Form 140
(Revised 03/15/02)

Case No. **17261**

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PARTY STATUS APPLICATION

Name:* **von Fleckenstein, Friedrich Wilhelm**
Address:* **3109 14th Street NE** City:* **Washington** State:* **DC** Zip:* **20017-2927**

Phone:* **(202) 832-4275** Fax: **N/A** Email: **fritz@alumni.reed.edu**

I hereby request to appear and participate as a party.

Signature: _____ Date: 12/16/2004

I will appear as an **OPPONENT**. I will **NOT** appear through legal counsel.

Please answer all of the following questions referencing why the above person should be granted party status. (If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?*

The actions of Brookland Union in the past, apparently in preparation for the proposed parking lot, have already adversely affected my property. Clay soil dumped on the lot has washed into the alley and onto my property, destruction of the paving of the alley by heavy equipment has caused water to drain onto my property and create a large pond during rainy periods. A large pool has been formed in the center of the alley, which creates a breeding ground for mosquitoes in the summer, and becomes a sheet of ice in the winter. Of the two houses on the property which were in perfectly good condition in 1996, one (1415 Jackson) was bought and destroyed by Brookland Union in 1996, and the other (1419 Jackson) was bought by Brookland Union in 1999 and allowed to deteriorate to the point where it was regularly used by transients and prostitutes, who left their old bottles, condoms and other trash on my property. The felling of all of the trees on the lot in violation of the Urban Forest Act has exacerbated the drainage problems, and raised the temperature of the area in summer, causing stress to the plants in my garden. DPW and other trash vehicles were prevented from entering the alley by the presence of large equipment engaged in cutting down trees, leveling land (or attempting to – the land is far from even to this day), and other activities engaged in by Brookland Union.

A parking lot operated day and night by the same people who have overlooked or even hastened the deterioration of their properties in the last 8 years will only bring more problems. A paved parking lot will increase the summer temperature even

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more. A parking lot open at nighttime will attract prostitutes, drug dealers and thieves and murderers, whether it is lighted or not (witness the recent murder at the beautifully landscaped well-lighted Franciscan Monastery parking lot at Quincy and 14th St. NE). Thus, the trash will continue to be dumped on my property. The entrance to the parking lot will be in the alley almost directly opposite my property, which means that public vehicles will be hindered more often in attempts to access the alley to remove trash or to provide emergency services, and that attempts to turn vehicles in the tight space of the alley could possibly result in damage to my back fence or that of my neighbor Shane Braganza (3111 14th Street).

As a result of these problems, and other environmental, social and psychological effects mentioned below, the marketability of my property will be adversely affected, even in the current "hot" real estate market. No one wants to live with a parking lot in their back yard.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*
Owner

3. What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200 ft.)*
15 feet

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?*

Environmental Impacts

1. Trash will be dumped on my property.

2. The entry and exit of many cars during the day and night, the revving of these cars when starting up and the motors running while these cars are parked in the lot will cause an increase in particulate matter in the air, which will make breathing harder. Since I have asthma, this effect will be particularly severe for me.

3. The paved expanse of the parking lot will cause the local summer temperatures to increase, which will make life more difficult for me and my wife, and cause extra stress for the plants in our garden.

4. The noise of the cars, of loud talking, shouting and screaming, perhaps even of gunshots will all be clearly heard in our bedroom, which is at the back of our house, and faces onto the back garden, which is separated from the proposed parking lot only by the width of the alley.

5. The lights of the cars coming and going, and the security lights (if any) will shine directly into our bedroom window.
6. Gunshots, if fired in the parking lot, could easily enter our property and possibly endanger our lives.

Economic Impacts

1. The value of my property will decline, since no one will be willing to buy a house with a parking lot in the back yard.

2. In order to mitigate the effects of noise, pollution, bright lights and the other problems mentioned elsewhere, I will be forced to spend money on sound-proofing, more plants to screen the view of the parking lot (which will not work for the view from our porch), and other measures. I have already had to install a monitored alarm system after my house was broken into two years ago, at the time when transients and prostitutes were using the deteriorating house at 1419 Jackson.

Social and Psychological Impacts

In 2000, we specifically chose to buy a house in this area of Brookland zoned 1-R-B for single-family homes because of its quiet residential nature, and the abundant trees and other plants. Everything in the neighborhood was pleasant, including the neighbors, except for the boarded-up house at 1419 Jackson. We tried to find out who owned that house (without success, I might add), in the hopes that someone could persuade them to either fix it up or to sell it to someone who would. At that time, the house at 1415 had already been torn down, and that lot was covered in green grass under some fine old trees. We were told by a neighbor that Brookland Union Church had tried to make a parking lot of this lot, but that neighbors had stopped them. We were happy, although we noted that the church members did park under the trees on Sundays.

Past Impacts

In 2001, however, a group of our neighbors discovered that the church had not abandoned plans to make a parking lot. Since that time, there has been one psychological shock after another:

1. February 2002: a large shipment of clay soil was dumped in huge heaps on the property, and remained in this state for a long time, creating a very unsightly view from our back porch.

