HEARING FOR [redacted] APPLICATION #16814

I stand before you today to share with you my concerns with the Zoning Variance request over which you are deliberating and to respectfully ask that you preserve the residential-orientation of the 2700 block of Ontario Road by DECLINING application 16814.

The 2700 block of Ontario Road is a predominately residential block. It is precariously situated between the bustling commercial district of Columbia Road, NW (to its south) and the purely residential neighborhood of Lanier Heights (to its north). This block, which is lined by 25 rowhouses built at the turn of the 19th century, is the transition block between a business district (C-2-B) and single-family residences (R-5-B). The dividing line for these two distinct zones occurs about half-way down this block. By my calculation, 10 properties on this block are zoned C-2-B and 15 are zoned R-5-B.

My concern with this application is three-fold:

1. **No Exceptional Hardship for the Property Owner Exists.** The National Hispanic Council on Aging has operated from this same location (in the same space and floor area) for approximately 15 years without significant problems or a need for a change in its zoning status. It is only during the past 9 months that NHCoA has expanded its operations to include a retail store in the ground-level basement unit. These operations are distinctly different from its historical operation and services. **During a recent ANC meeting on October 21, 2002 Dr. Sotomayor , herself, admitted that no exceptional circumstances or hardship existed and that maintaining the existing use of the property (without zoning changes) would not impact NHCOA's ability to conduct its non-profit services or operate the property.**

Further, I am concerned with the accuracy of the information that was provided to BZA in a memorandum submitted by the DC Office of Planning on October 29th in support of this application. This memo was submitted without any inquiries or input from residents who live on the block or might be impacted by the pending variance. This memo incorrectly states many facts and is one-sided.

For example, the memo states that "the basement cannot be use for residential purposes because the basement entrance is at grade and provides access to the applicant's facility to handicapped and elderly clients."

In reality, all 25 properties on this street, including 2713 Ontario Road are two steps above grade and have similar layouts to that of the property in question. A majority of these properties have residential tenants in their basement units and the property at 2713 Ontario is outfitted with a kitchen, which leads me to believe that it could be used for residential purposes.

Secondly, the basement unit has its own separate entrance and, currently, does not contain any office space for NHCoA. It is home to Bazar San Antonio, a retail store that sells clothing and home wares. It does not allow access to NHCoA's offices, not does it contain stairs, an elavator or any other item that would allow handicapped or the elderly to more easily access NHCoA's offices on the first floor.

2. **Given that NHCoA faces no unique or exceptional condition, I do not believe that any exception should be made.** Dr. Sotomayor is not a resident of the neighborhood and has a history of violating DC laws.

Case No. 16814
Exhibit No. 43

Board of Zoning Adjustment
District of Columbia
CASE NO.16814
EXHIBIT NO.43

The property at 2713 Ontario Road, currently does not have a Certificate of Occupancy for its ground floor (basement unit), which would legally allow the operation of a business. In fact, the owner has knowingly illegally allowed the operation of a retail store, Bazar San Antonio 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.

Additionally, I and other neighbors have witnessed the following from Dr. Sotomayor and her employees: Repeated unauthorized use of private parking on neighboring residential properties; Routine dumping of refuse and trash onto neighboring residential properties in an effort to have DPW pick up her business's trash during residential trash pick-up – I imagine that this was an effort to avoid having to pay a contractor to dispose of NHCoA's commercial waste, as required by DC law.

