

January 24, 2014

Government of the District of Columbia
Board of Zoning Adjustment
441 4th Street NW Suite 200/210 S
Washington, DC 20001

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2014 JAN 24 PM 3:55

Re: Peter J. FitzGerald BZA Application 18651

We are Sylvia and Chris Nolde and we have lived at 313 A Street NE for 40 years. Our property is about 50 feet from Mr. Fitzgerald's property. He seeks a variance for conversion of alley garages his family has owned for many decades. His Application (Prehearing Statement 10/22/14 page 2) describes these garages as being presently vacant. That is absolutely untrue.

The Office of Planning Report (page 4) correctly states "The applicant themselves note that the garages are used for storage presently" They are, as we write this, filled with materials, appliances and supplies that, ironically, have been used or are being used to maintain nearby properties that FitzGerald Properties owns. The applicant also describes the garages as being dilapidated. This dilapidated condition was not caused by hurricane Katrina or some other natural disaster. They did it to themselves.

FitzGerald Properties, according to their own website, is a full service property management company that owns their own maintenance company (Attachment 1).

Although there is a posted DC no parking sign and Mr. FitzGerald has posted his own no parking sign, the FitzGerald trucks are routinely parked in this no parking zone in front of the garages

(Attachments 2 and 3). Their workers park there and then go to work maintaining the other properties they own in this Square. Mr. FitzGerald certainly can't say that the FitzGerald Property Management Company is getting no privileged use out of these garages.

Under the "Undue Hardship" section (Application p. 8) they complain that they've been unable to derive

BOARD OF ZONING ADJUSTMENT
District of Columbia
Board of Zoning Adjustment
CASE NO. 18651
EXHIBIT NO. 45

any income from these garages for years, but must maintain them and pay annual taxes of \$502. The truth is they have not maintained them. Their own application repeatedly describes them as dilapidated. Do you think there's one other property owner on Capitol Hill who would even suggest that paying \$502 in yearly taxes for 2 outside parking spaces and large inside storage space, with no maintenance required, is an undue hardship?

A variance would do one thing, legitimize one property management company's decision to maximize their return on investment by letting their own property deteriorate through longtime neglect and then claiming it's an undue hardship. We believe that asking for this variance is analogous to killing your parents and then asking for special treatment because you are an orphan. We know the Zoning Commission is looking into alley conversions. Sylvia was there at the hearing. She was so impressed by Chairman Hood who stated several times that the Commission was looking for balance. Believe us, there is no balance in Mr. FitzGerald being granted a variance. Under these circumstances, one property management family makes a lot of money and the neighbors are left to deal with all the difficulties it causes them. Please deny this variance as it is contradictory to the current wording and intent of the zoning regulations as spelled out in the Office of Planning Report. It would reward really terrible behavior. Every exceptional and practical difficulty, and every exceptional and undue hardship has been caused by these experienced property managers themselves. Finally, the ANC letter to the BZA recommending approval was overstated when it reads, "Neighbors have expressed support for this project," It should have read "one" neighbor. Another property owner, who does not live there and is not a neighbor, expressed "guarded" support. We, and other neighbors who are within 200 feet of the garages, became aware of the application for a

variance only after the BZA notice was posted.

Not once over the year that this variance was under review by the ANC did our ANC member who lives 4 blocks away from the alley, inform us that it was under consideration or on their agenda. We understand that this is a voluntary position and that people have jobs and families but surely somebody could have posted a flyer, rung a doorbell or put a notice in one mail slot.

The ANC's letter shows no awareness of many neighbor's concerns. Several of us are living on fixed incomes and can't spend thousands of dollars to hire zoning lawyers to represent us. The ANC should be our voice but they didn't even attempt to hear us. Therefore, they should not speak for us. Great weight should not be given to their letter of support. Mr. Chairman, thank you so much for hearing us.

Sylvia and Christopher Nolde

Sylvia and Christopher Nolde
313 A Street NE
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202 549 6300

Attachment 1

FitzGerald Properties
REAL ESTATE MANAGEMENT
serving the DC area for over 50 years
www.fitzprop.com

