the subject of the BZA application).

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?

If the requested relief is approved, the Marwick Property will be subject to numerous environmental, economic and/or social impacts, including but not limited to, unduly adverse impacts on air-flow, openness, and sunlight. Additionally, the Applicant's proposal will visually intrude on the character, scale, and pattern of the neighborhood due to the two-level addition and elimination of rear and side yard.

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.

The proposed addition will have significant and distinct adverse impacts on the use of the Marwick Property. Please see the attached photograph showing Marwick's understanding of the proposed location of the two-level addition marked by blue tape. Marwick reserves the right to supplement the record to include additional evidence on this matter.

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.

Because the Marwick Property is directly adjacent to the Applicant's Structure, Marwick's interest will be more significantly, distinctly, and uniquely affected than others in the general public. The proposed addition will result in significant and irreparable reductions of airflow, openness, and sunlight to the Marwick Property.

In conclusion, Marwick respectfully requests that the Board grant its request for party status in opposition. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to be 'M. H. Moldenhauer', written over a horizontal line.

Meridith H. Moldenhauer
G. Evan Pritchard
Eric J. DeBear
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Enclosure

Certificate of Service

I hereby certify that on January 19, 2022, I served a copy of this Party Status request in opposition via e-mail to the following:

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