TESTIMONY Of BARBARA ECK
February 24, 2004
Board of Zoning Adjustment
Public Hearing on
Application #17108

My name is Barbara Eck and I have lived in southeast Washington for more than thirty years. Time and time again I have joined with my neighbors and citizens across the city to improve the quality of life by lobbying for effective laws and monitoring the enforcement of these laws. I speak today in opposition to the request for a variance by Folger Park North. It appears that rejection of this application should be a simple task since the property does not meet any of the three tests enumerated in 3103.2 . However, in this case there have already been so many instances in which city agencies have failed to follow the rules that I feel compelled to testify. ,

I'd like to enumerate the behaviors of the applicant that may have led to a self-induced hardship, albeit not one which meets the regulation criteria. A separate building application was submitted for each of the three houses. Each application denied ownership of, or plans to develop, adjoining lots. I am also unaware of any plans that showed their intention to dig up other people's property to place footings and install a large pipe. In failing to acknowledge ownership of adjacent properties no environmental impact study was triggered and I'm told that this is a brownfields site. No one knows the environmental impact of their digging and no one knows what has been spread throughout the community. After incomplete and misleading applications, and outrageous and unlawful violation of other people's properties, did DCRA post a stop work order? No! Last September, with only the foundation completed, Folger Park

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North convinced Mr. Clark that he should allow them to continue building while they applied for this variance, and that they would indemnify the city against legal action.

Five months ago, the city could and should have stopped construction. The builder could and should have adapted his plans to abide by the law. Continuing to build with the knowledge that a denial of a variance would necessitate tearing down the structure was risky, but they were probably confident since they had gotten away with so much already. This kind of behavior should be stopped. If I lived next door I'd try get a someone to investigate whether fraud was committed in the application process. I'd try to get the City Council to investigate DCRA, and I would hire someone with a backhoe to remove the pipe and the footings from my property and I'd send Folger Park North the bill.

In closing I'd like to also say directly to the developer that as a long time member of the Capitol Hill Restoration Society and currently it's Vice President, I want to publicly object to your ongoing characterization of having support from CHRS. Our president told you at the ANC meeting that you had no such support and yet as recently as last weekend you were petitioning people in the neighborhood and stating that CHRS supported you.

Thank you for allowing me to testify today.