2. May 2002: huge earthmoving equipment tore down the garage at the back of 1419 Jackson, leaving the debris in another unsightly pile.

3. Sunday July 7, 2002: workers arrive early and tear off all of the asbestos siding of 1419 Jackson, leaving it even more unsightly, and spreading asbestos fibers into the air.
4. December 2002: Brookland Union agreed to rehabilitate the house at 1419 Jackson, raising our hopes.

5. June 15, 2003: Workers remove all of the windows in the house at 1419 Jackson, leaving them open for two weeks.

6. July 2, 2003: Brookland Union dashes our hopes, declaring that it will NOT renovate the house, but build a parking lot, and will clear the lot in preparation for this construction.

7. July 17-20, 2003: Brookland Union cuts down all of the trees on the lots, including the fine old trees supposedly protected by the Urban Forest Act. I was personally devastated and infuriated by this act, which removed trees that I had been observing from my kitchen window and back porch for three years. The pastor further infuriated me by describing this wholesale destruction of the trees as "clearing up the lot" which we had complained was ill-kempt.

8. September 5, 2003: Workman hired by Brookland Union tore down half of the house, without a permit, leaving a pile of rubble and half of the house standing. We were very upset that a house which could have been renovated had been torn down, and we were worried that the coming hurricane would fling the rubble, including some very sharp pieces of wood and metal, all around the neighborhood. The church did nothing about securing this rubble, but fortunately the hurricane did not move the pile, although many trees were uprooted in Brookland.

9. In October, 2003, a permit was obtained, and the house was properly demolished. By that time, as one does with a very bad toothache, we were happy to see the rubble cleared up. Unfortunately, a very ugly 6-foot chain link fence was put up, and remains there to this day. In a neighborhood of wood fences, this chain link fence stands out like a sore thumb. The view from my back porch is not half as pleasant as it used to be.

Future Impacts

We have already been battered psychologically, and we are reminded of it every time we look out of our kitchen window. What further impacts would a parking lot bring?

1. Noise

> **The noise of cars coming and going, revving their motors; the noise of people talking loudly, particularly at night; the noise of people shouting and laughing, particularly if prostitutes use the parking lot as they did the lots in the past; the noise of screaming and gunshots, if thieves and murderers attack people in the parking lot, as they did only a short while ago at the Franciscan Monastery parking lot. All of this noise will disturb our rest, trouble our minds and hearts, and even make us fear for our safety.**

2. Light

The lights of cars coming and going, security lights (if installed – there seems to be no plans for them at this time), the lights for the special events mentioned in the application. All of these lights will also disturb our rest, and keep us from sleeping at night.

3. Air pollution, particulate matter.

The fumes of automobiles revving, coming and going, will cause me to breathe less easily. I will be anxious and worried when this happens.

4. Trash

The trash left by ordinary users of the parking lot, prostitutes and their customers, will be very distressing to see.

5. Ugliness

The ugliness of the current lot is already distressing. The ugliness of the planned parking lot will be even more so. Instead of trees and grass, and the home-like objects in a back yard, we will see an expanse of ugly black asphalt, cars, and the oil they leave behind, not to mention the trash that people will drop.

Although Brookland Union says that they will maintain the lot, their plans for the lot are ugly in themselves: an ugly chain link fence, no plants except a tiny amount of grass. We can judge the manner in which they will maintain the parking lot by the manner in which they maintain their current parking spaces behind the church. It is a very ugly area, with a sagging chain link fence and gate, secured by a chain wrapped around the posts of the gate and fastened with a padlock.

6. Danger

The planned parking lot will be dangerous. The plans for security are not sufficient to keep prostitutes, thieves and murderers out of the parking lot. There are no security lights, and even if there were, these would not deter serious criminals, as the Franciscan Monastery parking lot murders show. The parking lot is to be available day and night, so the gate will not be secured at night. There are no plans to hire security guards and station them in a kiosk at the parking lot. Since the parking lot will be dangerous, our own lives will be endangered by our proximity to this magnet for criminals. We will be very insecure and unhappy.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.*

I believe that I have covered all of the relevant matters.

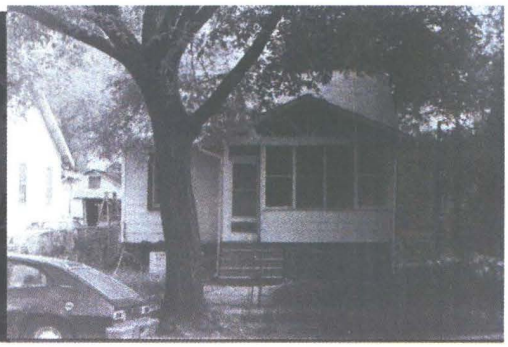
6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.*

Since I live so close to the lots in question, I will suffer day and night from the sights, sounds, noises, smells, polluted air, trash and crime mentioned above. Car lights and security lights (if any) will shine directly into my bedroom window, trash will end up in my back yard, car radios, loud talking, shouting, screams and perhaps even gunshots will waken me and endanger my life. Since I have asthma, I will find it harder to breathe. My closest neighbors will have similarly severe problems. Other close neighbors will experience them to a lesser degree, being neither immediately adjacent to the lots or in the direct line of sight. The general public on other blocks will be hurt to a lesser degree, being generally deprived of a quiet neighborhood by the presence of this parking lot, although they have been extraordinarily supportive of the near neighbors in our distress.

