

April 05/2016

District of Columbia

Board of Zoning Adjustment

Subject:- BZA Application No. 17535A by Mary Goodman to
establish an
accessory apartment above and existing
garage in the R-3
District at premises 3254 O Street
N.W. (square 1230, Lots 125
and 825), Washington D.C.

Dear Zoning Adjustment chairperson and Board Members:

My name is Kebreab Zere. I am the owner of the vacant lots designated as
square 1230, lot 804,0814,0818,0820 and 0822. I am writing this letter to express my
strong opposition to BZA Application No. 17535A to construct accessory apartment above
the garage at premises 3254 O street N.W. (square 1230 lots 125 and 825), Washington
D.C.

The applicant nor the abutting neighbors have easement on my property. But the
applicant completely disregarded the impact the accessory apartment will have on my property with all
the windows and access from my property.

I applied to combine the lots into one so that they can be buildable. The reason given
to me was " conversion of the tax and assessments lots into a single record lot could allow construction
upon and alteration of the private alley that would be incompatible with the character of contributing
accessory buildings." I am planning to apply to the D.C. Court of Appeals. Therefore, if you approve
the applicant's plan, it will further complicate the matter.

A hearing was held by the D.C. City Council on October 08/2016 to condemn the lots
and dedicate them to public use. But so far no decision has been made.

The garages are not alley dwellings and thus don't have any historical significance. As a
matter of fact, they shouldn't exist at all because my abutting neighbors don't have easement.

Board of Zoning Adjustment
District of Columbia
CASE NO.17535A
EXHIBIT NO.43

Approving the plan will make my lots worthless. Therefore, from a legal, historical and architectural point of view, I pray to the esteemed Board to reject the application.

Respectfully,

Kebreab

Zere

1. The D.C. City Council Committee of the Whole, Chairman Phil Mendelson and Jack Evans, held a hearing on October 08/2015 (Bill 21-218) to condemn the lots by eminent domain, but so far they have not made a decision. At the hearing the abutting neighbors had testified that they misbelieved that the lots were public alley. This is strange when they could have easily checked the recorder of deeds documents and found out that the lots are privately owned. Another weird thing is the testimony given by Alice Kelley, manager of the office of Policy and Governmental Affairs Office of the Director, D.C. Department of Transportation Office where she stated that "DDOT repaved the alley in the summer of 2003 at the request of neighbors and the Office of Council member Evans." She further stated "a paper search of records in the Surveyors Office would have been the primary way for DDOT to determine this was in fact not a public alley."

2. I applied to combine the five lots into one but the Historic Preservation Review Board (HPRB) denied it. It stated as the reason that "the proposed subdivision is incompatible with the character of this historic district and thus inconsistent with the purposes of the preservation law, because the conversion of the assessment and taxation lots into a single lot of record could allow construction upon and alteration of the private alley that would be incompatible with the character of contributing accessory buildings facing the alley, potentially affecting their context and possibly obscuring their primary elevations and causing physical alterations to them." All I asked was to combine the lots and if there were issues about construction that should have been dealt with when the application for construction came. I appealed to the Mayor's Agent and he again denied it on January 05/2016. So far, I haven't even got a letter so that I could apply to the Appeals Court. My neighbor is seeking special permit privilege to construct an apartment above her garage which is illegal and unfair to allow her to encroach on my property.

3. The D.C. Government has filed a complaint for declaratory judgment no. 2016 CA 000772 B on February 02/2016. It preferred to give it the nomenclature of 'public prescriptive easement.' The case has the potential of going to the Supreme court, and thus it is not known how long it is going to take.

Secondly, The Historic Landmark and Historic Preservation Act of 1978

section 3 number 11 defines *special merit* as:

" a plan or building having significant benefits to the District of Columbia or to the community by virtue of exemplary structure , specific features of land planning, or social or other benefits having a high priority for community services." But to build an apartment above a garage is not exemplary in structure, nor does it have specific features of land planning, nor does it accrue benefit to the society, nor do I see any significant benefit to D.C. Therefore, the applicant does not meet the criteria of special merit.

Thirdly, I would like you to enter it into your record that none of my abutting neighbors have recorded or unrecorded easement. The garages are not alley dwellings; they have no historical significance and as matter of fact they should not legally exist at all. A plan to build an apartment will encroach on my property.

Finally, from a legal, historical and architectural point of view , I pray the esteemed board to reject the application.

Respectfully,

Kebreab Zere