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KRESS COX ASSOCIATES, PC
2909 M STREET N.W.
WASHINGTON, D.C. 20037

ATTN. :MS. JERRILY R. KRESS, FAIA

APRIL 21, 2000

DEAR MS. KRESS:

I AM SENDING YOU ENCLOSED COPY OF A *BZA APPLICATION # 16550,- FOR A PROPOSED SUBDIVISION AND CONSTRUCTION OF TEN SINGLE-FAMILY ROW-DWELLINGS ON AN ALLEY LOT A T THE REAR OF PREMISES*
1406 THROUGH 1424 WEBSTER STREET, N.W.
LOT 64 SQUARE 2699

AND IN RESPONSE TO YOUR LETTER TO MY OFFICE WHICH IS DATED APRIL 14, 2000.

I WISH TO MAKE SURE THAT YOU ARE PERSONALLY APPRAISED OF ITS CONTENTS.

YOURS VERY TRULY

Klaus Klatt
KK/imk
encl.

APR 24 2000

BZA
Case No. 16550
Exhibit No. 48

Board of Zoning Adjustment
District of Columbia
CASE NO.16550
EXHIBIT NO.48

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APR 24 2000

To the Director
Board of Zoning Adjustment
Ms. Jerrily R. Kress, FAIA
441 4th Street, N.W.
Washington, D.C. 20001

April 21, 2000

Re: BZA Application ***# 16550,-*** *for a proposed Subdivision and Construction of Ten Single-family Row-dwellings on an Alley Lot a t the Rear of Premises*
1406 through 1424 Webster Street, N.W.
Lot 64 Square 2699
Your letter with the date of April 14, 2000

Dear Director:

I herewith wish to strenuously object to your decision dated February 16, 2000, and as written in the above letter which has been received by and in my office on April 20, 2000.

I wish to appeal your decision and declare same null and void under 11 DCMR 3029.2, which states:
No application or petition ..... dismissed without prejudice may be refiled at the convenience of the applicant or petitioner. Same was decided **with prejudice.**

I wish to appeal your decision on the basis that 11 DCMR 3014.1 was ignored by the Board: *Notice of a hearing pursuant to the provisions of paragraph 3021 or paragraph 3022 shall be given as follows:.....(b)By posting a copy of the notice of the public hearing in the Office of the Zoning Secretariat at least forty (40) days prior to the hearing.....*

My personal inquiry on January 6, 2000, and with one of your staff, (I shall for the time being not mention her name) revealed no such list having been or being posted that day. Same was posted on January 7,- 39 days prior to said hearing date.

Over

On January 7, later that day, this list had been posted, whereupon your appointment secretary (whose name also shall remain unmentioned for the time being) upon my urging, proposed that I request a postponement of the above hearing of my case until March 1, at the earliest,- *the next date available,* according to her schedule,- . And these were her words. This letter was hand-carried to your office that same day and given to another of your staff members, who also became fully aware of my being unable to attend on February 16; this person being the third person, (whose name also shall remain unmentioned for the time being). A copy of this same letter requesting a postponement was faxed to your office a day later and should have said arrival stamp date.
Just to make sure, another copy of said letter was hand carried to your office and hand delivered to a fourth member of your staff, who, I witnessed, date stamped same for the record. This did take place, as stated in your letter, on February 1. By their own admission, two of the above, however,- so far unnamed,- staff members told me that my unavailability on that hearing date should have taken appropriate action.

I had to leave the Country on February 11 and could not return until February 20, a postponement would have been very costly and would have involved rescheduling a number of other events and other persons. In the American Court system, such a valid and simple request has always been respected by either side. It was ignored in my case.

Paragraph 3029.5: *A motion for reconsideration, rehearing, or re-argument of a final decision in a contested case proceeding under paragraph 3022 may be filed within ten (10) days of the order having become final.....* I consider this case **not contested** and therefore not heard.

It is my belief that your decision is erroneous. (paragraph 3029.6)
I shall, however, be bound by your decision and officially file for a rehearing, however, due to the Easter Holiday, cannot meet your deadline for filing. Please take into consideration that your order, although dated April 14, has not been received until April 20,- yesterday's date.

In support of my case # 16550, I have made my application to your office in a timely manner, have paid the requested fee, have notified and met with Fire Marshal, Police Department, Refuse collection staff, Public Works (for availability of water and sewer) the former prominent member of the Office of Planning, the Surveyor's office, the Zoning Administrator, and finally requested an ANC 4c meeting which was granted following 4 phone messages and three letters.

