

Board of Zoning Adjustment
District of Columbia
CASE NO. 17615
EXHIBIT NO. 21

Over the years, there were times when people parked in this area. When people did so, I was unable to move my vehicle from P-112. These issues were made known to the Board of Directors of WHCA.

In 2004, the Board of Directors sent out notices that it intended to create five “new” parking spaces and to auction them off. The notice sent out on August 18, 2004 included a map by which the Board indicated that the aisle width between space P-112 and new spaces 2 and 3 was seventeen feet. A majority of the Unit Owners asked the Board to at least delay its action. The Board refused to do so. Instead, the Board decided to move ahead with this illegal “auction.” The Board did not seek the approval of the Unit Owners.

In conducting the illegal auction, the Board also ignored its own procedures. Registration for the “auction” was not allowed on the day of the “auction.” Despite what the Board’s procedures stated, a different process was set up to require advance registration, and I was not told about that requirement until after the registration “deadline” had expired.

The “auction” was carried out on September 15, 2004. I was present at first, but then the Board members who controlled the auction moved everything to another part of the parking garage. I watched from a distance as individuals were awarded parking spaces by what appeared to be some predetermined arrangement. In the end, the five spaces were sold for approximately \$267,500 to four individuals. The prices ranged from \$42,500 to \$65,000, according to the Board (after I made numerous requests for the details). One purchaser was the girlfriend of one of the Board members – she was not herself a Unit Owner, which was supposed to be a requirement for participation. She even took the space with her when the Unit was sold and her now husband bought another Unit in the Complex – another thing which was not supposed to be

permitted under the Board's procedures. One of the other Board members was allowed to purchase two spaces at the auction.

In anticipation of the auction, the Board had the parking garage repainted. The striped area was painted over and turned into spaces 2 and 3. The sign directing pedestrians to the residential elevators was moved to just inside space P-116, which happens to be another space that I own – and now pedestrian traffic has been routed through my space. Spaces 1, 4, and 5 were also designated. The Board authorized payment of \$2,650.00 for all of this work, as shown by the September 20, 2004 invoice marked "PAID." Thus, all of the work for which WHCA sought the Building Permit in November 2006 had already been done years earlier – which it did not tell DCRA in the application.

Basically, since September 2004, my car has been landlocked in space P-112. I cannot move it when space 2 is occupied. I have personally measured the distances involved. My car is 17 feet, four inches long. Measuring from the end point of space P-112 to the beginning of space 2, the distance is 16 feet 10 inches. The distance is even less if the user of space 2 pulls forward past the imaginary end line. I cannot move my car out when space 2 is occupied. I have tried to move it, but it is not possible to do so.

The end line of spaces 2 and 3 is an imaginary one, because there is no line there to indicate where the spaces stop. There is no "wheel stop" or other device to stop a car from being moved forward, or to protect pedestrians and vehicles. As the pictures show, the user of space 2 very often pulls several inches forward, making the space even less than 16 feet 10 inches.

The 48 legal spaces in the parking garage are all owned by Unit Owners. Each space is assessed and real property taxes must be paid to the District. The current assessment is

\$50,000.00 per space. The five “new” spaces are not assessed and no real property tax is paid on them.

The five “new” parking spaces violate the Zoning Regulations. DCRA obviously agreed that the Building Permit should have been issued in November 2006 (over two years after the work was done). The Zoning Administrator found that the Permit could be issued as a matter of right. This determination was in error.

Spaces 2 and 3 violate the parking aisle width requirements. They lack any pedestrian walkway protections. Also, when the Board decided to direct pedestrian traffic through space P-116, they violated the pedestrian walkway protection requirements. Directing pedestrians through parking spaces is unsafe for them. Also, the car I have in space P-116 was scratched on at least one occasion when someone brought a shopping cart through it as directed by the sign placed by the Board.

Spaces 1, 4, and 5 do not have the required vertical clearance. They are also dangerously close to the utility lines.

All of the spaces violate the requirement for reasonable and convenient parking facilities.

In addition to the violation of the Zoning Regulations, the BZA also has the authority to impose additional conditions as necessary.

I am pleased to say that ANC 2E considered the issue and voted to support my position on the matter. I hope that the BZA will give ANC 2E’s determination the great weight to which it is entitled, and sustain my appeal. Thank you for considering these issues.