

108 4th St., N.E.
Washington, DC 20002
July 12, 2012

RECEIVED
D.C. OFFICE OF ZONING
2012 JUL 16 PM 2: 09

Richard S. Nero, Jr.
Deputy Director of Operations
Office of Zoning
441 4th St., NW; Suite 200/210-S
Washington, DC 20001

Ref.: Application 18424: Opposition to Expedited Review and to Granting Special Exception

Dear Mr. Nero-

I wish to supplement the letter of opposition and Form 140 that I filed with your office on June 29th.

Two of my neighbors and I testified before ANC 6C last night and I am pleased to report that they voted to oppose the special exception and expedited process requested by this Virginia developer. I assume you will hear this through official channels. I am enclosing a copy of my testimony to the ANC since it contains several facts that I did not know when I filed on June 29.

- As you can see from my attached letter and the form 126 and fees the Virginia developer has filed with you, it claims the advantageous status and lower fees of being an "owner/occupant". Based on previous actions of the Virginia Developer in DC on purchases such as 319 14th St NE, they will never occupy the building. Since the Virginia Developer has bought, reconstructed and sold buildings before in DC, this misstatement can hardly be considered an innocent accident. I leave it to you whether it amounts to fraud.
- The location survey submitted by the Virginia Developer is incorrect. It shows the area behind the 2 story brick building as a "brick patio and garden area". In fact, as shown in attachment 3, the Virginia Developer has already constructed an 8'x8'x8' building on the rear of the property. This building is not disclosed to the BZA in the location survey and the pictures.
- I have no idea what the Virginia Developer intends to do with the building in the future, but this existing building means that all of the lot occupancy calculations are erroneous. The current lot occupancy is not 896 square feet, but 896+64 or 960 square feet. The Virginia Developer is already at 60% (960/1600=60%). The addition of 144 square feet would bring the total to 69% lot occupancy, not 65% as erroneously claimed in Tab E to his packet.
- The Virginia Developer apparently believes that it is not bound to adhere to its permit issued by the District. As shown in Attachment 4, the posted permit does not allow any exterior work on the existing building. However, in apparent violation of permit #1208651, the Virginia Developer has bricked over an existing doorway and replaced two windows. This lawlessness should also result in the dismissal of Application # 18424 with prejudice to being resubmitted.

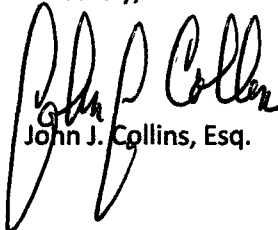
Please let me know if any of my statements need additional clarification. Thank you.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18424

EXHIBIT NO. 27

Sincerely,


John J. Collins, Esq.

Enclosures: Collins Testimony to ANC of 071112

Board of Zoning Adjustment
District of Columbia
CASE NO. 18424
EXHIBIT NO. 27

**Statement of
John Collins
Owner/Occupier
108 4th St., NE
In Opposition to Application #18424
Kent Street Properties, LLP
To Expand 124 4th St. NE
Before the ANC
July 11, 2011**

