FORM 140 CASE NO. 17261

PARTY STATUS APPLICATION

NAME: *Last*	*First*	*Middle I.*
McKay	Jammie	L.

ADDRESS: *Street*	*Apt. # (if any)*	*City*	*State*	*Zip Code*
1400 Jackson St, NE		Washington, DC	20017	

Phone No.	*Fax No.*	*E-mail*
202/529-8617	202/269-6317/15	strategicalliance@peoplepc.com

Signature *Date*

I hereby request to appear and to participate as a party: Dec. 20, 2004

Will you appear as a(n)?: __ Proponent _X_ Opponent

Will you appear through legal counsel?: __ Yes _X_ No

(If yes, please enter the name and address of such counsel)

NAME: *Last*	*First*	*Middle I.*

ADDRESS: *Street*	*Apt. # (if any)*	*City*	*State*	*Zip Code*

Phone No.	*Fax No.*	*E-mail*

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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?

My wife and I expect that the action requested by the Board of Zoning Adjustment (BZA) would have many negative secondary effects on our property.

Note: See our responses to the question/concern in items # 4, # 5, and # 6 below.

Conclusions: The BZA should not approve the application of Brookland Union Baptist Church, pursuant to 11DCMR, Section 3104.1, for a special exception to build an accessory parking lot serving an existing church under Section 214.1 in the R-1-B District at premises 1419 Jackson St., NE (Square 4015, Lot 30), because:

- a. The church has failed to satisfy all pertinent requirements.
- b. Ample evidence by well-advertised polling and balloting (conducted jointly by ANC-5A07 and the Concerned Neighbors of the Brookland Union Baptist Church)

BZA
Case No. 17261
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 17261
EXHIBIT NO. 35

and by partitioning (conducted by the Concerned Neighbors of the Brookland Union Baptist Church) show that the neighbors are strongly opposed not only to the parking lot, but to any use of that site for anything other than single family residential housing, namely: the neighbors within 200 feet of the site of the proposed parking lot; the neighbors within the boundaries of ANC-5A07; and other persons residing within the boundaries of the rest of ANC-5A.

- c. ANC-5A, by resolution, is strongly opposed not only to the proposed church parking lot, but to any use of that site for anything other than single family residential housing.

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

My wife and I are owners of our residence.

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.

Our home is located directly across the street from the site of the proposed church parking lot, about 30-40 feet away.

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

My wife and I expect the existence and use of the propose 24-car parking lot to have substantial adverse environmental, economic, and social impacts on us and our neighbors. First, Brookland Union Baptist Church already has accessory parking in a small lot adjacent to the church. The church does not really need the proposed parking lot for there is plenty of on-street parking to accommodate the church's parking needs in every direction from the church, reasonably nearby close even for seniors and for handicap persons, without exception. Second, we expect the existence and use of the propose parking lot to have the following negative secondary effects on us.

- a. Traffic congestion: Cars attempting to enter the proposed 24-car parking lot on Sundays and on days and time for special events at the church -- such as weddings, funerals, concerts, and community meetings and gatherings -- would most often have to stand idling in line waiting at intervals to enter and to exit the lot. Besides traffic congestion and disruption of the nearby residents attempting to come and go in our own cars, this waiting and standing idling would cause much concentration of exhaust fumes and concentrated engine noise. These gas fumes would pose a serious health risk.

- b. Noise pollution: (See the "traffic congestion" negative secondary effect.)

- c. Light pollution: To help ensure safety and security to parked vehicles on the proposed church parking lot for the many night time uses of the parking lot, ample amounts and kinds of lighting would have to be erected and installed on the lot, especially given the size and location of the proposed parking lot located right off two alleys: one alley alone the right side of the lot, beginning at Jackson Street; and the other, alone the back, beginning on 15th Street, between Jackson and Irving Streets. Such parking lot lighting however would be a nuisance shining in bedroom windows.

- d. Health: (See the "traffic congestion" negative secondary effect.)

