27 June 2000

BZA Application No. 16573

DIST OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
'00 JUN 27 P 3:55

Response of Applicant to the Response of Elaine Morris to the Applicant's Supplementary of June 23, 2000

1) Sun Studies

Board member Mr. Sockwell suggested that the sun angles be verified by a government agency such as the National Weather Service. Unfortunately, the NWS does not have a sun angle verifier on staff at this time. Applicant's representative Mr. Vallen therefore attempted to locate a third party software programmer to verify the calculations. As explained in the applicant's supplementary filing dated June 23, 2000, the coordinates used in this second program (SusDesign) have been checked against published tables with excellent agreement and are good to three digits of precision. The coordinates used in Accurender 3 and the SusDesign programs are virtually identical. This provides a check as to the accuracy of the data presented at the hearing.

For the record, the coordinates under the two programs were as follows:

	Accurender 3		Sus Design	
	Altitude	Azimuth	Altitude	Azimuth
June 20, 9am	35.54	87.06	35.50	87.02
June 20, 12pm	68.63	131.38	68.60	131.24
June 20, 4pm	50.78	-100.43	50.84	-100.48
Dec 20, 9am	14.10	136.87	14.02	136.75
Dec 20, 12pm	27.64	178.67	27.63	178.50
Dec 20 4pm	6.94	-127.82	7.05	-127.95

The differences in these coordinates refer to hundredth parts of a single degree and are inconsequential in practical terms.

The AutoCad 14 and Accurender 3 programs utilized in making the sun studies presented at the hearing are not experimental. They are commercially available. The vast majority of architects, engineers and related professionals around the world use this software. AutoCad has been in existence for at

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least 15 years and can be purchased for a street price of $3,150.00. Accurender is now in its third release and has been commercially available for at least 5 years.

It should be noted that the sun study presented in the Applicant's Supplementary Filing of June 23, 2000 was corrected for Daylight Saving Time for the winter solstice. The revision further confirms the points made in the hearing, namely: a) all windows at the rear of both 1818 and 1822 Vernon Street receive sunlight at least part of the day at the winter solstice; b) such shadowing as occurs in the afternoon in winter is caused by the building at 1825 Florida Avenue, which is more than 20 feet higher than either of the applicant's proposals; and c) at the summer solstice there is no blockage of sunlight whatsoever affecting any of the windows of the adjacent properties as a result of either of the applicant's proposed buildings.

2) **Construction Management Plan**

The applicant explained to the Board in his initial testimony that until October 1999 he was a staff member of the International Monetary Fund with a full-time job as Assistant Director in the European II Department, and chief negotiator for the IMF on Turkey and mission chief on Spain. At the same time, during 1997-99, he had also remodeled 1812 Florida Avenue N.W. This project took a considerable time because he was not able to devote a great deal of time to it, given the requirements of a full-time job and foreign travel. The project was completed while he was a full-time employee of the IMF. Subsequent to taking early retirement in October 1999, the applicant is now dedicating himself to property development full-time.

As regards the characterization of the applicant's performance in remodeling 1812 Florida Avenue, the letter on file in the present case from Ms. Jennifer Campbell (BZA Case No. 16573, Exhibit No. 49, attached) states as follows: "The quality and care that he (Mr. Hardy) took with every aspect of the rehabilitation of 1812 was impressive. I am able to recognize and respect such workmanship because I have done similar renovations on a property I own in Maryland". She went on to say that Mr. Hardy's "efforts cause me to respect and maintain the quality of care that he has put into my property. His work has enhanced the quality of life on our street and generated an uplift of moral in myself, my tenants and my neighbors. There is no doubt in my mind that he will continue to put forth an even greater effort and enthusiasm

in his next project". Ms. Campbell should know about the quality of work of the applicant, since she purchased the property at 1812 Florida Avenue, N.W. In a similar vein Mr. William Carter,who resides at 1824 Florida Avenue, N.W., wrote: "I and my neighbors have full *and experienced* confidence that Martin Hardy will again come to the rescue of our city and neighborhood to help us erase a disgusting and sordid example of negligent property ownership" (BZA Case No. 16573, Exhibit No. 40, attached).