In support of my case # 16550, one of the owners of subject property was notified by E-mail of an ANC 4c meeting that very evening. I was not. I attended said meeting. I was subjected to ridicule, my integrity, my professionalism, my experience as an architect and in cost estimating, all were questioned at this and at a subsequent meeting. These meetings became a shouting match and were held in a non-democratic manner. You will note that the last hearing minutes were not put into the official record until the hearing date of February 16, contrary to your requirement that same be added at least 14 days prior.

Over

APR 24

In support of my case # 16550, I did not notify any of the ANC meeting participants because of my public humiliation and my discovery that at least one of the persons present had up-to-date knowledge of my every move with regards to this case (lot), had visited and commented in a derogatory manner on my residence,in ward 3c, had questioned the motives of my client to even purchase subject lot 8 years prior. My request for a consensus as to what ANC members actually wanted to have done to this lot was that it be forfeited to them.

For the record, I shall enclose my response to a letter to the Board by the D.C. Council member, responsible for ANC C4, which is self-explanatory. My three written requests for a face-to-face meeting with the Council member have been ignored.

For the record, I shall enclose my request to meet with the director of the D.C. Department of Recreation and Parks. Same also had been forwarded three times and so far ignored.

For the record, since no letter from O. P. was submitted with regards to this case, I requested and was granted a meeting with members of their staff, who gave no conclusive answer to the City's desired future of this lot.

For the record, this petitioner has successfully argued the development of 3 alley lots between C and D and 3rd and 4th Streets S.E.

For the record, this petitioner has developed an alley lot directly North of Harvard Street N.W. and between 13th and 14th Streets.

For the record, this petitioner has developed individual carriage houses (bordering onto alleys) over a period of 40 years of architectural practice in this City.

For the record, this petitioner has witnessed the development of an alley lot between 2nd and 3rd and E and F Streets, N.E., all successful and in harmony with the respective neighborhoods.

In closing: On the basis of 11 DCMR paragraphs 3029.5 as well as 3029.6, I request that your dismissal order, dated February 16, 2000 be set aside and an actual hearing of case No. 16550 be scheduled.

Respectfully submitted,

Klaus Klatt

KK/imk

cc.: Stacy Hamblen

cc.: Allyn Johnson

cc.: Mark Hayes, Esq.

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ARCHITECT PLANNER
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FILE COPY

To the Director
Robert Newman
Department of Recreation and Parks
1325 S Street, N.W.
Washington, D.C. 20005

February 25, 2000
March 25, 2000
and again on April 21, 2000

Re: An alley lot in rear of 1424 Webster Street, N.W.
Lots 64 Square 2699

Dear Director:

Recently, I have completed the following comparison of the assessment history by the D.C. Tax Assessor, and of lot # 64:

	Tax year	assessment	tax rate/ $ 100
lot purchased on 03-18-92		$ 5,035.30	3.2
	1994	$ 62,165.00	5.0
	1995	$ 62165.00	
reassessed	1965	$ 58,487.00	
reassessed	1999	$ 64,372.00	

This lot cannot be improved by any construction.
Our attempt to get BZA relief was attacked by the council member responsible for Ward 4C as incompatible. We intended to provide townhouse lot on same, since it comprises of 18,392 s.f., now used as a dump as well as repository for vehicles.
I had also sent you a letter of Ms. Jarvice's letter. A copy of this letter I am told, had been directed to you previously.

I must ask you for your comments and suggestions, if the owner,- my client, Mr. Stacy Hamblen, may sell this property to your Department and under waht circumstances.

I would also appreciate if you could give me a time and date to meet with you.

Yours very truly,

Klaus Klatt

KK/imk
cc.: Stacy Hamblen
cc: Mark Hayes, Esqu.
cc: Allyn Johnson

APR 24

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FILE COPY

To the Council of the District of Columbia
Washington, D.C. 20001
Ms. Charlene Drew Jarvis
Council member, Ward 4
Chairperson
441 4th Street, N.W.
Washington, D.C. 20001

APR 24 2000

April 21, 2000

Re: Your letter, dated February 16, 2000 and in connection with BZA Application # 16550 for a proposed Subdivision and Construction of Ten Single-family Row-dwellings on an Alley Lot a t the Rear of Premises 1406 through 1424 Webster Street, N.W. Lots 64 Square 2699

Honorable Council member:

On February 25, 2000, I took the liberty to deliver to your offices a letter. On March 25, 2000, I took the liberty to send you an identical letter and with the same request. The result was that your appointment secretary called and asked if I still wanted to have an appointment with you.

May I again kindly again request same.

Yours very truly,

Klaus Klatt
KK/imk
cc.: Stacy Hamblen
cc.: Mark Hayes, Esq.

P. S. Original letter was
hand carried to your office February 28, 2000
the second was mailed to you on March 25,