- e. Safety and security: The proposed 24-car parking lot would attract criminals, vandals, and other undesirables, proving a threat to the general serenity, the well-being, and the safety and security of the entire neighborhood. We therefore fully expect serious safety and security threats to the vehicles inside the parking lot (including the theft of batteries) and to the personal property inside these vehicles. We also expect serious safety and security risks to persons walking to and from the parking lot; to children playing or otherwise trespassing on the lot, during daytime or night; to neighbors and other persons unrelated to the parking lot -- including the children attending the public school one block away -- coming and going on foot, walking alone the nearby sidewalks and streets; and to the neighbors' vehicles and homes surrounding the proposed church parking lot, as well as to us neighbors and property inside our homes. Our neighbors are apprehensive about what tragedies that can befall our neighbors. Just recently this past November (2004) a young man was murdered in an attempted robbery on the parking lot of the Franciscan Monastery in the Brookland Community while he was there as a wedding guest. This was parking lot is about 7 or 8 blocks away from the site of proposed parking lot of Brookland Union Baptist Church.

  (See also the "light pollution" negative secondary effect.)

- f. Water runoff: Unless a highly efficient drainage system is constructed on the site of the proposed parking lot, rain water that collects on the paved parking lot would concentrate and runoff onto the alley and onto Jackson Street, complicating an already long existing very severe rain-water flooding problem, for many of the houses on Jackson Street and Kearny Street.

- g. Sanitation: The proposed church parking lot is expected to generate varying amounts of paper, trash, and debris, both accidental and deliberate deposits. First, substantial amounts of paper, trash, and debris are expected to be dropped on the surface of the by the occupants of (or fallen from) the vehicles in the parking lot. These occupants would naturally consist of regular church members as well as visitors from the general population, both of whom can be expected not to necessarily heed the desire held by both Brookland Union Baptist Church and its neighbors alike that everyone should exercise good sanitation care while using the parking. Second,

it is common knowledge that in unattended open spaces on properties in Washington, DC such as vacant lots and parking lots that one can expect that these places are habitually used for dumping occasionally large amounts of unwanted trash and debris, usually by contractors, but often by errant neighbors. Third, an unattended parking lot in this neighborhood will attract illicit activity: sexual encounters (especially prostitution); alcohol and drug use encounters. Unsightly condoms, drug paraphernalia, liquor and beer bottles, and food bags and wrappers would be discarded on the premises of the parking lot. Fourth, the church has a history of not having kept the grass cut, the shrubbery pruned, and the trash and debris timely removed from the two existing residential properties it owned on Jackson Street, now vacant and comprising the site of the proposed church parking lot: for the first of the two existing residential lots, the record exists from 1996; and, for the second lot, the record exists from 2001. The neighbors by now have little or no confidence that things would be any different should the church parking lot proposal be approved by BZA.

- h. Aesthetics: First, the proposed 24-car church parking lot would be a large open paved surface enclosed by an unsightly 6-feet high chainlink fence around the far outside perimeter, bare of trees and the only vegetation on the lot would be a small plot of grass and possibly some mulch, in a neighborhood zoned for single family dwelling only, located around the corner from our own homes, down the street from our own homes, directly next door to our own homes, directly across the street from our own homes. Second, as proposed the setbacks and vegetated landscaping would be inadequate and unsightly in kind and type. Third, unacceptable sanitation would exist and is expected to be serious at times. Third, all the trees on the site of the proposed parking lot site have already been cut down. Five large live trees were cut down in July 2003 without permit and against the fervent protest of the neighbors, just before the house on the second of the previously two existing residential properties (now vacant and comprising the site of the proposed parking lot) was demolished in October 2003 by Brookland Union Baptist Church without permit and against the fervent protest of the neighbors. . (See "sanitation" negative secondary effect.)

- i. Depressed house and property value: A person's home is often the single most important investment a family makes. Homes surrounding the site of the proposed parking lot are selling for $250,000 upwards.

- j. Residential neighborhood character and kind: Like most families we hope that our homes will be places we can find peace and quiet, and get away from the world. We likewise are also very concerned about our safety in general and our children's safety, particularly when they play outside. If groups of people, many of them strangers, going to and from a nearby parking lot in vehicles and on foot, we like most families may feel that our homes have been disrupted. When experiencing the above mentioned negative secondary effects we feel robbed of the enjoyment and relative

security of our property. Note the following excerpt on the history of the Brookland Community, by Wikipedia, the free encyclopedia:

> Brookland had developed into a neighborhood integrated among economic classes and races, a rarity in Washington, and could boast of such prominent residents as Ralph Bunche, Sterling Brown, Edward Brooke, Rayford W. Logan, and Pearl Bailey. ... [It] remains a relatively stable area of Washington.