- **My name is John Collins and I live at 108 4th St NE and own the property. I was identified by the owner/developer of 124 4th St NE, Kent Street Properties, LLP of Alexandria, VA (Virginia Developer) as being within the zone of impact from the proposed expansion of the house at 124 4th St, NE. It seeks expedited review and an exception to the lot occupancy restriction of 60%.**
- **I have written a letter to the Office of Zoning and filed a form 140 to be a party in opposition to the Virginia Developer's request for expedited treatment and for an exception. I am an attorney and member of the DC Bar and representing myself and my family. I am providing you with a copy of the letter and form (Attachments 1 and 2).**
- **I have lived at 108 4th for 28 years and this is the first time I have appeared before the ANC to oppose a project in the neighborhood. Usually my neighbors are improving the neighborhood by fixing facades, putting in solar panels, or adding to the historic character of the street.**
- **The Virginia Developer is not improving the neighborhood and has not been a good neighbor. It has put a port-a-potty on public space in front of its house, allowed trash to accumulate, failed to fix a broken fence, and failed to secure pieces of plywood that sailed into the street and sidewalks during the storm the night of July 6, 2012.**
- **Most importantly, the application filed by the Virginia Developer has material misstatements that should result in its application being rejected with prejudice for resubmittal. Specifically:**
 - **The Form 126 and fees submitted by the Virginia Developer claim the advantageous status of being an "owner/occupant". Based on previous actions of the Virginia Developer in DC, they will never occupy the building. Since the Virginia Developer has bought, reconstructed and sold buildings before in DC, this misstatement can hardly be considered an innocent accident.**
 - **The location survey submitted by the Virginia Developer is incorrect. It shows the area behind the 2 story brick building as a "brick patio and garden area". In fact, as shown in attachment 3, the Virginia Developer has already constructed an 8'x8'x8' building on the rear of the property. This building is not disclosed to the BZA in the location survey and the pictures.**
 - **I have no idea what the Virginia Developer intends to do with the building in the future, but this existing building means that all of the lot occupancy calculations are erroneous. The current lot occupancy is not 896 square feet, but 896+64 or 960 square feet. The Virginia Developer is already at 60% (960/1600=60%). The addition of 144 square feet would bring the total to 69% lot occupancy, not 65% as erroneously claimed in Tab E to his packet.**

- The Virginia Developer apparently believes that it is not bound to adhere to its permit issued by the District. As shown in Attachment 4, the posted permit does not allow any exterior work on the existing building. However, in apparent violation of permit #1208651, the Virginia Developer has bricked over an existing doorway and replaced two windows. This lawlessness should also result in the dismissal of Application # 18424.
- The Virginia Developer would reap a windfall profit if this application were to be granted. It knew when it purchased the property in January what the lot occupancy rules were and it should be required to live with the footprint that it purchased. There is no equitable hardship from denying this application.
- I have other concerns with the application dealing with light and air, the damage to the large tree by the new construction, the increase in impervious ground cover, and added competition for limited parking spaces. These are described in my letter to the Office of Zoning. I have seen statements from other neighbors who have contiguous property and I support their opposition to this application that would reduce their light, air, and privacy.

I urge the ANC to vote in opposition to Application #18424 and its expedited treatment. I urge that you recommend that it be dismissed with prejudice.

That concludes my prepared statement. I would be glad to respond to any questions that you have.

Attachment 1

108 4th St , N E
Washington, DC 20002
June 29, 2012

Richard S Nero, Jr
Deputy Director of Operations
Office of Zoning
441 4th St , NW
Suite 200/210-S
Washington, DC 20001

Ref Application 18424 Opposition to Expedited Review and to Granting Special Exception

Dear Mr Nero-

As an adjacent landowner, your office gave me notice on June 5, 2012 of the expedited review and request for special exception #18424 for 124 4th St, NE The owner, a Virginia land developer, wants to build a two story addition with a footprint of 144 square feet on a very small lot I wish to be a party in opposition and ask that the expedited review not be granted and that the special exception not be granted

As an attorney and a member of the Bar in the District, I will appear on my own behalf Your office faxed me the developer's application on June 12 and the application does not meet the developer's burden of proof under 223.2 He has failed to show that the addition will "not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular.

- (a) The light and air available to neighboring properties shall not be unduly affected,
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised,
- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage, and
- (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways "

According to the file I was given by your office, the developer has not provided any drawings of the additional structure, as required by subsection (d). I am concerned that the likely placement will obstruct the light and air to the adjacent houses on Constitution Avenue and could harm the roots and kill the beautiful tree that is adjacent It is likely that the building footprint will add to the impervious area and increase runoff I believe that there is a good reason for the limit on R-4 occupancy of 60% Granting this exception creates windfall profits for the Virginia real estate firm that buys and flips properties in the District They knew the rules when they bought the property on January 23, 2012 and they will profit, not citizens of the District, if this exception is granted Moreover, since they bought the property, have been bad neighbors They have located a port-a-potty in front yard, have allowed weeds and trash to gather, and have failed to fix a broken fence that is visible from the street.

