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October 24, 2002

Board of Zoning Adjudication
District of Columbia Office of Zoning
441 4th Street, NW
Suite 210 South
Washington, DC 20001
Fax: (202) 727-6072

D.C. BOARD OF ZONING
2002 OCT 25 AM 8:08

RE: Zoning Variance Request #16814.

Dear BZA,

I understand that an application (No. 16814) requesting a zoning variance of the floor area ratio (FAR) of a mixed-used property located at 2713 Ontario Road has been submitted to your office for consideration. As a neighbor, father, and homeowner at 2721 Ontario Road, I am respectfully asking that this request for zoning modification be denied, as it would adversely impact the character of the block and impact the quality of life for residents who reside close to this property.

My concern with this application is five-fold:

1. **Increased Traffic (Foot, Parking and Automobile), Litter and Loitering.** The 2700 block of Ontario Road is already precariously situated between the busy business district of Columbia Road, NW and the purely residential neighborhood of Lanier Heights. This block, which has 27 row houses on it, is the transition between a business district (C-2-B) and single-family residences (R-5-B). Accordingly, the residents living on this block already endure high foot traffic, constrained parking, significant business litter and loitering, as well as vandalism and theft by non-residents attracted by local businesses.

2. **Opposition to Expansion of Existing Businesses on Block.** My family and a majority of residents living on this block oppose the expansion of mixed-use business properties on the 2700 Block of Ontario Road, NW. This block is predominately zoned for residential-only use (R-5-B) and the block already suffers from many ills brought on by abutting businesses. Zoning variances that allow an increased penetration of businesses on this block will make the block less inviting and desirable

BZA
Case No. 16814
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16814
EXHIBIT NO.36

to existing and prospective residents. And, we fear, it will result in established families moving away from this predominately residential block.

3. **Once a Zoning Variance is Approved it will Permanently Alter the Block.** Any zoning variance granted by BZA transfers with the sale of the property. Therefore, expanding commercial use of the property at 2713 Ontario Road for the existing owner could bring additional disruptions to the block's residents when the property is sold to another commercial enterprise. Maintaining existing zoning regulations (and opposing the variance) is in the neighborhood's interest and the only option for preserving the existing character of the neighborhood.

4. **No Exceptional Hardship for the Property Owner Exists.** The owner of the property at 2713 Ontario Road, NW has been operating the same association/business from this property for over 15 years. It is only in the last year that the owner has sought to expand the use of this property for retail purposes (i.e. a used clothing store on the first floor). In a recent ANC meeting (October 21, 2002) the owner admitted in a public forum that no exceptional circumstances or hardship existed and that maintaining the existing use of the property (without zoning changes) would not impact the owner's ability to pay bills, mortgage, or carry the property.

5. **Rewarding Illegal Behavior and Defiance of DC Laws.** The property at 2713 Ontario Road, currently does not have a Certificate of Occupancy for its ground floor (in-law basement), which would legally allow the operation of a business. In fact, the owner has knowingly illegally allowed the operation of this retail store from this basement location for over 9 months. It is only after this infraction was brought to the attention of authorities that the application for zoning variance was pursued. Accordingly, permitting this variance to proceed would reinforce the notion that violation of DC laws have no true consequences.

My family and I appreciate your time in deliberating over this matter and hope that you will concur that quality of life concerns for existing residents support the preservation of the zoning ordinances already in effect in the 2700 block of Ontario Road, NW.

Thank you for your consideration of these facts.

Sincerely,

Kenneth Levy

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