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2014 FEB 18 AM 8:21

TO: The Board of Zoning Adjustment
441 4th Street N W
Suit 210S
Washington, D C 20001

From: Mr Andrew Krieger
1309 Irving Street N.W
Washington, D C 20010

I would like to introduce myself. My name is Andrew Krieger. I have been a district resident for over thirty years and have lived on Irving Street in Columbia Heights for twenty-five years

I come before you today, asking for party status in BZA case number 18711 and that the 2 variances sought by the Fenton group to go ahead with their project at 3112 13th NW, Washington, D.C 20010 be denied.

The Fenton Group is seeking one variance to install an outdoor, elevator-parking device into the rear parking area of 3112 Irving Street NW that would provide parking for 4 vehicles. The parking device would be the entire width of their lot and it will be higher than the existing garages on adjoining properties – visible and audible to nearby residents

The Fenton Group is seeking a second variance to amend the by right R4 designation of 3112 13th Street to an R11 designation which would allow them to construct a 4 unit apartment building Building out the 3rd above ground story of the structure, keeping the structures original footprint, the row house would have one apartment per floor – a total of 4

The Fenton Group is claiming that financial hardship makes them seek this variance and that there is a precedent for this type of claim already on our block

Forty-Six residents and myself have signed a petition of non-support of the Fenton's group request to seek both these variances. This petition was presented and entered into file of this BZA case on February 10th, 2014

As I have never presented information to the BZA before, I feel a time line of events will be helpful to get a full understanding of the issue, the misrepresentation of this project to the community, the vacillating design elements of the project, the dismissal of a majority of residents signing a letter of non variance support and the odd process of the ANC in ruling on this case

I trust this time line will convey an understanding of this issue and I will be present before the BZA to answer any further questions.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18711
EXHIBIT NO. 32

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An email goes out on 1/8/2014 at 5pm to ward residents from our representative Patrick Flynn stating that the Fenton Group will be at the ANC meeting that evening. The group will be presenting their plans for a project at 3112 13th Street NW, WDC and although they wanted it voted on that evening by the ANC, Patrick has asked for a vote to be delayed until the next meeting. The ANC meeting is that same evening at 7pm. Many in the community including Patrick know nothing about this project coming before the ANC that evening and other residents/neighbors to the project are totally unaware of the project at all. Many residents are still at work, tending to families or busy with other plans and the email communications that have been sent out to announce the meeting does not reach them. (I knew a little bit about the project and a friend on an adjoining block had told me he was approached to sign a letter of support, but found the presentation odd and did not sign. I live less than 200 feet from this project and myself and several of my close neighbors were never approached or contacted.)

The Fenton Group presents their project at the meeting and takes questions on the variances they seek, their building plans and the elevator-parking device. The Fenton Group submits 40 letters of support – a handful of these are neighbors. (I will return to their letters of support later.) Their building plans show that the existing structure is actually built out to 61% of the existing lot.

In questioning before the ANC, the Fenton group says 3112 will have a 3rd floor built out, the foot print of the building will remain the same, the large shade tree in back of the building will not be cut down and further explain the parking device. No one in the group is quite sure how the parking device works other than going up and down. The noises it makes, if it has any safety lights or alarms, if it can be enclosed or if it has a door. Their plan makes no mention of trash disposal for 4 units out the rear of the property with the parking device in place – trash and rodent control are an issue in the neighborhood.

Mr. Glee of the Fenton group explains with his 20 years of experience, 60 home projects and his reputation for the completion of many successful building/renovation projects in the District of Columbia his group has the best interest of the community at the foundation of their project. Mr. Glee claims hardship in the renovation of this property because of a firescape removal from the side of the rear of the property, the removal and disposal of an old fuel tank and the change over from commercial grade services to residential.

For many residents at the meeting this is the first time they have seen the plans for this project. These plans have never been circulated around the community nor announcement of this project made to many close neighbors that are within 200 feet of this project.

Many of the ANC commissioners ask questions to the variances sought, and residents who could be in attendance with the last minute notice of this issue being on the agenda for the evening ask questions also. The validity of the variances sought are questioned, as are their reasons for hardship, the parking device and the need for parking behind 3112.

and if the group has incorporated any green elements into their renovation plans. The Fenton Group provides some answers to these questions, but their request for the variances claiming hardship is questionable and there is no clear indication that anyone of the group really understands the elevated parking device. Many of the questions follow the theme asking, if an elevated parking device is suited to our densely settled residential zone. Many express the belief that this kind of device could impact the enjoyment of our homes, our peace and tranquility, property values, interrupt vistas and operate round the clock.