Applicant also notes that the *one and only* stop work order on the 1812 Florida Avenue project referred to the failure by a subcontractor to take out the necessary permit based on the initial general permit that was filed. A fire during construction was caused by a halogen lamp that had been left by a workman falling face down on one of the upper floors: the fire started when the electricity was switched on the following day. Only interior damage resulted: there was no exterior smoke damage. The reference to debris on the roof in the opposing parties' response to the supplementary filing is erroneous and incomprehensible.

As to issue of technical complexity, the Construction Management Plan states that the applicant will use subcontractors as needed. This refers especially to the aspects of the project that are technically complex. As the author of the filing is aware, before construction permits are issued, the applicant is required to submit architectural, structural and engineering plans drawn up by licensed professionals for approval by the competent authorities. This is, of course, standard procedure which, together with inspections, is designed to ensure that buildings are constructed correctly.

3) **Models**

As regards the models presented at the hearing, the applicant's representatives explained in the hearing that the model of a 50-foot building was merely illustrative of the maximum height permitted under R-5-B zoning. The models presented at the hearing present the true situation: they are built to a scale of ¼" to 1 foot and are accurate to 1 foot. They do not in any way conflict with the computer rendering presented at the hearing. Perceptions however may be affected by differences of vantage point.

4) **Alternate Plan**

The characterization of the alternate plan as "not meaningful" is malicious. The alternate plan lowers the proposed building and provides an additional setback of 3 feet from the rear of 1818 Vernon Street, thereby increasing the distance separating the two properties, and providing significant relief to the latter. It also moves back the north-west corner of the new structure away from Lothrop House (1822 Vernon Street) to a distance of more than 15 feet at the closest diagonal point (measured to the building itself, not the one-story windowless accessory structure built to the lot line). As such, the separation of the proposed building from the rear of either 1818 or 1822 Vernon Street would be equal or greater than the distance which currently separates the approximately 60 windows that face each other across the court between the two buildings. The Alternate plan will also lower the proposed building by 2 feet.

The alternate plan meets the spirit and the intent of the Zoning Code due to the fact that the applicant intends to use the footprint of the existing structure which is considered a cellar, being less than 48 inches above the average grade at the rear of the lot, and therefore permitted.

The Alternate plan therefore represents a genuine effort to respond to expressed concerns.

5) **Supposed Devastating Effects**

The Opponents' Supplementary Filing makes the assertion that the effect on the rear units of the Lothrop House and 1818 Vernon Street will be "devastating, with years of dust, dirt, debris, noise at close quarters." This position, if applied generally, would probably halt most of the construction and remodeling activity in the city. In any event, the construction activity will be governed by the regulations covering dust, dirt, debris and noise that are designed to address these issues.

As pointed out in the hearing, Mrs. Morris' duplex apartment is located on the fourth and fifth floors of the Lothrop House at the front of the building facing Vernon Street. At its closest point, her apartment is at least 73 feet away from, and more than 20 feet above, the nearest point of the applicant's proposed building. This horizontal distance is equivalent to the width of more than three row houses. Virtually no part of the applicant's proposed building will be seen from her duplex or from her roof deck. Mrs. Morris

also owns 4 other units in the Lothrop House. Of these, 2 are in the front of the building facing Vernon Street and are not affected. The other two units (LL1 and 103) are already affected as regards light and air by the virtually uninterrupted parking of a large plumber's van and other vehicles at the rear of Lothrop House.

The exaggerated and irrational assertion regarding the supposed "devastating effect" of "years of dust, dirt, etc."—along with the gratuitous aspersions on the applicant's experience, capabilities and integrity—are merely another example of harassment designed to intimidate the applicant, deny him the possibility of building on the garages, and force him to sell the property to the Opposing Parties to their economic gain.

Martin E. Hardy
Applicant
27 June 2000

Copies to:
Mrs. Elaine K. Morris
1822 Vernon Street, NW
Washington DC 20009

Mr. Boushra Hanna
Hanna Association Inc.,
C/o Mr. Naguib Nassif
1814 Lamont Street NW
Washington DC 20010

Jennifer A. Campbell
1812 Florida Ave., NW #3
Washington, DC 20009
Telephone 202-265-7832

June 04, 2000

Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: Application #16573

Dear Members of the Board:

I am writing to express my support to have the necessary variances granted to Martin E. Hardy in his construction project to rehabilitate 1821 and 1823 Florida Ave. As the property owner of 1812 Florida Ave, I was very excited to learn of Mr. Hardy's plans. I purchased 1812 from Mr. Hardy December 31, 1999. 1812 Florida Ave, was an ambitious project. As owner and resident of this property, and because of my first hand experiences with Mr. Hardy, I would like to express to the board the level of confidence I have in Mr., Hardy's ambitions with 1821 and 1823. The quality and care that he took with every aspect of the rehabilitation of 1812 was impressive. I am able to recognize and respect such workmanship because I have done similar renovations on a property I own in Maryland.

