

4336 Garrison Street, N.W.
Washington, DC 20016-4035
June 27, 2007

Board of Zoning Adjustment
441 4th Street, N.W., Suite 210 South
Washington, DC 20001

Re: *Case Number 17631*
Appeal of Advisory Neighborhood Commission 3E

DC OFFICE OF THE
ATTORNEY GENERAL
JUL 27 AM 10:28

Dear Board of Zoning Adjustment Members:

I am writing in support of Advisory Neighborhood Commission 3E's appeal of building permit numbers 101584, 101585, 101587 and 101588 that were issued by the Department of Consumer and Regulatory Affairs allowing the construction of four single family semi-detached dwellings in the R-2 District at 4319, 4319½, 4321, and 4321½ Fessenden Street, N.W. I have owned and lived at 4336 Garrison Street, N.W. for more than 20 years. During that period my wife and I have poured hundreds of thousands of dollars into improving our property – both our house and our garden. My property is located in the same square (Square 1655, Lot 0016) as the subject properties. My rear property line is approximately 70 feet (west and north) from this new development. Please note that unlike many residential properties in the District, there are no alleys behind the houses in Square 1655. Thus, what property owners in Square 1655 do at the rear of their lots has a significant impact on adjacent and other nearby neighbors.

While the residential portion of Square 1655 is zoned as an R-2 District, all of the residential properties in the square have, until now, been single family detached. This new development is the first effort to demolish single family detached houses (two) and replace them with single family semi-detached houses (four).

Despite the fact that I live just a few feet away, I was never provided with any notification of this project prior to demolition of the previous houses or the construction of the new houses. Had I been consulted, here are the objections I would have raised and that I request the BZA to consider as part of the present appeal:

1. Having split the two original lots into four lots, the four semi-detached houses are far too large and out of scale for those four lots. I urge the BZA to very carefully review and measure the four houses and lots to make sure that they do not exceed the 40 percent lot occupancy limits in the R-2 District.
2. These four houses are massive in their height, width and depth and are completely out of scale with the other houses in Square 1655 and to houses along the south side of Fessenden Street. The two houses being built at the rear of the project

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17631
EXHIBIT NO. 17

Board of Zoning Adjustment
District of Columbia
CASE NO. 17631
EXHIBIT NO. 17

stick out like a sore thumb in the middle of Square 1655 and constitute a visible eyesore for neighbors. Old established trees have been replaced by two out-of-scale houses, taking away a significant amount of greenery in our square.

3. The driveway situation being established for these four houses is a very significant and troubling issue. As I understand it, the developer will have one narrow driveway leading from Fessenden Street into the middle of his four lots. I also understand that the developer has granted himself reciprocal permanent easements so that all subsequent owners of the four lots will have the right to use that one narrow driveway and park in what might otherwise be an area covered by another lot. I further understand that if the easement areas are counted towards the lots benefitting from them, that the developer cannot meet the 40 percent lot occupancy maximum requirement for R-2 District. This reciprocal easement plan thus makes a mockery of the District's zoning regulations.

Imagine, please, a hypothetical situation where a developer acquired most of the existing single family detached houses in Square 1655, demolished them, and decided to subdivide the various lots and replace them with semi-detached houses. Using this developer's model, nothing would prevent him from replacing all the existing driveways on the square with just one narrow driveway for all of these semi-detached houses. He could route all vehicle traffic into the center of the square, build a massive parking lot there and grant a series of reciprocal permanent easements to accomplish this. In effect, the developer could subvert the purpose of the zoning regulations. If the BZA permits this developer to grant these permanent easements to himself and the future owners of these four lots, this will undermine the regulations governing the R-2 District.

4. The terrain of Square 1655 is relatively flat. As such, basement flooding is always a distinct possibility. Indeed, until we remodeled our house a few years ago and spent a lot of money on a new drainage system, we experienced periodic basement flooding.

The developer of these four Fessenden Street houses has removed thousands of square feet of grass, bushes and trees and will be replacing them with impermeable surfaces, such as houses, a long driveway and a parking area in the middle of his property between the two sets of semi-detached houses. The likely result of this is that neighboring properties are likely to experience increased surface water runoff and subterranean water pressure and subsequent basement flooding. The developer should be required to implement special construction measures to prevent this from occurring. If it nevertheless occurs in spite of those

measures, the developer and subsequent owners should be required to post a bond to pay nearby homeowners for damage and repair.

5. The two original lots from which these four lots were formed contained several healthy, mature trees. All of those trees have been destroyed and removed. I understand that the developer is planting "replacement" trees on his own property (or on the property of another person with the same surname) located in another part of the District – *i.e.*, not in our neighborhood..

I spoke one time with Sam Dunn to relay to him my view that I detest his Fessenden Street project. During that conversation, I asked him about his plans for landscaping for his project. He said he had not yet given that any thought.

In conclusion, I urge the Board of Zoning Adjustment to grant ANC 3E's appeal, revoke the four building permits at issue and limit construction on these lots to no more than two homes.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David P. Frankel".

David P. Frankel