

Comments to DC Board of Zoning Adjustment

Case # 18651 – 319 & 321 A Street NE – 1/29/2014

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Resident/Owner

310 East Capitol Street NE

(residential condominium unit + 2 parking spaces)

Zoning Serves Important Purposes in Urban Areas

- Neighborhoods like square 786 in Capitol Hill (the Miller's Court neighborhood) are crowded with many buildings, people, and vehicles
 - 22 Row houses (many with garages and/or surface parking)
 - 17 multi-unit apartment buildings with 3 to > 20 units (some surface parking)
 - 3 condominium buildings with 22 residential units (9 surface parking spaces and a 2-car garage)
- Everyone wants to use and enjoy their property
- Limits such as minimum lot area, maximum lot occupancy, and parking are there for good reasons and should not be lightly dismissed
- Zoning requirements, and the bodies that implement them, provide a predictable and hopefully fair way to protect and balance competing interests and reduce conflicts

Parking in Miller's Court Area is Already Limited & Congested

**The Colcord Condominium has 9 parking spaces
owned by individuals living at 310 and 308 East Capitol Street NE**

Despite clear notice that this is private parking, other vehicles frequently trespass – parking in our spaces and otherwise blocking access to them.

For example, on Oct. 31, 2013, a man identifying himself as from FitzGerald Properties parked in one of our spaces and refused to leave, even after being told he could not park there.



**Standing under our restricted parking sign looking West
This shows how vehicles must maneuver around each other**

**Colcord parking space #9
& other parking behind 308 East Capitol and 3rd St. NE**



**Garages behind 15 3rd St. NE
& other parking behind West part of 300 A St. NE**



**Colcord parking spaces
are located very close to
current garages at
319/321 A St. NE**

Colcord spaces 3, 4, 5, and 6 are
closest to Miller's Court alley and
properties for which the Applicant
has requested variances.

All Colcord parking spaces
would be impacted by new
residents and their guests and
contractors trespassing on and
blocking our spaces, but these 4
spaces probably would have the
worst adverse impacts.



**The properties at
319/319½ A St. NE
already adversely
impact the North end
of Miller's Court**

Only a single vehicle can navigate the North part of Miller's Court next to 319 and 319½ A St. NE (see standard UPS truck below), but 2 vehicles can pass each other on the South part, near East Capitol St. NE.

FitzGerald Property tenants of 319½ A St. NE often block the North end of the alley entirely to load and unload vehicles.



Applicant Fails the First 2 Parts of the Test for Granting the Requested Variances

- The “unique” features (part 1) and the “extraordinary or exceptional” conditions of the property (part 2) of the 3-part test for granting zoning variances are not unique, extraordinary, or exceptional, but typical of the area
- Applicant says the deteriorated condition of the garages makes them unique and poses extraordinary burdens, but:
 - His company owned these garages since the 1960s
 - His employees regularly visited over at least the last 30+ years
 - His website touts their own maintenance subsidiary

Applicant Also Fails the 3rd Test – Neighbors Believe Granting the Requested Variances Would be a Substantial Detriment to the Public Good

- Applicant claims the plan for a 3 bedroom residence with one garage space would offer “substantial benefits ... without negative impacts on the surrounding properties.”
- After discussing planned windows and elevations, Applicant asserts “Nor will the Project have any effect on any other properties within the square.”
- These statements are inaccurate. In addition to months of disruption during construction, sale of such a property would create permanent, inevitable, foreseeable, and avoidable detriments to parking usage, access, and rental income for long-standing legal parking in the square, and other problems.

We Tried to Resolve this Informally

- Applicant discussed construction conditions (which he characterized as standard practices), but they keep changing and may not be enforceable
- Applicant would not consider less disruptive alternatives that would provide substantial benefits: parking/storage structures or a 2 bedroom/2 garage residence

The bottom line is – The requested variances do not meet the 3-part test. Granting them anyway would prioritize the interests of one corporation to maximize its one-time profit above and at the expense of the other long-time residents and property owners by permanently and significantly worsening existing parking congestion, creating new, predictable and avoidable parking conflicts and loss of income, and other problems.

If the role of the BZA is to objectively examine all elements of the 3-part test for variances and to fairly protect and balance competing interests, then

I respectfully request that the Board deny the requested variances.