Also, I was very impressed with his character. During the contract period, there was the possibility that I would not receive the financial backing I needed. Mr. Hardy not only offered potential financial assistance, but also demonstrated extreme patience in waiting for my finances to be finalized. He was very supportive in every step of the way in seeing me obtain my goal. He has never hesitated in answering any cares or concerns that I have had pertaining to the property. It was never a question that he would come through and help me if there was ever a problem with the building. Having purchased the building was an ambitious project for myself and knowing the quality and care that he has put into the property enhanced my endeavors to go forth with the purchase of the property. His efforts, cause me to respect and maintain the quality of care that he has put into my property. His work has enhanced the quality of life on our street and has generated an uplift of moral in myself, my tenants and my neighbors. There is no doubt in my mind that he will continue to put forth an even greater effort and enthusiasm in his next project. I feel privileged and a great sense of relief that he will once again take great strides in improving not only the 1800 block of Florida Ave but our city of Washington DC as well.

Sincerely,

Jennifer A Campbell

Jennifer A. Campbell

OFFICE OF ZONING
DISTRICT OF COLUMBIA
'00 JUN -9 P 3:34

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1824 [redacted] a Ave., N.W.,
Washington DC 20009

May 29, 2000

Board of Zoning Adjustment
441 4th Street, NW.,
Suite 210
Washington DC 20001

Application Number 16573

Dear Members of the Board :

As the owner of property across the street from the garage properties, I am writing in support of the application of Martin E. Hardy for the necessary variances to make possible the construction of two new residences at 1821 and 1823 Florida Avenue, NW. Although I cannot be personally present, I value this opportunity to call the attention of the Zoning Board to this long festering eyesore which has long served as one of the worst examples of property negligence there could be.

The former property owner inherited these two garages and three residences in the 1800 block of Florida Avenue, NW from their parents' Mizell estate. 1810, 1812 and 1814 were rental properties which were horrible examples of irresponsible and negligent property ownership. For more than thirty years these residences were rat infested, dangerously neglected residences which served as magnet opportunities for prostitution, drug selling and any other criminal opportunity.

Through the energetic and persistently unrelenting efforts of the former Advisory Neighborhood Commissioner 2B Commissioner, Larry Ray and myself, we earned the attention of the Consumer and Regulatory Affairs Department of the D.C. Government to order these properties vacated and classified as unfit for human habitation. The D.C. Government finally forced the estate sale of these properties, which were gutted or reduced to shells prior to their reconstruction into tax producing property and sold within the last twelve months.

1814 is now a 3-story residence which sold for $329,000 and is now paying $2,395 in property taxes; 1810 sold for a price unknown to me. You should be made aware that Martin Hardy bought the 3-story residence at 1812, had it gutted and completely rebuilt into three condominiums and sold them for $430,000; they are now paying taxes yet undisclosed but probably more than $3,200.

With your support, I and my neighbors have full and experienced confidence that Martin Hardy will again come to the rescue of our city and neighborhood to help us erase a disgusting and sordid example of negligent property ownership and failure by our former city administration to address an incredibly negligent chapter in the history of the 1800 block of Florida Avenue, NW.

We fervently urge the Board to seize this opportunity also to come to our rescue and to erase the last remaining vestiges of this horrible example of property ownership from our block. We cannot imagine that anyone who sees the condition of these properties could oppose this proposed development into tax producing residences comparable to the almost complete renovation and redevelopment of our block.

I and my neighbors urge each member of the Board to go and actually see for yourself if there is any possibility of their opposing this project, which may easily be the only opportunity we will have in the near future to achieve final correction and eradication of these garage properties. Just imagine your contempt if such property were permitted to blight your block and neighborhood. We also request your investigation and resolution of the apparent appropriation of the alley adjacent to and above these garages by the property owner of 1822 Vernon Street, NW.

William J. Carter

William J. Carter
Telephone (202) 462-1462
Fax (202) 462-2452

'00 JUN -1 P3:30
OFFICE OF ZONING
DISTRICT OF COLUMBIA

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