October 7, 2004
Larry Fenster
2730 Stephenson Lane, NW
Washington, D.C. 20015

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 Fourth Street, N.W. – Suite 210S
Washington, D.C. 20001

Re: Application No. 17055

Dear Chairman. Griffis:

I testified at the September 21 hearing, and my testimony is in the record, but I have several additional points to make for your consideration and that of the BZA in general. First and foremost is the meaning and implication of the ANC Report. The ANC Commissioner seemed confused as to the meaning of the report, given that an agreement between Knollwood Neighbors and Army Distaff Foundation ("ADF") had not been achieved by the date of the hearing. Conditions 11 and 12 of that report make very clear that if an agreement had not been achieved, the ANC did not support ADF's application, and instead recommended that the construction moratorium established in 1990 continue its full term.

Second, you suggested that Knollwood Neighbors would have an interest in failing to reach an agreement, so that the remaining moratorium would continue its full term. That was not the case. Knollwood Neighbors has been keenly aware that the BZA may not enforce its past condition requiring a 25 year construction moratorium, and so had a very strong interest to negotiate a reasonable agreement that would reduce adverse impacts of the proposed building. We negotiated in good faith, and attempted establish an agreement that would ensure that large transplanted screening trees would survive construction. These involved removing the meandering wall and agreeing to allow no-overdig if needed. We had reached agreement on these issues, but at the last minute Knollwood retracted them. We were left with no guarantees that the screening would be effective. We had no choice but to oppose the plan as presented.

In fact, ADF also knew that you are not a supporter of construction moratoria, and we believe that if any one had an interest in mediation breaking down it was ADF. In any case, the situation is not one where the BZA would impose any new construction moratoria. It would merely be upholding the conditions of its prior decision.

Finally, the exhibit in Knollwood's application that shows the wandering garden appears to include a dog kennel. I have asked Knollwood to explain the purpose of this kennel and have not received an answer. While a few dogs for therapeutic purposes would have no adverse impact, and is a wonderful idea, a kennel whose purpose is to house dogs all day long for residents could contain dozens of dogs. Their continual barking would produce an adverse effect on Stephenson Lane. The BZA should limit the use of this kennel to no more than 2 dogs for the therapeutic purposes of Alzheimer's' patients

Sincerely,

Larry Fenster

BZA
Case No. 17055
Exhibit No. 149

Board of Zoning Adjustment
District of Columbia
CASE NO. 17055
EXHIBIT NO. 149

FAX

TO: CASE FILE FOR APPLICATION NO. 17055

FROM: LARRY FENSTER

SUBJECT: CASE NO 17055

DATE: October 7, 2004

PLEASE INCLUDE THE ATTACHED LETTER INTO THE RECORD FILE FOR CASE NO 17055.

THANK YOU, LARRY FENSTER