I am also concerned that, if this exception is granted, it will increase the density in the neighborhood Since the lot has no off-street parking, the additional bedrooms could lead to more cars competing for

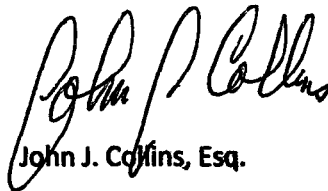
limited parking spaces. Finally, as show on the DC Property Quest map, the access that the developer is currently using from the alley for construction is not his at all. It is owned by the owners of 321 and 323 Constitution Avenue.

Please see my attached Form 140, my request for party status.

Can you confirm that you received this request and let me know the time and room number for the hearing where I will testify?

Please let me know if any of my statements need additional clarification. Thank you.

Sincerely,



John J. Collins, Esq.

Enclosures: DC Property Quest Map
Completed Form 140



BOARD

Attachment 2

LUMBIA



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.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name: JOHN J. COLLINS, Esq.
Address: 108 4th St, NE, WASH DC, 20002
Phone No(s): 202-543 8836 E Mail: TRANSBLS@gmail.com

I hereby request to appear and participate as a party in Case No.:

18424

Signature: John J. Collins Date: 6/29/2012

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: Same as above
Address:
Phone No(s): E Mail:

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:

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? My property will be adversely affected see letter to BZA.
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
I am the owner of 108 4th St, NE
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.) Within 200 feet. Same block and side. 6 houses between
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 approved, see 6/29 letter to BZA.
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. See letter.
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. I share the same block, front and rear.

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.

P4 @

Attachment 3



Posted Permits Specifically Prevent Exterior Work: no additions, demolitions, removal/replacement of windows, filling of openings

PERMIT NO. B1208651 Issue Date: 05/10/2013 Expiration Date: 05/10/2014

Address of Project: 124 4TH ST NE Zone: Ward: 5 Square: 9750

Description Of Work: Interior remodeling: expand bedroom and remove interior frame and masonry walls, and add a bathroom in the expanded bedroom. **No exterior work.**

Permission is Hereby Granted To: Kent Street Properties Owner Address: 1611 NORTH KENT STREET, ARLINGTON, VA PERMIT FEE: \$1,321.65

Permit Type: Alteration and Repair Existing Use: Single Family Proposed Use: Single Family

Agent Name: Carrie Spruill Agent Address: 305 Bonhill Drive, Fort Washington, Md 20744 Existing Dwell Units: 1 Proposed Dwell Units: 1 No. of Stories: 2

Conditions/Restrictions: INTERIOR WORK ONLY. NO EXTERIOR WORK INCLUDING BUT NOT LIMITED TO, NO ADDITIONS, NO EXTERIOR DEMOLITION, NO WINDOW REMOVAL OR REPLACEMENT, NO CHIMNEY REMOVAL, NO CREATION OR FILLING OF EXTERIOR WALL OPENINGS. FLOOR AND ROOF STRUCTURE SHALL BE RETAINED BUT MAY BE SPOT REPAIRED. NO STRUCTURAL DEMOLITION WITHOUT FURTHER DETAILS AND REVIEW. MECHANICAL UNITS ARE NOT DEPICED. ANY ROOFTOP MECHANICAL REQUIRES FURTHER REVIEW AND MAY NOT BE PLACED WHERE IT IS VISIBLE FROM 4TH STREET.

"No exterior work including... no additions, no exterior demolition, no window removal or replacement... no creation or filling of exterior wall openings"

Department of Consumer and Regulatory Affairs
Permit Operations Division
1100 9th Street NW
Washington DC 20004
Tel (202) 442-4555 Fax (202) 442-4556

D DEMOLITION PERMIT

PERMIT NO. D1200309 THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED ON THE JOB SITE UNTIL WORK IS COMPLETED AT

Address of Project: 124 4TH ST NE

Permission is Hereby Granted To: Robert B Stanley Owner Address: 1715 37TH ST NW WASHINGTON, DC 20007-2322

Description of Work: TO REMOVE INTERIOR NON-BEARING PARTITIONS, STEPS AND PLUMBING FIXTURES.

