

Cochran, Patricia (DCOZ)

From: Jennifer Nieratko <jennifernieratko@gmail.com>
Sent: Thursday, March 03, 2016 11:55 PM
To: DCOZ - BZA Submissions (DCOZ); Lewis, Renee T. (SMD 5E03)
Subject: BZA Case 19101 (Darryl) O.A. Sulekoiki 2112-2126 3rd St NE

Board of Zoning Adjustment and Commissioner Lewis,

As a resident of ANC 5E03, I oppose the Applicant's request for a special exception to allow required parking on an adjacent lot (as well as his earlier request to be exempt from Inclusionary Zoning requirements). Approval of such an exception: 1) allows the Applicant to use public space for personal benefit while adversely impacting the surrounding neighborhood, 2) encourages continued disregard for District of Columbia zoning rules and regulations, and 3) places the interests of a Maryland developer over those of tax-paying DC residents actually living in the community.

First, allowing the Applicant to use the public space for parking will adversely impact the surrounding neighborhood. The Applicant's submitted plans are not an accurate reflection of the physical site for which he is requesting an exception. The site is adjacent to the highly trafficked Rhode Island Avenue NE, which is an evacuation and snow emergency route. It is unclear whether vehicles will be able to enter and exit the requested parking spaces without some combination of driving on the sidewalk, driving over the curb, or backing on to or from Rhode Island Avenue, all of which are hazardous to the driver attempting such maneuvers, pedestrians on the sidewalk, and vehicles and bicyclists on Rhode Island Avenue. The area that the Applicant has already illegally paved over goes to the adjacent sidewalk, meaning that it extends closer to the street than the properties fronting on Rhode Island Avenue. From a purely aesthetic perspective, the allowance of these parking spaces and their surrounding fence will disrupt the continuity along that block of Rhode Island Avenue and degrade the physical appearance in a way contrary to the Great Streets Initiative efforts occurring further to the east along Rhode Island Avenue. It is also unclear whether the placement of the proposed fence surrounding the parking will obstruct the sight lines of motorists attempting to enter Rhode Island Avenue from the unsignaled Third Street NE or the alley at the rear of the Applicant's property. Additionally, the unapproved replacement of a pervious surface in the public space with impervious surface pavement is an abomination given the \$150 million or so spent to address flooding and sewer overflow issues through the First Street Tunnel project a few blocks to the west.

Second, I might have some sympathy for the Applicant's assertions that he didn't know any better before violating zoning requirements if he were a novice developer. However, a two minute web search will show that he has been developing projects in the District of Columbia for at least the last 15 years, including other projects within Eckington. The Applicant has a long history of violating zoning requirements and asking for exceptions after the fact. I can only assume that either he is someone who does not learn from his mistakes and perhaps should be seeking a different career or his disregard for rules and regulations is a core part of his business model. Allowing the Applicant to continually flout our city's zoning requirements will only encourage similar behavior on his future projects and will set a dangerous precedent for others who believe they are too important to follow rules and regulations.

Finally, being a developer seeking to make a profit does not give the Applicant rights greater than those that exist for DC residents living in the properties that they own. Roughly half of the yard between the front of my house and the sidewalk is public space. While it would be logistically easier and far less expensive for me to turn my front yard into a parking space than it would be to do such a conversion to my entirely privately owned back yard, not only would I never think of using part of the public space in such a way, but I would also never

Board of Zoning Adjustment
District of Columbia
CASE NO.19101
EXHIBIT NO.63

get zoning approval for such a plan. I can't even imagine how severe the penalties would be if I just decided to pave over my front yard tomorrow without permission as the Applicant has already done to the side yard of his project site. The difference between the Applicant and me is that he can afford to break the law, pay some fines for those violations, get approval for what he wants after the fact, and then go back to Maryland, leaving his mess behind for the upset neighbors to deal with.

I hope that you will keep these factors in mind as you consider the Applicant's special exception request and do right by the tax-paying residents who lawfully work every day to keep our communities strong and vibrant. Thank you for the opportunity to share my concerns.

Sincerely,
Jennifer Nieratko
229 R Street NE