17293

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March 17, 2005

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D.C. OFFICE OF ZONING
RECEIVED

Jerrily R. Kress, FAIA, Director
Board of Zoning Adjustment
Government of the District of Columbia
441-4th St, Northwest Suite 210-S
Washington, DC 20001

Regarding: Application of Kevin & Dawn Mixon, 2846 Davenport St, Northwest (Square 2258, Lot 81)

Dear Director Kress:

We are the next-door neighbors to the Applicants, Kevin & Dawn Mixon, as we live directly on the north side of the above identified property. We respectfully object to the above Application on the following grounds:

1. The variance for the parking space would be completely out of character with the entire neighborhood, and would not only devalue and degrade adjacent homes, but would present substantial confusion for anyone traveling down Davenport Street. It would also present significant additional considerations.
2. The placement for the proposed parking space would be extremely highly visible, as it is in a location that, especially when one is traveling down Davenport Street towards Broad Branch Street, would accentuate any vehicles or structures at that place near the street. This can be seen by reviewing the attached photographs, which show the placement of the proposed parking space location where there is a large, cut fir tree placed where vehicles would be parked.
3. Davenport Street angles to the left precisely at the location of the proposed parking space on the private property. This proposed variance would allow automobiles to appear to those coming down the street as vehicles parked directly in the middle of Davenport Street.
4. In addition to appearance considerations, there are serious safety considerations: Viewed from the top portion of Davenport Street from Linnean Ave., the attached pictures reflect that vehicles or related parking structures on the proposed parking space location would appear to be blocking the center of Davenport Street. Particularly at night, lights reflecting from the side or rear reflectors of any vehicles parked in that location would disorient travelers. In short, the parking location would make it appear as if vehicles were parked directly across Davenport Street.
5. Vehicles parked in the proposed parking space location, only a few feet off of the

BZA
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Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO. 26

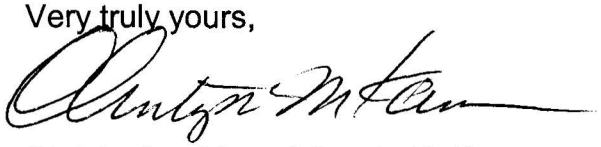
street, and without a garage, are incompatible with the housing and the lot configurations in the Forest Hills neighborhood. While there may be one or two houses in Forest Hills that do not contain driveways or garages due to unusual terrain, there are at least spaces for on street parking for those homes. In the case of this proposed variance, the vehicles would be parked sideways with their bumpers at curbside, thus presenting a completely incompatible vehicle and parking pattern when compared with the rest of the neighborhood.

6. The proposed parking space location is also directly on top of a significant, ±18' drop-off in the landscape. The current fill under the proposed parking space location is nothing more than an extremely large pile of accumulated decaying leaves, branches, and other materials, now consisting primarily of compost. Therefore, the present status of the site and its existing soils would be incompatible with an attempt to place a parking space at the proposed location, without significant excavation, placement of suitable soils, shoring of the area, etc.
7. By examining the current drawings, it is clear that there is a building restriction line precisely where the proposed parking space is to be located. That building restriction line is important not just for possible structures such as houses or garages, but because of the water runoff issues on Davenport Street. There is a large, 54 inch water runoff pipe buried in the middle of Davenport Street, which carries accumulated runoff from the greater part of the neighborhood. However, a significant amount of water is not captured by the street drains, thus the water accumulates and runs down the hill on the top of Davenport Street. Years ago the District of Columbia Department of Public Works approved a small brick wall at the end of my driveway in order to divert the torrents of rain water runoff back into the street and away from Lot 81 (the Mixon property). However, despite that water diversion wall, substantial amounts of water pour directly into Lot 81, precisely where the proposed parking area is contemplated. Currently, the water is being absorbed by the extremely large pile of decaying materials on Lot 81. The proposed plan would not only upset the current balance, but fails to address new, unknown water runoff conditions at this angle of Davenport Street.

As a result of the above reasons, we must respectfully object to the proposed parking area and the plan of the Applicants. Hopefully, they will be able to present an alternate plan that will address the above problems, in a fashion that would be compatible with the neighborhood.

Unfortunately, we will be out of town on the date of the hearing.

Very truly yours,



Christopher M. and Carole H. Kerns

Enclosures

Ardie Kalantar

From: "ckerns" <ckerns@fortmyer.com>
To: "Ardie Kalantar" <akalantar@fortmyer.com>
Sent: Thursday, March 17, 2005 9:20 AM
Attach: Christopher M. Kerns.vcf; Davenport St #1 (2).jpg; Davenport St #2 (2).jpg; Davenport St #3 (2).jpg

Christopher M. Kerns, Esq.
Direct: 202-529-3178
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Cell: 202-437-5206







Form 140
(Revised 03/15/02)

Case No. 17293

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions.

NAME: Last	First	Middle I.
KERNS	CHRISTOPHER + CAROLE	M + H

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
2848 DAVENPORT ST. NW.		WASH	DC	20008

Phone No.	Fax No.	E-Mail
Office: 202-529-3178 Hm-202-244-6979	202-529-9622	chriskerns1@earthlink.n

I, hereby request to appear and participate as a party. Signature: [signature] Date: 3/17/05

Will you appear as a(n) ☐ Proponent ☒ Opponent Will you appear through legal counsel ☐ Yes ☒ No

If yes, please enter the name and address of such legal counsel.

NAME: Last	First	Middle I.

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

Phone No.	Fax No.	E-Mail

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?
We live directly next door, and will be affected by the Application as set forth on the attached letter. We own the next door property in fee Simple.

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

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 200ft.) ZERO = (Adjacent)

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?
See attached letter

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.
See Attached Letter

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.

See Attached letter