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September 05, 2001

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

Re: BZA Application 16696
Post-hearing witness response

Dear Members of the Board--,

I appreciate the opportunity to respond to the hearing of July 17, 2001. It is important to clear up the many altered stories, misleading statements, and, at times throughout this process, blatant falsehoods offered as testimony by the applicants. I must start by noting the irony of the Goodman case with the one that proceeded it. The first was a wonderful example of how a commercial enterprise worked with city planners, community leaders, health professionals and neighborhood residents to design a plan for an assisted-living facility for low and middle income people in Ward 8, one of the poorest and most neglected wards in the District. It was unanimously embraced by all and I commend the Board for so quickly and admirably moving to grant the request put before them. The irony arose in the hearing of Application 16696 whereby Mr. and Mrs. Goodman pleaded **hardship** because their 4 bedroom, 2300 square foot house is not large enough to accommodate a maid to wait on and serve them twenty four hours a day and they request a variance to build a separate apartment!

A.) The Applicants claim that their property is unique and that there would be no density, light or air-related impact on the neighbors or neighborhood. The ANC states that the Goodman property is unique only by its low land use. The OP, while acknowledging that the property has unique characteristics in the end has still stated that "the applicant has NOT met the burden to demonstrate that adding the desired space to the main house, instead Os increasing the size of the garage would constitute a practical difficulty." They further went on to say that a "fully self-contained residence in an accessory building could be detrimental to the intent of the Zone Plan".
Mrs. Goodman conducted the air/light study that was submitted in the hearing. Please note that Mrs. Goodman, is NOT licensed to practice architecture, and therefore is NOT qualified to submit expert opinion. In addition to which she is NOT an impartial party. Her testimony on this issue should be disregarded. Regardless of what anyone else says, it is IMPOSSIBLE to stand in my backyard (immediately adjacent at 3258 O St. NW or in the back of 1317 & 1319 33rd St. NW and not clearly see the negative impact the additional structure would have. The fact that 3254 O St. NW is a free-standing house on our block in NO WAY makes it unique. There are six houses on the next block that fit that description. Mr. and Mrs. Goodman have apperntly secured the services of Almy Architects, P.C. and located in Garrett Park, MD. It would seem more credible to me to have the expert opinion of someone who specializes in Georgetown properties and there are several within our immediate area they could have chosen from.

B.) Applicants claim "exceptional practical difficulties" inherent in the land that make expansion of the house "sufficiently difficult ' and /or 'legally impossible'. The applicants have refereed to an underground granite wall. that would prevent them from extending their house or garage. I'm sure that the granite wall does not end at their property line. My house, immediately adjacent to the Goodman property, has a three story addition that measures 20.5 X 15 (the lower level is BELOW ground level) as well as an inground pool. This was accomplished within access space of 39" on the side of the house.!The Goodman have considerably more space on BOTH sides of their house as well as alley access. The fact is that additions and add-ons are very commonplace in Georgetown

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Exhibit No. 78

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and nothing has been offered substantial proof that it couldn't be done at 3254 O Street.

The issue of the root cellar, "slave tunnel" issue has been resolved and it has been determined that the archeological remnant is nothing more than a cistern. It is safe to say that they are as common and likely to be found on the property of any house that dates from the same era in Georgetown as the one in question. I stated at the hearing that my property contained one also, but no one ever called or asked to see it when the Goodman property was examined for purposes of comparison. The existence of the cistern still does not impede the ability to build out from the house or garage.

C.) The Applicants claim their garden to be historic. The "expert opinion of an arborist" is nothing more than the opinion of a Chemlawn employee! The Goodman garden is NOT documented as historic, not is it filled with specimen plantings. It is an OLD garden and that is the difference. Please note in the attached photos (pg. 1.) that the boxwoods planted in the front of the property which appear to have been there a long time, were in fact brought in and planted within the last two years! Boxwoods have a very small and compact root system and it is relatively easy to dig them up, bundle the rootball and move and /or transplant them. They are located at the back of the Goodman property which settles the issue of being unable to build out from the house, and the ability to move them settles the issue of not being able to build out from the garage. The Goodman garden is a lovely, old garden, but that is all, and frankly, anyone who knows Georgetown at all knows that it is filled with lovely, old gardens - the historic ones, (ie.Dumbarton Oaks and Evermay) are well documented. Furthermore the garden has continued to be altered with the addition of new plantings and trees both in front and back.The rose vine mentioned could be protected as it is against the side of the property, and though ivy and some bulbs might be destroyed, ivy is a nuisance that will grow anywhere and bulbs can be dug up!

