Dr. Alan C. Mitchell
1301 33rd Street NW
Washington, DC 20007

September 4, 2001

District of Columbia
Board of Zoning Adjustment
441 4th Street
Suite 210-S
Washington, DC 20001

Dear Members of the Board of Zoning Adjustment:

I write in response to the August 22, 2001 submission of Mr. Craig G. Goodman of 3254 O Street, NW relative to his Application No. 16696 for a zoning variance. It is important to examine carefully Mr. Goodman's rhetoric of misrepresentation, which characterizes this most recent submission and typifies all the submissions he has made previously in reference to this application for a variance. Having testified in opposition to this variance before the Board of Zoning Adjustment at a hearing on July 17, 2001, I feel the need to respond to Mr. Goodman's mischaracterization of my testimony, when he claims on page 5 of his submission that I have "dirty hands", and when on page 6 he specifically claims, "Witness Mitchell also misrepresented the number of signatures in opposition as well as represented other renters in his building who had offered to sign in support of the 31-foot Application if Applicants would stop using a dumpster that the dumpster company stated was on public property and therefore, could be used by the public. Thereafter, renters represented by Mitchell opposed the 20-foot Application." In the absence of direct evidence it is difficult to assess Mr. Goodman's claim that I have "dirty hands". In normal parlance the phrase "dirty hands" implies an ethical impropriety that would bring benefit to a party with a vested interest in a matter that would have detrimental impact on other parties involved. He never specifies how he understands that I have "dirty hands" in my opposition to his application, so I am at a loss to supply his meaning. Rather in a phrase including the word "also", suggesting a separate matter, he makes the claim that I misrepresented the number of signatures in opposition to his application and that I misrepresented other renters in my building who agreed to signing in favor of Mr. Goodman's 31-foot application if the Goodmans would agree to terminate their illegal dumping in the dumpster provided for the trash removal for residents of our building. To this claim I would say simply, let Mr. Goodman provide the names of the persons who agreed to sign in favor of his 31-foot application on the condition that the Goodmans cease depositing their trash illegally in our dumpster. To my recollection there was nothing in my testimony before you that mentioned the use of the dumpster and made the cessation of the Goodmans' depositing of their trash in it a contingency for support or non-support of their application. I suggest to you this is a sheer fabrication on the part of Mr. Goodman. In support of my claim I append to this letter a signed statement from every resident of my building, which clearly indicates that they never agreed to support Mr. Goodman's 31-foot application in exchange for a cessation of illegal dumping by the Goodmans' in our dumpster. The record reflects the facts, and one thing is sure in Mr. Goodman's August 22 submission: his penchant for inflammatory rhetoric exceeds his ability to reason with the facts of this case.

Please examine the transcript of the testimony I gave to see that my claims to represent the residents of 1301-33rd Street are measured and accurate. I called into question the number of signatures the Goodmans' presented in non-opposition to their application. It is

BZA
Case No. 16696
Exhibit No. 77

Board of Zoning Adjustment
District of Columbia
CASE NO.16696
EXHIBIT NO.77

important to remember the distinction I made before you on July 17th. The Goodmans' most recent petition was so worded that the signatories were not in opposition to their variance, something quite different from positive support. I also pointed out that many of the signatures they had collected were invalid because these signatures represented people who no longer resided in the neighborhood. A fair number of them were from Georgetown University students, who have since graduated and moved away or are this year residing in other places. Any attempt to validate those signatures today will confirm my claim. The concerns of residents in my building have to do with public safety, increased residential density in the neighborhood, and the concomitant diminishment of available on-street parking that residential congestion brings with it. These were the concerns I represented to you on July 17th, done, in my opinion, with "clean hands".

Once again I re-iterate my testimony of July 17th. Despite Mr. Goodman's claim to the opposite, there is overwhelming opposition in our neighborhood and beyond it to his application for a variance. The local ANC opposed his application unanimously. The Georgetown Citizen's Association is diametrically opposed to this application. The District of Columbia Office of Planning recommended against it, and four members of the DC City Council are on record as opposing this application. In addition to that, over 70 people in the neighborhood including the most immediate neighbors, who would be adversely affected, oppose the Goodmans' application.

Please examine Mr. Goodman's rhetoric carefully and note how he always presents his own case in the best light, despite the evidence to the contrary. Telling, for example, is his attempt to co-opt the 1983 decision of the Fine Arts Commission regarding the request of Dr. William H. Crocker, the previous owner of the Goodmans' residence, for an alteration to his house. All that decision says is that the submitted design concept is disapproved, which is something different from a denial of any alteration of the house at all. You will notice that the additional requests of Dr. Crocker for filling in the porch and interior remodeling were approved in January of 1984. You requested the record of this action to verify a claim that Mr. Goodman made in his July 17 testimony that a previous attempt to build on to the existing house was denied. Now, you see from the record exactly what was denied, the design concept and not the possibility of any addition to the house at all.

We neighbors, who have rightfully opposed the Goodman's application for a variance because of the negative precedent it will set for our neighborhood, leading to only further residential congestion, have had consistently to deal with the shifting sands of this case. Mr. Goodman's latest submission of August 22 is yet another example of an attempt to alter the record of this case to his advantage. You will see, for example, that what was presented to you in July as a possibly important archaeological site, indeed a hitherto unknown slave tunnel, is now assessed by an archaeologist, Ms. Nancy Kassner as nothing more than a cistern that is so common in Georgetown that it doesn't even warrant special protection. I have confidence that you will see the "hat trick" that has characterized Mr. Goodman's attempt to garner a positive ruling from you, and that your considered opinion will keep in view the common good of our neighborhood, which warrants that the Goodmans' application for a variance be denied, lest it set a dangerous precedent for further development of garages into residential structure, bringing further and unwanted residential congestion to Georgetown. I thank you for the consideration you give to my concerns.

Sincerely,

Alan C. Mitchell

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

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We the undersigned, residents of 1301 33rd Street, NW, Washington, DC 20007, contrary to a claim made by Mr. Craig G. Goodman in his submission to the District of Columbia Board of Zoning Adjustment, dated August 22, 2001, never promised support for his Application No. 16696 for a 31-foot variance to his garage in exchange for the cessation of illegal dumping by the Goodmans in the dumpster provided for trash removal for our building. We oppose any variance to the Goodmans' garage that will transform it into a residential structure because of our concerns for public safety, residential crowding in our neighborhood, and the diminishment of on-street parking that such crowding will necessarily bring with it.

Anthony Clark Arend

Julia A. Lamm

Alan C. Mitchell

Charles E. King

Anne Walsh

Deborah Lesko-Baker

Peter Baker

Daniel Brumberg

~~Lori~~ Laurie Brumberg
corrected by Alan