

Motion for Reconsideration of BZA Order

Before the District of Columbia Board of Zoning Adjustment

Re: BZA Application No. 21326

Order Date: July 1, 2026

Property: 3546 Whitehaven Parkway NW, Washington, DC 20007

Applicant: Ehsan Jazini

Party in Opposition: Peter Courtois

Dear Members of the Board:

I respectfully submit this Motion for Reconsideration of the Board of Zoning Adjustment's final written order dated July 1, 2026, in the above-referenced matter. I was a party in opposition to the application for special exception relief seeking authorization both to extend the rear wall of the subject building beyond the otherwise allowable ten-foot limit and to construct an accessory apartment above the garage at the rear of the property. For the reasons set forth below, I request that the Board reconsider its order, give meaningful consideration to the affected Advisory Neighborhood Commission's unanimous opposition, and deny the requested special exceptions or, in the alternative, reopen the record or schedule further proceedings to address the deficiencies identified in this motion.

Standing and Participation

I have standing to seek reconsideration because I was granted party status as a party in opposition in BZA Application No. 21326 and participated in the proceedings before the Board. I reside at 3548 Whitehaven Parkway NW, immediately adjacent to the subject property at 3546 Whitehaven Parkway NW. The requested special exceptions directly affect my property and residential interests, including my privacy, light and air, and use and enjoyment of my rear yard.

Basis for Reconsideration

A party may seek reconsideration of a final BZA order by identifying the respects in which the order is claimed to be erroneous and the relief sought, pursuant to 11-Y DCMR Chapter 7, § 700. This motion is timely because it is being submitted on July 10, 2026, within ten days of the Board's July 1, 2026 order, as required by that provision. It seeks correction of material errors in the Board's consideration of the record and in the findings supporting the requested special exception relief.

Relevant Background

The Applicant requested two forms of special exception relief: relief under Subtitle D § 207.5 to extend the rear wall of the subject property beyond the ten-foot limit otherwise permitted as a matter of right, and relief under Subtitle U § 253 to construct an accessory apartment above the garage at the rear of the property. I opposed the application because, as the immediately adjacent neighbor, the proposed rear-wall extension and rear accessory apartment would directly affect my property and residential interests, including privacy, light and air, rear-yard character, increased intensity of use, and encroachment impacts at the rear of the properties.

The affected Advisory Neighborhood Commission considered the proposal at a duly noticed public meeting and voted unanimously to oppose the application. The ANC's recommendation reflected the considered position of the elected neighborhood body charged with advising the Board on matters affecting the Commission area.

The Office of Planning recommended approval. The ANC unanimously recommended denial. In the final written order, the Board declined to give great weight to the ANC's recommendation because the ANC did not provide details explaining its concerns. The Board did not ask the ANC for clarification before discounting the recommendation.

Grounds for Reconsideration

1. The Board Failed to Give Meaningful Great Weight to the ANC's Unanimous Recommendation

District law requires the Board to give great weight to the issues and concerns raised by the affected ANC when they are legally relevant to the zoning standards before the Board, pursuant to 11-Y DCMR § 406.2. Here, the ANC unanimously recommended denial. Although the Board stated that it did not give great weight to the ANC's recommendation because the ANC did not provide detailed reasons, the Board did not seek clarification from the ANC, identify what additional information it needed, or provide the ANC an opportunity to explain the basis for its unanimous opposition.

That approach was procedurally deficient and inconsistent with the purpose of the great-weight requirement. The Board requested additional information from me and from the other party in opposition when it had questions about our concerns, but it did not make a comparable inquiry of the ANC. By discounting the ANC's unanimous recommendation for lack of detail without seeking clarification, the Board treated the recommendation as a

formality rather than meaningfully addressing the position of the elected neighborhood body.

2. The Board Failed to Reconcile Conflicting Record Evidence

The Board was entitled to consider and credit OP's recommendation. However, where OP recommended approval and the ANC unanimously recommended denial, the Board was required to explain how it reconciled those conflicting recommendations in light of the applicable special exception standards. The order does not adequately explain why OP's recommendation was sufficient to overcome the ANC's unanimous opposition, particularly after the Board declined to seek clarification from the ANC.

3. The Special Exception Findings Are Not Supported on This Record

The requested relief would allow two distinct forms of special exception relief: a rear-wall extension beyond the ten-foot limitation and construction of an accessory apartment above the garage at the rear of the property. As the immediately adjacent neighbor, I am directly affected by the proposed additional building mass and rear-yard use, including impacts on privacy, light and air, rear-yard character, and intensity of use. Under Subtitle X, § 901.3, the Applicant bears the burden to prove, through evidence in the public record, that each requested special exception would cause no undue adverse impact. On this record, the Board should reconsider whether the Applicant satisfied that burden separately for each form of relief. If the Board grants only partial relief on reconsideration, it should, at minimum, deny relief from the ten-foot rear wall limitation.

Requested Relief

For the foregoing reasons, I respectfully request that the Board grant reconsideration of its order and take one or more of the following actions:

1. Deny both requested forms of special exception relief; or, at minimum, deny the requested relief from the ten-foot rear-wall limitation even if the Board reconsiders or separately evaluates the accessory-apartment request;
2. In the alternative, reopen the record or schedule further proceedings to address the basis for the ANC's unanimous opposition and the adverse impacts raised by parties in opposition;
3. Issue revised findings that specifically address the ANC's unanimous recommendation and explain, with particularity, the basis for accepting or rejecting that recommendation; and
4. Grant such other relief as the Board deems just and appropriate.

I certify that the statements made in this motion are true and correct to the best of my knowledge, information, and belief, and that this motion is submitted in good faith for the reasons stated above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Courtois", with a stylized, cursive script.

Peter Courtois

3548 Whitehaven Parkway NW, Washington, DC 20007

peterncourtois@gmail.com

402-321-4828

Party in Opposition