D.) The Applicants claim their basement to be uninhabitable. This is a very interesting issue since the applicants told both the ANC and OP that their basement was uninhabitable, but changed their story to the Zoning Board and said that it was in use about 40% of the time! I saw their basement within the last year and I hereby offer as testimony that is carpeted, wallpapered, draped and furnished! It is in no way what I, nor I think anyone else would ever consider to be uninhabitable.

E.) Applicants claim their house is too small and their work schedule to busy to care and maintain their property without help. The applicants have stated that they both work and need outside help. Families with two working parents are hardly unique in Washington or elsewhere. Mrs. Goodman works for her husband which gives her more flexibility then most workers and they have only one child who will be going off to school next year. I have to question the need for a full time maid based on these facts. If they want one, fine, but I do not buy into the argument that their maid needs her own apartment above the garage.

F.) Applicants claim they may need garage apartment for an infirm parent. Mr. Goodman is fond of saying "God forbid"...one of their mothers may become infirm and need to move into the apartment. God forbid is right because I'd like you to consider how well and infirmed parent is going to survive living in a second story garage apartment with exterior stairs as their sole means of entry and exit and off an unmaintained public alley!

G.) Applicants claim neighborhood opposition to be minimal This is blatantly incorrect. We submitted approximately forty letters signed by neighbors opposing the proposed addition with its modifications. Attached is a copy of that letter. The Goodman claim to have contacted the signees in opposition and that their signatures were based on the original plan for a three story structure. I know of NO ONE that they contacted, and, if in fact they did, why would they not then secure signatures in favor of their plan to refute any possibility of question? The attached letter clearly state opposition to the twenty foot addition. It was also noted at the meeting that many of the signatures secured by the Goodman who *did not object to their project* (and which is a VERY DIFFERENT thing from supporting this project) were students living in rental apartments in the neighborhood - here for a semester or two and know long gone! They do not have the sense of community or historic preservation that local property owners have. Furthermore I have no idea how the proposed plan was represented to said parties and I hereby request that all the signatures and petitions in favor to the Goodman plan be stricken from the record.

H.) Accusation of Unclean Hands by Vogt, Mitchell and Carter The only 'unclean hands' in this issue are those of Mr. and Mrs. Goodman. It is true that I did originally sign in support of their 31 foot structure. I did so wanting to be a good neighbor, because I admittedly did not study it or ask questions as I should have, and because the original drawing submitted had a very deceptive sense of height and scale perspective. I NEVER AT ANY

TIME asked for a legal easement to drain my pool. I asked to be able to continue to do it as it had always been done. Furthermore, I was draining it into a space that was part of my property! I changed my mind and decided to oppose this plan, as is my right, based on further investigation . Mrs. Goodman, in fact, sat in my living room and offered to let us drain our pool by running a pipe through their back yard. I never realized that this offer was being made to secure our support. I am tired of the smoke and mirror approach that the Goodmans have adopted.
May I also point out that the Goodmans told the OP that a privacy screen had been planted. In their letter they state that "this planting has been completed". As my photo of July 17th clearly showed, the 'screen' in question was a bunch of withered and dying trees still in their pots and sitting on a plank five feet above the ground to give the illusion of height.

I.) Encroachment and disregard of the law Please note in the attached photographs (please see pg. 2 of photographs) that the Applicants erected
a brick wall last year without obtaining a building permit or subsequent inspection. Also attached is a concrete parking pad that over steps their property by several inches - it is my understanding that the property ends where the metal pipe protrudes. I consider this a blatant affront.

J.) Property deterioration While the front of 3254 O Street NW and the back of this property are very well maintained, you can see from the attached photos (please see pg. 3 & 4 of photographs)that the side of the house is a different matter and I fear that any structure facing out into the alley may follow suit. I have asked that they consider a coat of paint and some finishing work. As you can see after the three years I've lived in my house that things have only been allowed to get worse and deteriorate further.

K.) Applicants claim that there are 3-story buildings on alley. Please note on attached page 5 of photographs a complete picture of all the garages on our alley. There are NO three story buildings ANYWHERE, and the only two story garage has an storage space on the second floor. Furthermore, the woman who owns this property is absolutely opposed to developing the alleys, and is opposed to the Goodman plan.