Fritz von Fleckenstein Party Status Application
Exhibit A – pictures of the properties at 1415 and 1419 Jackson Street, N.E.



1419 Jackson Street, NE, 1996



1415 Jackson Street, NE, 1996

Status in 2002



Status in July 2003

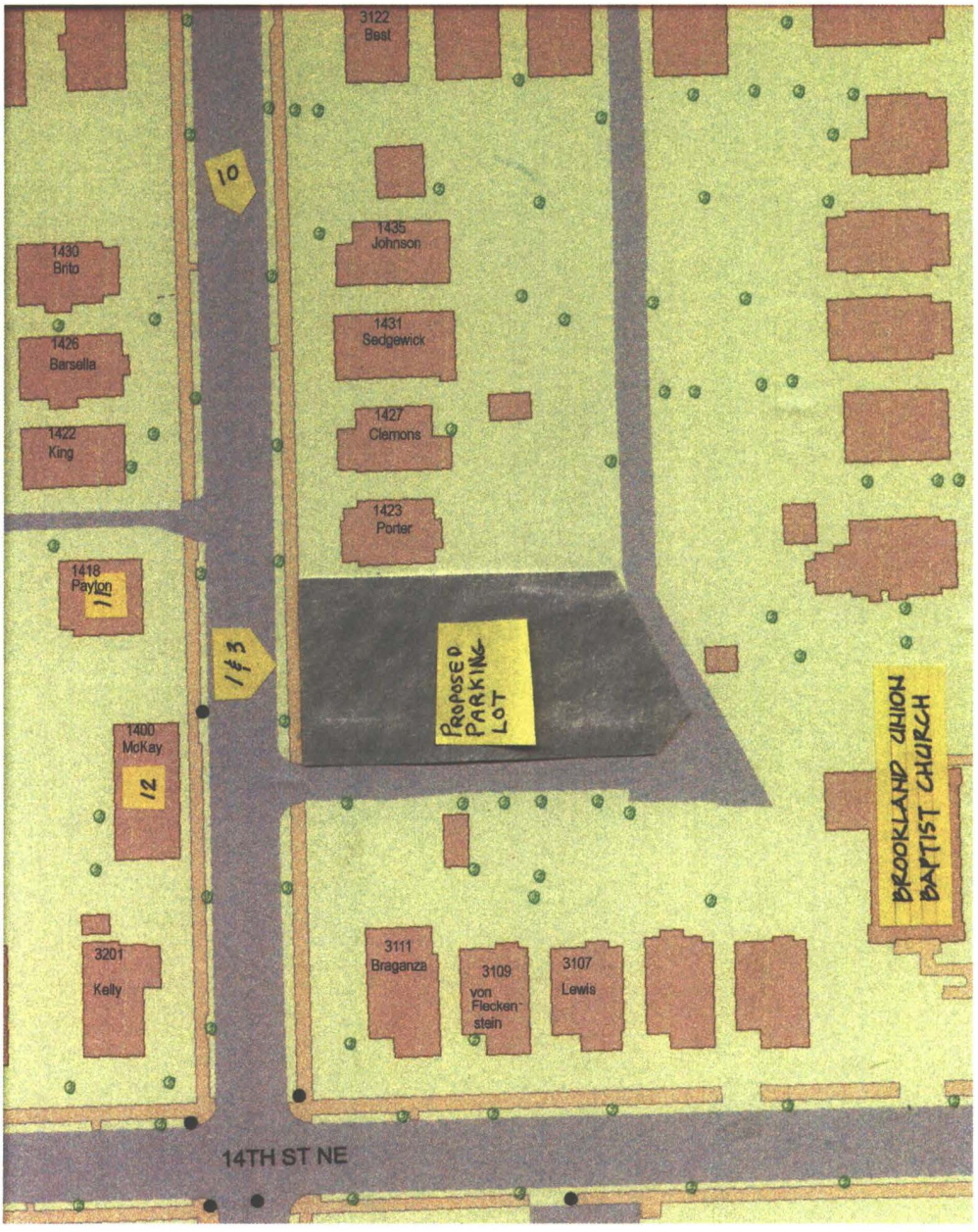


Status in October 2003



FRITZ VON FLECKENSTEIN Application for Party Status

EXHIBIT B- **Location Map**
Neighborhood of proposed parking lot



Note: Number and Names show addresses and names of members of Concerned Neighbors