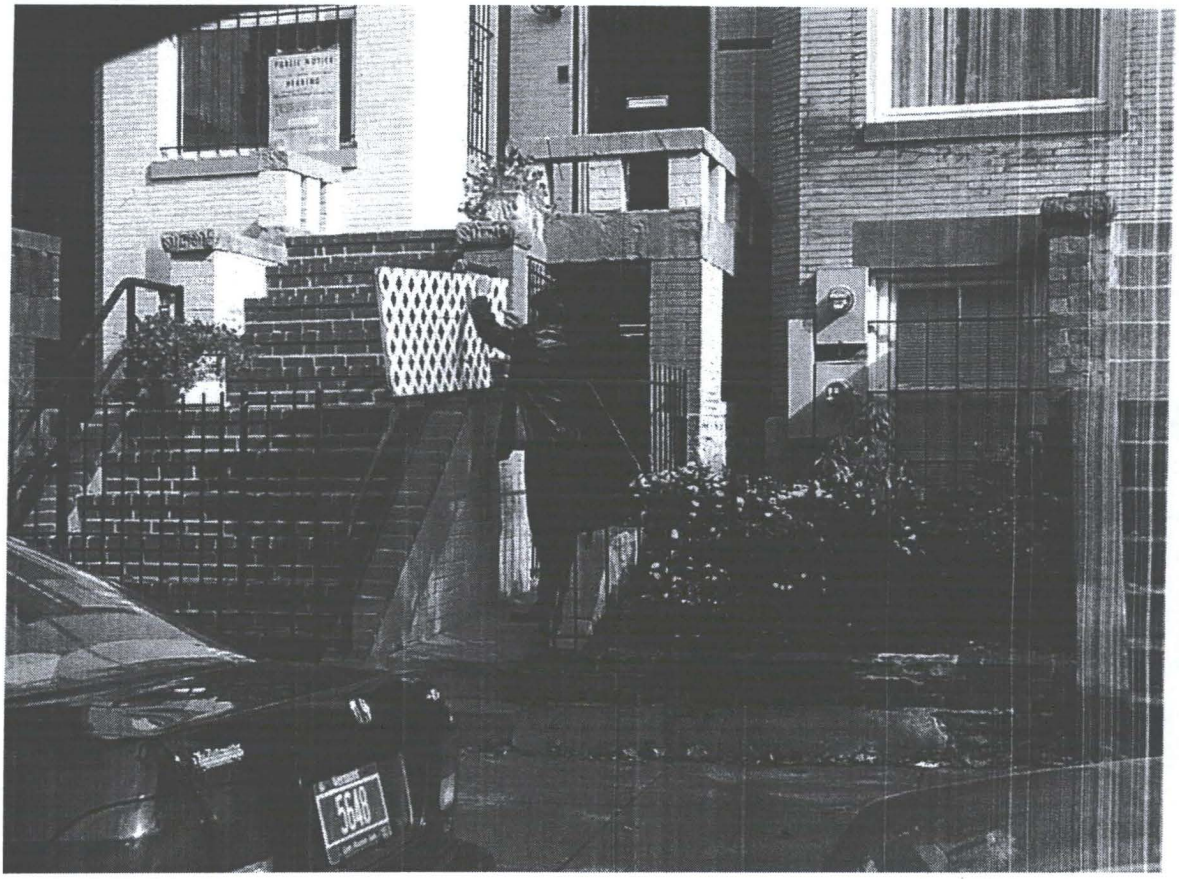
I fear that what is being promoted to BZA as a need for additional space for a community service center is in reality a variance request that will allow Bazar San Antonio to hawk retail goods. Permitting this variance to proceed would reinforce the notion that violation of DC laws have no true consequences.

3. Lastly, the residents of the 2700 block of Ontario Road want to preserve the character of this street and maintain its viability for residential living. **Zoning variances that allow an increased penetration of businesses on this block will make the block less desirable to existing and prospective residents.**

This block is predominately zoned for single-family residential-only use (R-5-B). **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.** Further encroachment of business interests on this block would be to the detriment of the neighborhood and its existing residents. At a recent ANC meeting, ANC Commissioner Jobi Jovanka made reference to her witnessing the theft of clothing attached to an out door display at Bazar San Antonio.

It is my understanding that at least 7 families and residents on the 2700 block of Ontario Road have submitted written statements to Director Jerrily Kress in opposition to the Variance Request over which you are presiding. One of these is from Lee Miller, the resident-owner who's property is next door at 2715 Ontario Road. At the core of neighbors concerns are that the 2700 block is slowly being encroached upon by commercial business interest and that these operations are impacting the character of the street and the block's viability to attract new residents and retain families that currently live here.

DC zoning ordinances exist to separate distinct party's needs and protect residential and business interests. As a father, homeowner and resident of the 2700 block of Ontario Road, I am appealing to this Board to preserve this predominantly residential street and maintain the existing zoning status of the property at 2713 Ontario Road, NW.


PUBLIC NOTICE
HEARING
564B

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