In closing, I sincerely regret that acrimony that this has caused, but please remember that Mr. Goodman is an attorney. He knows the ins and outs of the law and is clearly smooth in this approach. I am a lay person, inexperienced in this kind of thing, but feel strongly the need to protect our historic community, our fellow neighbors . As a concerned citizen I have every right to question the motives presented, especially in light of the many inconsistencies. I have absolutely no objection to the Goodmans desire for a maid or a facility for an aging parent, however, they have options (i.e.. extending the house, using existing space in their home, extending the garage into the yard, or converting half the garage to an apartment) available to them that would not impact the neighbors in the same way as what they propose. However, I do worry that this apartment, if approved could be used as a rental unit one day or as a party room and I have every right as a property owner to voice my concern that this would set a precedent in historic communities and that it is an ill-conceived idea.

Finally, please remember that the ANC ***unanimously*** has asked you to ***deny***, the OP has requested you to ***deny***, the Citizens of Georgetown has asked you to ***deny***, City Councilmen Jack Evans, Harold Brazil, Phil Mendelson and David Catania have requested you to ***deny*** , and many of our neighbors respectfully ask you to ***deny*** application 16696.

Respectfully submitted,

Thomas G. Vogt

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

Re: Opposition to the Application of Craig and Ann Goodman, Application Number 16696, Application for A Variance.

Ladies and Gentleman:

My name is _____ and I am the property owner of _____NW, Washington, D.C. 20007. I oppose the Goodmans' application for a zoning variance for the construction of a second story on their accessory garage with a finished height of twenty (20) feet, which would contain a fully equipped two-bedroom apartment. I have read and fully endorse ANC 2E's unanimous Resolution in Opposition to the Goodmans' application dated June 13, 2001 to the BZA. Specifically, I do not believe that the Goodmans' property at 3254 O Street, NW is unique in our neighborhood in any way. If the Board were to grant the Goodmans a variance it would establish a precedent that would encourage other property owners to construct similar freestanding residential units on Georgetown's historic alleyways and in other R3 areas in the City, such as Dupont Circle and Capitol Hill. As a property owner in Georgetown, I am concerned about anything that will unnecessarily contribute to residential density and the problems that accompany such density.

I urge the Board to DENY Application 16696.

Respectfully Submitted,

Name:

Address:

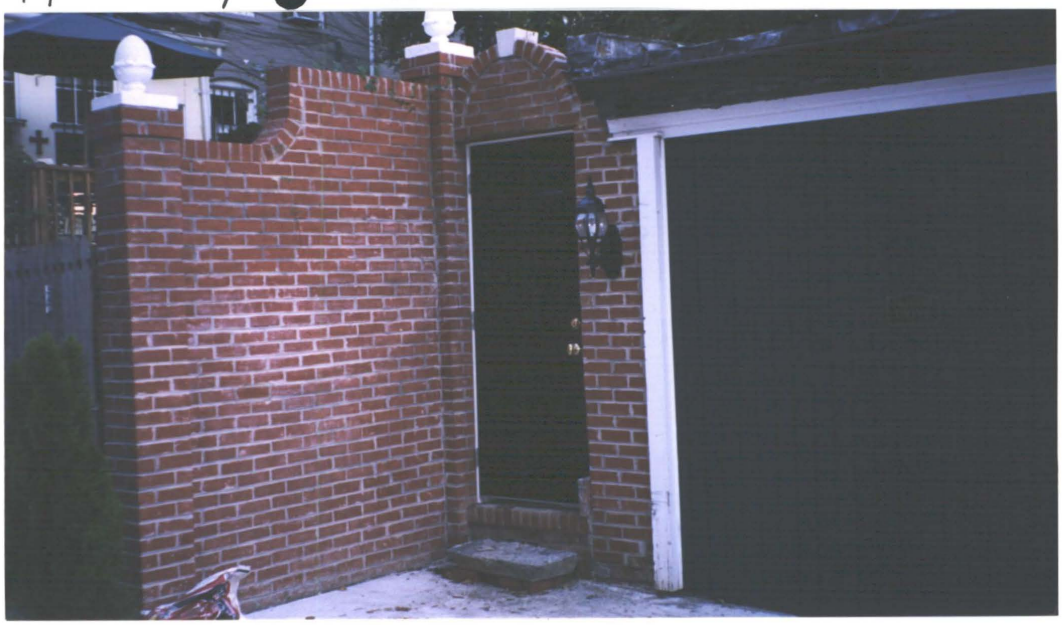
Cc: Councilman Jack Evans

ADDITIONAL COMMENTS

pg. 1 newly planted boxwoods



pg. 2 illegal brick wall



parking pad





pg 3 - west side of house







pg. 4 west side of house





pg 5

08

alley