End of this case before the ANC that evening. The announcement is made that this project will come before the ANC for a vote at the next months meeting.

I exchange information with Mr. Glee and we agree to meet next week with other residents on site at the project to look over the Fenton's groups plan and ask questions.

Block residents meet Mr. Glee of the Fenton Group on Thursday, January 16th at 4 30 pm.

We look over the plans Mr. Glee has brought for 3112 13th Street – We ask about the front façade, the interior, he mentions windows, the addition of a deck not visible from the street that will go on top of the 3rd floor build out. Mr. Glee proceeds to mention two other properties on the block 1339 and 1341 Irving Street, which were approved by the BZA under a hardship variance. Both these projects have been built out to the full dimension of the property line, front to back and side to side with 3rd floor build outs, a complete rebuild of the rear of the properties and mezzanine levels added on top, in reality making 4 floors from the front, 5 floors from the rear.

Mr. Glee sites these projects as block examples. When we ask Mr. Glee about keeping the existing dog leg of the property as was mentioned to the ANC and residents as the Fenton Group was gathering letters of support, he says and I quote - “these are just plans, they could change”. When questioned about the dogleg further, Mr. Glee says, “that space is actually a great deal of area to give up”. When asked about the possibility of a mezzanine level on top of the 3rd floor build out, he sites 1339 / 1341, and says, “it could be a possibility, and plans may change”.

We continue to discuss the property with Mr. Glee, asking about the requested variance because of hardship. Mr. Glee proceeds to explain building costs, the metal firescape removal necessary and the renovation costs of the project. Residents question if the group was not aware of these costs before they became involved in the project, if the proper cost analysis had been done and in general question the experience, integrity and design of the plans before them.

Residents gathered to look over plans were scratching their heads and wondering – what is the real plan for this property? Are the variances being sought warranted, and if so to

what end if a shovel has not entered the ground yet, but the project before them is already in hardship?

Is this developer going to repeat the behavior of others that have come before them? Knock down the dog leg section of the property on MLK day as one had done in the past, remove the firescape from the rear of the building in a way to make the rest of the structure unstable as another did on an adjoining block? (The rear of the building collapsed)

We have developers that have come to our block and done a great job. They respect the neighbors, work with the community, do not block parking, take care of their trash, work regular hours, knock off at the end of the working day, work weekends appropriately, get permits, build well / have clear inspections of new systems and the building structure. They walk away from the neighborhood with the respect of the community, their reputations, profits and with the satisfaction of having completed a quality plan and project that will become someone's home.

It's cold, residents wrap up the meeting with Mr. Glee and report their meeting results via email back to others in the community that could not make the meeting because of its afternoon time, family obligations or work commitments. A great deal of cross talk takes place on line

Pat Flynn set up a meeting with the Fenton Group rep, Kris Addy on January 28th at 6 30pm to see the demonstration of an elevated interior parking device. The Fenton group is proposing an exterior device for the 3112 project. Our group is to meet in the Harriet Tubman school library – meet for a short time, discuss other aspects of the project and then go to see a parking device that is located in the private gated parking garage underground in back of the Yes grocery on Georgia Avenue

Approximately 10 residents show up at the meeting – residents ask questions about the hardships sought and the reasoning behind this request. Many are not satisfied with the answers of construction cost, firescape, oil tank remove and the renovation costs to change the property from a commercial grade to residential as reasons for hardship.

Kris Addy is asked about Mr. Glee's meeting with residents on January 16th, his comments on the changing plan, doing away with the dogleg, the mezzanine level of the building. She does not know what to say, she needs to check with Mr. Glee and get back to us. Residents are left to wonder.

Another resident questions his Kris Addy – he signed their letter of support. He is mad because he was told by Ms. Addy that she was the property owner and that she was planning on putting 2-3 units into the building at 3112 13th Street. After a heated questioning Ms. Addy admits that she is part owner of the property, there are actually 3 owners to this project. She does not recall telling the resident that 2-3 units would go into the property. The resident is mad, offended and feels like he has been taken

advantage of – residents present wonder what others who were asked to sign letter of support of the Fenton group project were told

Another residents questions Ms. Addy on inspections and she affirms that a third party inspection firm that has a long working relationship with the company will inspect all There are further questions about 3rd party inspections, residents are familiar with them from other community projects that were shut down on a regular basis by DCRA.

More questions and one resident speaks up in favor of the parking device

Residents, who want to, adjourn the meeting and meet again at the back of the parking lot in back of the Yes grocery on Georgia Avenue We are taken from the parking lot to an under ground gated garage (we are met and let in) to see an interior parking device We see several of these devices, none are fully loaded with cars, we see them run up and down, time them, the operator shows us how he can over ride the safety door switch and still operate the unit – we spend about 15 minutes on site. Kris is anxious to know if we are all in favor of the device

The Majority in attendance want time to think and ponder the reality of having a similar device built for exterior use in our dense residential zone, what it would like to neighbors, how tall it would be, the noise of its operation, the guards on such a device in a dense populated zone and not inside underground in a private parking garage. We ask for more information on the device Fenton would have in mind The meeting breaks up

Kris Addy sends a spec sheet of information to the list serve during the week. The sheet lists 12 parking devices, I am not sure if they are exterior units that can operate in the elements The specs show that the size of these devices are subject to the load they are being asked to carry For example -A device being used to hold 4 Fiat auto's could have a capacity of 12,000 lbs, a device used to hold 4 SUV's would have to have a capacity of 30,000lbs-40,000lbs – to operate both would require the respective hardware, software and protections to carry their loads

My wife and I do not want to look out our window and see this device and I feel that most in the community to not want to look out their windows and see this type of device either. We feel this type of device does not belong in a dense residential zone, that it will interrupt the enjoyment, peace and tranquility in our homes and could negatively impact our property values, especially for those living right next to the property.

After this meeting several residents question the validity of the both variances being requested by the Fenton Group for their 3112 13th Street project and decide to oppose the project.

I draft a petition and carry this around our block and to other ch residents in non-support of BZA Application No 18711, the application that the Fenton group has filed for their 3112 13th Street project

Forty-Six residents sign the petition of non-support All feel strongly that the requested variances should not be granted to the Fenton group The petition is delivered to Patrick Flynn two days before the next meeting of ANC 1A.

The ANC meeting 2 / 12 / 2014

Both sides presented facts to this case.

Pat mentioned the petition, but I spoke to the fact of the document being signed by 46 CH residents who were opposed to the granting of the requested variances to the Fenton Group. I also spoke to the case of their claimed hardship Ms. Wilson questioned The Fenton Group and Mr. Glee on their hardship and the implications that Mr. Glee stated in his presentation that evening before the ANC.

Mr Glee of the Fenton Group spoke and went on to frame the hardship of the Fenton group around the monetary care he must provide for his 97 year old mother, his ailing sister, the extreme expense to remove the metal fire-scape and the removal of the old fuel tank from the 3112 property. Mr. Glee claimed these hardships entitle the Fenton Group to request their variance to build a 4 unit apartment building. Leaves one to wonder what type of successful developers the Fenton Group is – do they not access these costs before entering into these projects?? Do they not do their math???

In his diatribe Mr. Glee once again alluded to the Fenton groups, “common good” community vision – insinuating in no uncertain terms that if Fenton had not purchased the property, it could have become a half way house for troubled youth, young offenders or recovering drug users I don’t think so – this neighborhood is not the same place it was when this home at 3112 13th for Wards of the State was established. There use to be 5 homes for the social services on our block, that was some time ago and the current Math no longer supports this model.

Pat summed things up the best he could and made a motion.

Pat, mentioned he had spoken to 20 people on the petition I had circulated and from this he put a motioned before the ANC to turn down the Fenton Groups parking variance, to approve their variance for a 4 unit apartment building and in the same breath, announcing that the Fenton Group would donate 5 lap top computers to Tubman elementary school and cough up some cash for some neighborhood signage to encourage people to curb their dogs – pick up poop.

I believe there are several issues here – amongst them,

1. 46 people signed the non support variance petition – 20 were contacted, that is not a majority, I was not clear if others opinions were sought, I have spoken to many that were not contacted.

2. The Fenton groups hardship was not proven / for either variance

3. I question the conditions / nature / legality / behavior of the ANC, an elected body to accept – orchestrate donations for what seems to be services. Does this not in-fact call into question the procedure and process that is the operating foundation for this representative body??? A violation of ethics and standards that are the model of our systems???

4. I have to assume that the 20 residents that Pat contacted were aware that their discussion with Pat was interpreted by him as support for orchestrated donations / approvals for Fenton's 4 unit apartment building variance??

5. I have to assume that all who were contacted were aware that if they approved of Pats motion in this instance, they in fact were authorizing a \$4,000 trade off against a 2 Million dollar Fenton group profit for the additional two units they now have the ANC's blessing towards a variance to build?

As an aside, I was called at work and harassed by one of the Fenton Group on 2/12 at approximately 11 am. I work for the Feds so the call was reported and tracked.

I look forward to speaking with the Board of Zoning Adjustment and continue to oppose the granting of any variances to the Fenton Group.

Thank you.

Andrew Krieger, 1309 Irving Street NW, Washington, D.C.