The former residence of Ralph Bunche is located on Jackson Street less than a block and a half from the site of the proposed church parking lot; and, the former residence of Pearl Bailey is around the corner less than two blocks away. Although we do not yet have the "historical preservation" status in our neighborhood, this status is something that many of our neighbors are aspiring towards.

Most of the above mentioned negative secondary effects -- especially those relating to traffic, noise, safety and security, and sanitation issues -- can be expected to be magnified and substantially increase in direct proportion to the growth in the intensity and frequency of use of both programs and mission of the Brookland Union Baptist Church. Understandably the church already has expanded missions plans that convert directly into long term growth in the intensity and frequency in parking lot use, including making allowances for the community to freely make use of the proposed parking. Consider the church's future use plans submitted in its zoning relief application:

> "Church members and residents on a regular basis will be able to utilize the parking lot. The parking lot could be used for many outside activities and would help to subside or to alleviate street congestion. In addition, there is a public school in close proximity; the personnel and parents of the school would be welcomed to use the facility for their convenience on a regular basis. In retrospect, this would relieve the issue of parking restrictions for residents and school personnel."

Growth in the intensity and frequency of the use of the church's main worship facility for expanded mission-outreach -- whether currently or sometime in the not to distant future -- would directly increase the intensity and frequency of the use of the proposed church parking lot, which in turn would directly increase the negative secondary effects of most of the mentioned negative secondary effects: especially traffic congestion, noise pollution, safety and security, and sanitation. Imagine an expanded church mission beyond solely church worship that would include, for example: a homeless shelter, soup kitchen, child daycare center, seniors daycare center, and religious school.

Certainly, the proposed parking lot could potentially accommodate all the expanded church mission considerations: those already expressed in the church plans and those that we expect that could take place. As good nature as they are, clearly most of these mission considerations would not necessarily be in the best interest of our needs and concerns. Their adverse impact would be substantial on the neighbors and the neighborhood.

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.

In all of the many instances and that the neighbors met and negotiated with the church officials (including the pastor and trustees) of Brookland Union Baptist Church over our concerns about the intended use of the two residential properties the church had acquired on Jackson Street, which now comprise the site of the proposed parking lot, as well as about the objectionable activities and conditioned associated with the two properties -- first in 1996 as an unorganized group of neighbors and since 2001 as an organized group, the Concerned Neighbors of the Brookland Union Baptist Church -- we have done so in good faith on our part. But the church seems not to have done so on its part. We conclude from this experience and the actions taken by the church on the matters of our concerns that the church is neither a good neighbor, a good steward (in the Biblical sense), nor a good citizen of the District of Columbia. Moreover, the actions taken by the church officials, actions all of which covered by DC codes and zoning regulations, suggest an assumption and an attitude by these church officials that:

- Brookland Union Baptist Church can do whatever it wants to do, whenever, and however.
- The church does not have to take into account any of the concerns and needs of its neighbors.
- The church does not have to take into account any of the laws and regulations of the government of the District of Columbia, ignoring the obligations that every homeowner and every landowner in DC, including religious landowners, have to abide by.

Because of this, we and our neighbors expect that the church to perpetuate similar assumptions, attitude, and disregards for the needs and concerns of its neighbors and the DC codes and zoning regulations, all to the detriment of its neighbors should the Board approve the zoning relief requested by Brookland Union Baptist Church.

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

The interest of my wife and myself will be more significantly, distinctively, or uniquely affected in charter or kind by the proposed zoning action than that of other person's in the general public in the manner that our home is located directly across the street from the site of the proposed church parking lot. Not only this, the front of our house faces the entrance to the parking lot, about 30-40 feet away. The impact on us would be most dramatic. We strongly expect the following negative secondary effects on us: traffic congestion; noise pollution; health; safety and security; water runoff; sanitation; and,

depressed house and property value. **Note:** See our response to the question/concern in items # 4 above.

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