

Exhibit E

Statements from Adjacent Property Owners

The following statements are from the two property owners who own the properties directly adjacent to the Subject Property.

These statements are direct evidence of the Applicant's failure to meet Subtitle U §§ 254.14 (a) which states "*A corner store use shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, deliveries, or other objectionable conditions.*"

This failure to meet these requirements renders the Applicant's self certification null and void.

Nabil and Caroline Emad
3424 O ST NW
Washington DC 20007

December 26, 2019

BZAsubmissions@dc.gov
Washington DC

Case # 20135

Dear Sir/Madam,

We are the owners of 3424 O ST NW and the immediate adjacent neighbors of 3428 O ST NW where Call Your Mother (CYM) Restaurant is requesting a variance.

We urge you not to grant them the variance given the substantial harm to us for the following reasons:

(1) Risk of fire, (2) noise level, and (3) smell of cooking. A variance would result in an irreversible economic hardship to us as landlords.

1. Risk of fire

There is NO Fire Wall, cinder blocks or insulation between the two buildings. There is only drywall and wood studs. We discovered this on December 4th , 2019 when CYM's contractor drilled through our wall twice at 7:45 pm. Please see the attached photo. We are very concerned for the safety and well being of our tenants.

On October 12th, 2019, our tenants called us and reported a very strong gas smell in the house. We advised them to evacuate immediately and called Washington Gas who confirmed the leak was coming from 3428 O ST NW during their inspection.

On July 26, 2018 a small restaurant down the street from us in the 3200 block of O ST NW, had an accidental fire that not only destroyed their location but their next door neighbor as well.

Those 2 townhouses are very similar to our property and 3428 O ST NW.

When CYM underwent renovations, they could have done something to reinforce the walls (or even add noise reduction) but they did not.

This is a very serious issue that has not been addressed in their plans or the hearings.

2. Noise

Since the walls are thin, we easily hear the people talking next door. If CYM is planning on opening at 7:00 am, they will likely start working during pre-dawn hours. According to Mr. Dana, he will have about 15- 20 employees. This will interfere in the quiet enjoyment of our tenants especially since the noise will start in the early morning hours but continue all day long.

3. Smell

The smell of cooking will invade our house throughout the day just like the smell of gas on October 12th, 2019.

Due to the aforementioned substantial harmful and irreversible reasons, we may not be able to rent our house and will, therefore, suffer economic hardship. If we can rent it, we will likely have to lower the price significantly.

According to Ms. Crystal Myers, from the office of Planning, once a variance is granted it will remain with the location. If the variance is granted, we believe the landlord would be able to rent the location to any other fast food restaurant once the CYM has ended their lease, (as he indicated he might do).

In summary, the townhouses in Georgetown were built over 120 years ago and not built for heavy intensity use. The previous commercial uses of this location never had the fire, noise or odor issues that CYM would now bring right next door to our property. