

Declaration of Opposition

FOR USE OF

SQUARE 333, LOT 36

AS A

Commercial Parking Facility

Neil T Boertlein

Resident and Owner of 1930 11th St NW

I object to the proposed variance or special exception, which would allow for a commercial parking facility across from my home in the residential zone in which I live.

The existing parking lot, which the applicant continues to illegally operate, is a blight on the neighborhood with its high barbed-wire-topped chain-link fence, cracked asphalt and no green space (See DDOT-provided pictures). It is consistently a site for loitering and litter and the proposed removal of the barbed wire and chain-link fence is likely to exacerbate these problems.

Contrary to the applicant's assertion, the lot's continued use as a parking lot clearly and negatively impacts the historical, residential character of the area, adding to traffic and noise on a predominately residential street. The driveway into the parking lot crosses a heavily-used sidewalk, creating a dangerous situation for pedestrians, and the curb-cut actually reduces available parking during the area's peak parking demands – evenings and weekends when the lot will be closed.

As explained to the applicant by DCRA in its rejection of the application for a certificate of occupancy, the Board has the authority to grant variances only

“where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property”.

The applicant has provided no evidence that the lot cannot be used for residential purposes. The lot appears to meet the size and shape requirements for R-4 single and two-family residential construction, and the applicant, in fact, states in their request that the lot likely had historic use as a residence. A return of this property to its historic residential use, in keeping with its R-4 zoning, would contribute to the

continued revitalization of the area and is more in keeping with the intent of the U-Street Historic District than is preserving the lot's "historic" use as an illegal parking lot since the 1990's ("last 20 years or more" from the applicant's request).

Further, I object to the granting of a special exception under Section 213, as Section 213.6 requires that the lot shall be "reasonably necessary" and that "the likely result will be a reduction in overspill parking on neighborhood streets". Not only has the applicant failed to provide any evidence as to the necessity of this parking lot, ironically the lot's curb-cut actually decreases available parking during peak demand, which occurs while the lot is closed. It is particularly hard to view the lot as necessary to the applicant's business, as Industrial Bank has a much larger (and little used) parking lot closer to their branch at 2005-2011 11th St NW. The lot certainly "detracts from the present character and future development of the neighborhood" (Section 213.4) (a historic residential neighborhood adjacent to high density, pedestrian-friendly retail). The lot also creates "objectionable traffic conditions" (Section 213.5) in that it increases traffic on a primarily residential street and creates a hazard for pedestrians on a heavily used sidewalk. The objectionable traffic conditions will be worsened if the DDOT-mandated traffic pattern is implemented, as alley traffic crossing the sidewalk onto U Street will be increased as well.

Finally, although the applicant has shown support of nearby commercial interests, they are not the important stakeholders in a residential zone. The applicant has not shown any support from the affected residents and homeowners in the residential zone in which they are encroaching.

Signed,

A handwritten signature in black ink, appearing to read 'Neil T. Boertlein', followed by a long horizontal line.

Neil T. Boertlein

September 3, 2014