

Declaration of Opposition (BZA App. 19034)

Below is my Letter of Opposition to Industrial Bank's previous application for a zoning variance to use the residential lot across the street from my home as a commercial parking lot (BZA Application 18809). The previous application was dismissed by the Board of Zoning Adjustment after the applicant failed to appear at three separate zoning hearings, wasting the time of both the BZA and those of us who did bother to attend. I have included the relevant excerpt from the October 28, 2014 BZA transcript for reference.

I and other residential neighbors still oppose this variance, as this use clearly and negatively impacts the historical, residential character of the area, adding to traffic and noise on a predominately residential street. The lot is unlocked and unmonitored at all times. It is consistently a site for loitering, litter, public urination, and other illegal activity.

Since the application was rejected, the owner has continued to operate the parking lot in contravention of the law and in disregard of the BZA ruling. The lot seems to meet all requirements for a 1- or 2-unit residential building and the applicant has provided no evidence that the lot is unfit for its intended use. 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.

Declaration of Opposition (BZA App. 18809)

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, 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.

...

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).

...

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,

Neil T. Boertlein September 3, 2014

Excerpt from 10-28-14 ZBA Transcript

Application No. 18809

CHAIRPERSON JORDAN: Is anyone here on 18809? 18809? 18809?
(Pause.)

CHAIRPERSON JORDAN: That case is Industrial Bank of Washington, 18809. Then, this matter was on for show cause for failure to appear the last time it was set. Is that correct, Mr. Moy?

MR. MOY: Yes, sir. There were two dates, September 15 9th and September 30th, 2014.

CHAIRPERSON JORDAN: All right. Thank you. I'm going to move that the board dismiss this case.

MR. HOOD: I'll second it.

CHAIRPERSON JORDAN: Motion made and seconded. Discussion?
(Pause.)

CHAIRPERSON JORDAN: All those in favor of the motion, Aye?
(Chorus of "Aye.")

CHAIRPERSON JORDAN: Those opposed, Nay?

(No audible response.)

CHAIRPERSON JORDAN: Mr. Moy?

MR. MOY: Yes, sir. Staff would record the vote as five to zero on the motion of the board to dismiss by Chairman Jordan, also support, seconded the motion rather, Mr. Hood, also support, Ms. Heath, Mr. Hinkle.

SPEAKER: Four to zero.

MR. MOY: Four to zero, rather. Thank you.

(Laughter.)

MR. MOY: I'm losing my count.

CHAIRPERSON JORDAN: The motion carries.

MR. MOY: There was one missing.

CHAIRPERSON JORDAN: Right. Thank you. Dismissed for failure to prosecute the case.

MR. MOY: Yes.

(Motion of the board to dismiss case 18809 passed.)