April 2, 2001

BZA
Case No. 16686
Exhibit No. 24

TO: District of Columbia
Board of Zoning Adjustment

RE: Variance Request for
5812 5th Street, NW

BZA 16686

D.C. OFFICE OF ZONING
RECEIVED
2001 APR 13 PM 3:35

Dear Board Members:

Please allow this to serve as our input, recommendation, and request for a DENIAL of the above referenced variance petition.

Statement of Facts:

Our address is 5809 5th Street, NW, only yards away from the above referenced property

We are interested parties by virtue of the fact that we are homeowners across the street and in the same block as the above property.

Our interest is significant by virtue of our having lived here for almost 30 years.

We have personally witnessed activity going on in and around the property in question, that is not in line with the customary, community standard that we and our neighbors have created for ourselves over the past decades, specifically:

- occasions of violent arguments causing the police to be called to intervene, audible from across the street
- loud, boustrous activity into the early morning hours, audible from across the street
- abandoned vehicles that present a crime heaven and danger to others
- neglected animal(s) inside the dwelling requiring the City's attention
- open windows and doors over long periods -- conditions that presented an obvious hazard for crime and danger to others

The above statements are *personally* known by us and are not hearsay. Although we do not know Mr. Medley personally, we know what exists as a problem to out block because of his negligence. We know that if he took time to notice, his property has not been in keeping with those that surround his. We know that if this variance is granted that he would unfairly gain from the hard work and upkeep of those of us who choose to maintain the good that we found here when we came -- and MOREOVER, improve on it as best we can.

We believe that everyone deserves decent, safe, sanitary, and affordable housing. Likewise, we believe that responsible homeowners maintain their surroundings. If several tenants were to occupy this single-family dwelling ownership standards and customs would decline even further. The kinds of things that went one with previous tenants, *without* a variance, make me shutter to think what would happen if one were granted! We respectfully request that you deny this request

Board of Zoning Adjustment
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#24

for variance so that we can continue to work together as a community of homeowners and maintain the lifestyle for which we work.

Based on the above Statement of Facts (which we understand are but a few!), Mr. Medley has not demonstrated that he is interested in the standard of community living (*that the District's tax assessors agree)* of decent, single-family homes. There is not only no good reason to believe he will conduct his affairs any differently than he has in the past. In fact, he has conducted his affairs in such a way that make it quite clear why the variance should be denied. Please don't grant this request and let Mr. Medley come along and profit from what we work to maintain while he simultaneously destroys it.

Therefore, we again respectfully recommend that a DENIAL of Mr. Medley's request be issued and we fully support and agree with the Concern Community Activist Neighborhood Association.

Respectfully,

Calvin P. Ash
Kadija T. Ash

Mr. & Mrs. Calvin Ash

Cc: A. Fenty,
Ward 4 Councilman

April 10, 2001

PETITION FOR RELIEF

Ms. Sherri Pruitt Williams, Secretary
Zoning Adjustment Board
One Judiciary Square
441 – 4th Street, Rm. 210 South
Washington, DC 20001
(202) 727-6311 [Phone]
(202) 727-6072 [Fax]

Ms. Sara Benjamin, Public Relations
Zoning Adjustment Board
Zoning Adjustment Board
One Judiciary Square
441 – 4th Street, Rm. 210 South
Washington, DC 20001
(202) 727-5372 [Phone]
(202) 727-6072 [Fax]
sbenjamin@dcoz.dcgov.org

WHEREAS, we, the residents, with property facing or abutting on the 5800 block of 5th Street, NW, voting, tax paying, home owners or long-term lessees, have great pride in the significant peace and reasonable tranquility of our neighborhood,

AND WHEREAS, we have taken consistent and united effort in the past to protect the integrity of our resident city block,

AND WHEREAS, we have long been concerned with the presence of the property 5812 – 5th Street, NW owned by an absentee landlord, who has been strongly resistant to our joint efforts to preserve a reasonable level of civility and orderliness in our immediate environs,

AND WHEREAS, we have had a growing concern over the past several months with the condition and conditions surrounding the habitation of 5812 –5th Street, NW since the departure of the long-term lessees of that property,

AND WHEREAS, the owner of the property, 5812 – 5th Street, NW, has indicated and does petition to convert said private residence into a public rooming house [either for seniors or for non-seniors],

AND WHEREAS, we have had great concern over the past several months that the home was being operated as a public rooming house even before the proper application was filed or approved or the proper inspections obtained; thus establishing a pattern of non-compliance with city ordinances,

AND WHEREAS, the recent residents of the premises [5812 – 5th Street, NW] have been extremely transitory; have displayed a complete lack of concern for the safety, protection and welfare of the residents of our block; have disturbed the domestic tranquility by playing loud music at unreasonable levels and at times when the majority of residents would seek peace and quiet; and have displayed an inappropriate and threatening interest in the premises and personal belongings of their neighbors,

AND WHEREAS, the number of breaking and entry crimes and other unsavory activities, immediately in the area of 5812 –5th Street, NW, has occurred consistent with the recent operation of the premises 5812 – 5th Street, NW as an unapproved, transitory rooming facility,

AND WHEREAS, the unsavory activities occurring both inside and outside of the premises, 5812 –5th Street, NW, has repeatedly occasioned the necessity for the Metropolitan Police to be called to the premises; both by the transitory residents and by others in the neighborhood who feared for the safety of both residents of the premises and for those outside of the premises,

AND WHEREAS, the majority of the residents of the neighborhood block are seniors who have a right to a reasonable level of safety, security, in and about their premises, and tranquility consistent with a family oriented neighborhood situation,

AND WHEREAS the resident homeowners have made a substantial investment into their properties and pay a high level of taxes consistent with those investments,

AND WHEREAS, we, the neighbors, already have great concern for the protection of our properties due to the poor physical and repair conditions evidenced with 5812 – 5th Street, NW, and the great danger of fire

beyond 5812 –5ht Street, NW or physical injury to the residents inside of the property,

AND WHEREAS, the neighborhood has already seen the creation of two other community-based rooming facilities; book-ending our block on both the northern and southern perimeters of the 5800 block of 5th Street, NW,

AND WHEREAS, the residents of the 5800 block of 5th Street, NW are familiar with tactics that can be, and are employed, to lower the value of stable properties, to drive away seniors and established families, who can be made to flee their homes of several decades for fear of their safety, thus allowing the preparation of housing stock for conversion to "urban pioneering" residents,

AND WHEREAS, we believe and are assured that it is the duty and responsibility of the Board of Zoning Adjustment to protect the integrity of resident neighborhoods and to provide for the common and majority welfare,

NOW THEREFORE, we petition the Board of Zoning Adjustment to deny and prohibit any variance or modification that would allow conversion of said property [5812 – 5th Street] into a rooming facility **of any kind or for any or purpose what-so-ever,**

AND WE RESOLVE, to utilize every and all means; legal, judicial, civic or direct-action to prevent this assault on our resident properties, to eliminate this endangerment to our persons, to end this jeopardy to our possessions or this aggression on our sanctuary.

Name(s) Mimi + Kadija Ash

Address 5809 5th Street, NW DC

Home Phone 202-291-7299