

District of Columbia Office of Zoning
Board of Zoning Adjustment
441 4th Street NW, Suite 200S
Washington, DC 20001

Re: **Letter in Support of BZA Appeal No. 19106**

Dear Members of the Board:

I live in Bloomingdale at 114 W Street NW, 1 block from the 67 V Street NW property. I've owned a home in the neighborhood for 12 years and a DC resident of 16 years. I love this community and became the elected Commissioner for ANC5C04 & ANC5E08 for over 2 years. I resigned a year ago because I was run down from all the zoning issues in Bloomingdale, and I couldn't risk my day job at NIH. I support the above-referenced appeal brought by ANC5E, Katelijn van den Berg, Richard Alan Seutter, Jr., and Susan T. Seutter.

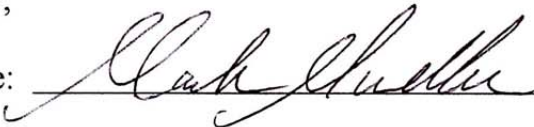
I speak for many residents when I ask you to please help control overzealous developers and their destruction of our historic streetscapes and community. This particular developer exemplifies the problematic developer around our neighborhood. This developer has made it clear that not only do they have little interest in our community, they have outright disdain for the neighborhood and have taken action to make neighbors very uncomfortable. They are here purely to maximize profit by all means possible (not necessarily legal); our community needs your help in balancing their greed with community rights and DC laws.

The basic details of the development:

- Being converted into a three-unit apartment building
 - 45 foot-long pop-back addition
 - 1 story "pop-up" over original & surrounding structures.
 - New building footprint doubles the original home.
 - Approved plans for Building Permit Nos. B1505056 from June 19, 2015, and B1510351, the issued July 21, 2015, conflict with DC Zoning Regulations.
 - Community understands that DCRA may have assisted the developer by rushing the permit approval process for the Main Permit to avoid upcoming new zoning regulations, ZC 14-11, passed on June 8, 2015. This rush may have resulted in DCRA approving permits with errors.
 - Zoning Administrator erred in allowing a non-compliant third story closed court in the June permit. The closed court has a square footage approximately 150 square feet under the minimum requirement of 350 square feet.
 - Zoning erred in issuing the July Permit because the plan now included a non-compliant trellis over the closed court, which has insufficient coverage for meeting the minimum required 51% "roof". The trellis violates the Construction Code prohibiting any portion of the building from being within a horizontal distance of 10 feet from the chimney, unless the chimney is taller than that portion of the trellis by 2 feet.
 - DCRA is perceived to have knowingly approved non-conforming plans in anticipation of later improvements. If this is the case, DCRA tarnishes the intent and integrity of the R-4 Zoning Regulations.
 - Pursuant to the Comprehensive Plan, the low supply of single-family homes, and neighborhood character, should be protected in areas such as the R-4 zone consisting primarily of historic row houses. The Zoning Commission voted to have

- the new Zoning Regulations effective immediately with the intent of saving neighborhoods from such negative construction effects involved in this case.
- During my experience as Commissioner and my time in DC, I've seen DCRA and Zoning give tremendous leniency to developers and little relief to residents. I understand there some problem is from the lack of "boots on the ground" for DCRA, but there is significant lack of zoning enforcement. Even with the new zoning laws, which we relied on, it is now understood that zoning allows huge loopholes for matter of right conversions to two unit dwellings, defeating what little relief we were counting on.
 - Developers told me directly that they purposefully build non-compliant structures faster than DC can stop construction, resulting in fast profits that far out-way the maximum fine and they see no chance of being forced to remove a structure.
 - The personal and property interests of the surrounding homeowners in ANC 5E have been, and will continue to be, adversely affected by this conversion of 67 V, including but not limited to negative impacts to their air, light, privacy, and property values. For all of these reasons, I ask that you carefully review the claims and not allow any variance or interpretation of the zoning code to the detriment of the public.

Sincerely,

Signature:  Date: November 16, 2015

Printed Name: Mark A. Mueller Address: 114 W Street NW