Type of Demolition: Interior Type of Walls: Non - Load Bearing # of Ext. Walls Removed: 0

Roof Remain: Yes Existing Use: Flat (Two Family)

Agent Name: Robert Woodland Agent Address: 6401 New Hampshire Avenue, Hyattsville, Existing Units: 2

Conditions/Restrictions: Interior Work Only. Approval does not extend to any exterior work, including but not limited to alteration, replacement of windows, utility meters, mechanical units or other exterior features.

This Permit Expires If no Construction is Started Within 1 Year or If the Inspection is Over 1 Year

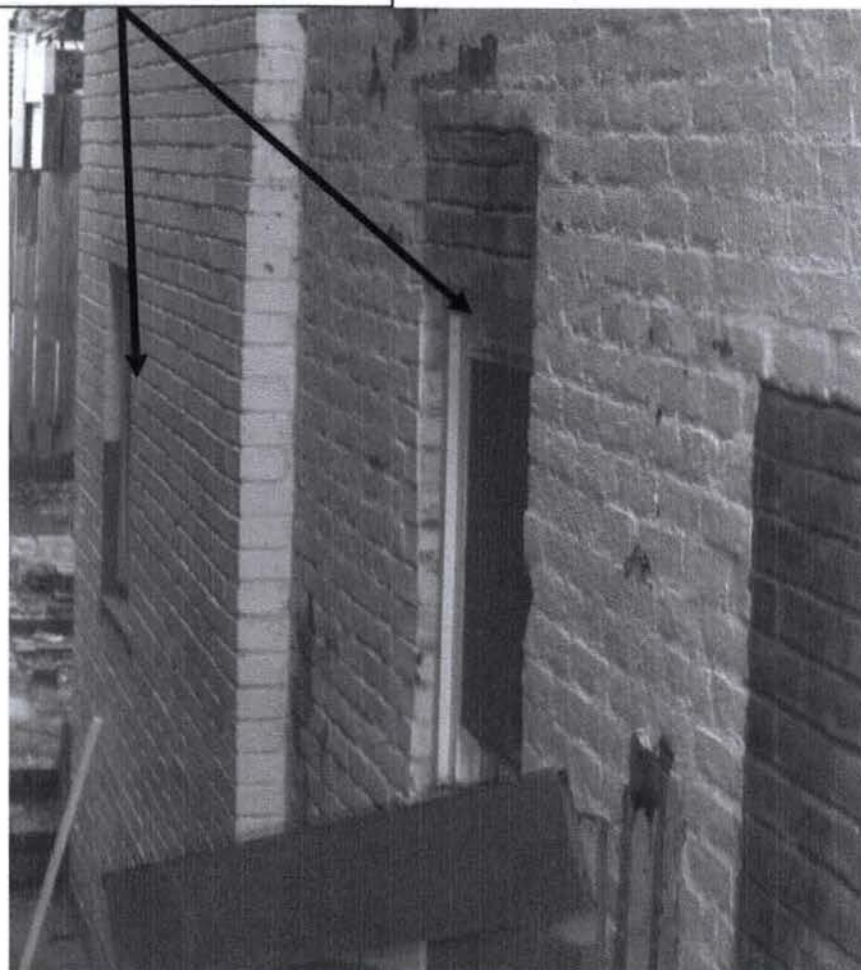
All Construction Done According To The Current Building Codes And Zoning Regulations:
As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform all construction in accordance with the current building codes and zoning regulations of the District of Columbia. The owner agrees to maintain the property in accordance with the approved application and plans on file with the District of Columbia Department of Consumer and Regulatory Affairs. The District of Columbia Department of Consumer and Regulatory Affairs reserves the right to enter upon the property and to inspect all work done in accordance with the approved application and plans on file with the District of Columbia Department of Consumer and Regulatory Affairs. The District of Columbia Department of Consumer and Regulatory Affairs may be necessary to ensure compliance with the permit and may be necessary to ensure compliance with the permit and may be necessary to ensure compliance with the permit.

Attachment 4

Appear to be New “American Craftsman” Brand Windows and Filled Opening of Existing Door



Replaced Windows



Bricked over Existing Door Opening