



Government of the District of Columbia
Advisory Neighborhood Commission 5C01
P.O. Box 80127
Washington, DC 20018

April 13, 2015

Board of Zoning Adjustment
441 4th St. NW, Suite 220
Washington, DC 20001

Re: BZA Case No. 18943 (Myrtle Ave LLC)

Dear Members of the Board:

On March 17, 2015, a hearing was held in this matter, during which the Developer (also known as Myrtle Ave LLC) was advised by the BZA to meet with the residents affected by the granting of the variance. The Developer had failed to properly meet with us in February and March 2015.

On Thursday, April 2, 2015, a Single Member District community meeting was held. The Developer, ANC 5C01 and 5C02 Commissioners, and nineteen (19) neighbors attended. The Developer presented their building plan. Because the new house would be built on a lot that had no existing structure; the need to excavate in order to build; and that the Lot sits on a watershed, the community had concerns:

- * Damage to the neighboring homes caused by the vibrations and shaking of excavating. The homes were built more than 50 years ago.
- * Water drainage into the basements of neighboring homes due to the displacement of water runoff
- * The disturbance or destruction of landscaping belonging to the neighboring property
- * Reduced street parking

The community asked the Developer to take measures to protect the properties of existing homeowners by:

- * Having an environmental study conducted to determine the effects of water displacement to neighboring homes

- *Preserving all vegetation and landscaping of the abutting property or be prepared to fully compensate the property owner

- *Having an insurance policy in place to cover any damage to neighboring properties caused by the shaking and vibrations of excavating. During the course of the construction phase, the Developer should perform vibration monitoring once a week and submit a report of findings to ANC 5C01. Should damage be alleged, the homeowner would have sixty (60) days to file a claim and the Developer would have 30 days to file a report of the claim to ANC 5C01.

However, in addressing these concerns, the Developer stated the following:

- *In order for them to address our concerns, we would have to allow the variance to pass, first. We must "help" them and then they could "help" us.

- *We must agree to a curb cut for a driveway to the property.

- * They already have a building permit.

- *They could have started to build anytime they wanted, with or without the community's agreement to do so.

- * Displaced water entering the homes of neighboring properties is not their problem.

- * They are not responsible for monitoring any motion damage to the nearby properties

- *They are not responsible for any damage to landscaping of the abutting property, but they would introduce water-mitigating vegetation

- * They only attended this meeting to show they are neighborly.

The community welcomes new development and has spent thousands of dollars redeveloping, upgrading, and preserving our individual properties, including water remediation, based on the circumstances at the time of the remediation. If the requested variance is granted as is, it will defeat the entire dynamics of the upgrades and redevelopment in the community.

To mitigate this situation, the community will agree to the variance if the following are met by the Developer prior to any excavation and construction:

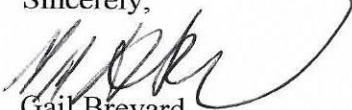
- * Have an environmental study conducted to determine the effects of water displacement to neighboring homes. The report must be made public by submitting a copy to ANC 5C01.

*Preserve all vegetation and landscaping of the abutting properties or be prepared to fully compensate the property owners. This agreement must be between the abutting property owners in writing and a copy submitted to ANC 5C01 prior to any work on the Lot.

*Have an insurance policy in place to cover any damage to neighboring properties caused by the shaking and vibrations of excavating. During the course of the construction phase, the Developer should perform vibration monitoring once a week and submit a report of findings to ANC 5C01. Should damage be alleged, the homeowner would have sixty (60) days to file a claim and the Developer would have thirty (30) working days to file a report of the claim to ANC 5C01.

* After the above mentioned actions are in place, we agree to a curb cut for a driveway.

Sincerely,



Gail Brevard
ANC Commissioner 5C01
5C01.dc.gov
202-253-6340