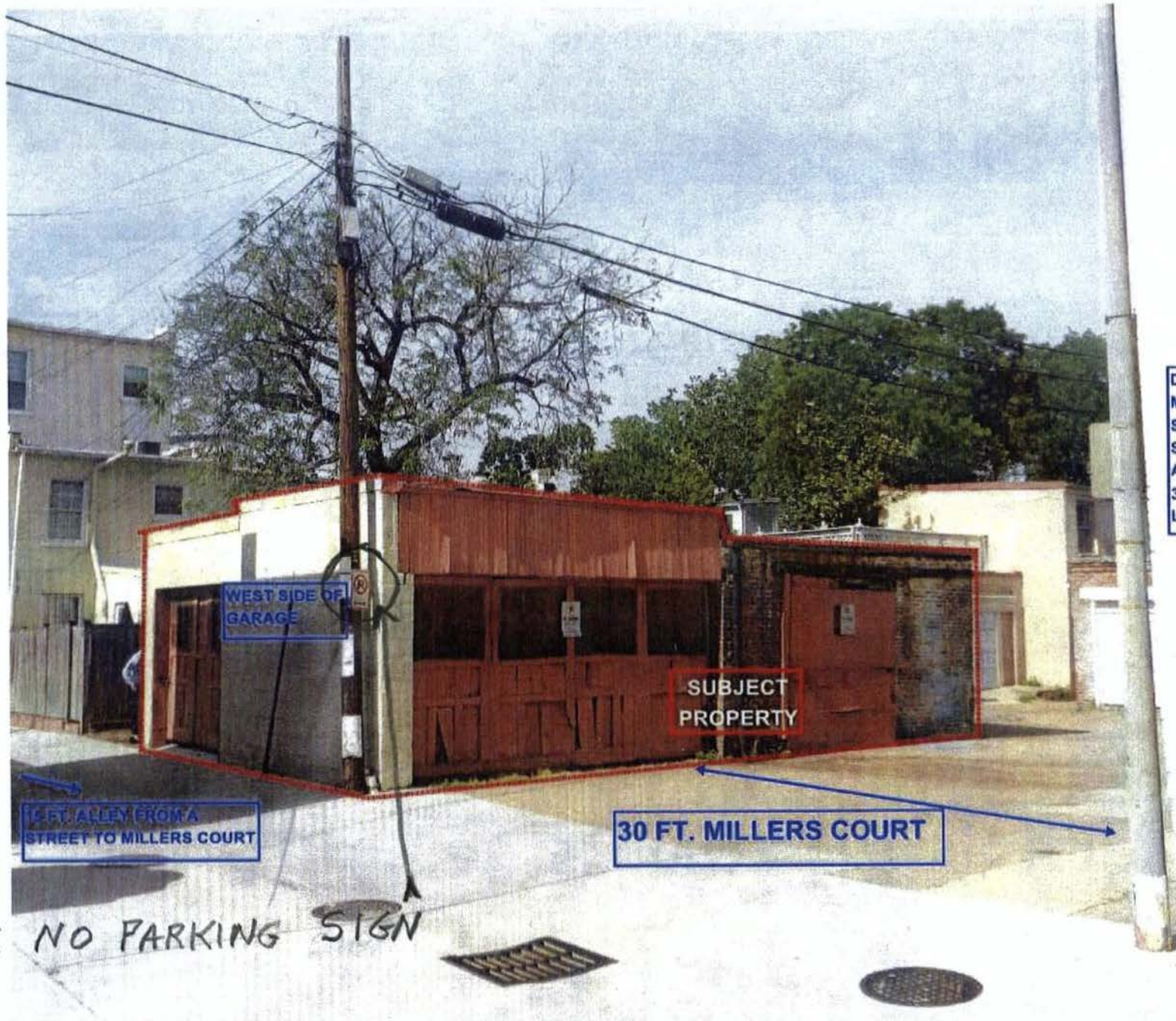
FitzGerald Properties was founded in 1959 to renovate and manage residential and commercial properties in the District of Columbia. It has since evolved into a full-service management company of investment real estate throughout the Washington Metropolitan area. Our background as owners of investment properties has provided the foundation for the services we provide today.

The FitzGerald Properties management program has been designed to maximize owner return on investment by generating optimum cash flow and adding value to the real estate. We believe that high occupancy levels, achieved by maintaining tenant satisfaction, in combination with carefully controlled expenditures, will result in healthy cash flow, while enhancing the value of the property. Our method incorporates a closely monitored program of both property maintenance and appropriate capital improvements designed to avoid profit-reducing overruns. By operating our own maintenance subsidiary, McLean Maintenance and Management, we are able to provide timely service in a cost-efficient manner that eliminates the delays and high costs of outside contracting.

Our overall management program adheres to the basic principles of sound investment real estate management. We consult with the owner in order to gain an understanding of his or her ownership objectives, and manage the property to assure the fulfillment of both long and short-term investment goals. Thus, the owner can concentrate on realizing the desired financial benefits of the investment while being insulated from the daily operations of the property. With a management portfolio in excess of \$40 million and backed by more than fifty years of collective experience in the competitive and complex investment real estate market of the Washington Metropolitan area, our company possesses the experience, local market knowledge and disciplined approach necessary to effectively represent property owners. In order to benefit from this type of owner-oriented approach, contact FitzGerald Properties to discuss your real estate management needs.



Attachment 3



Directly across
Millers Court from
Subject Property: 6
Story "John Jay
Apartment Building"
32,210 gross sq.ft.
Lot Area = 5,426

DC NO PARKING SIGN

reverse
↓

BZA Application No. 18651 for 319 A Street, N.E. (Lots 827 and 22)

**Neighborhood Meeting
December 18, 2013**

**John H. FitzGerald
Patrick Brown**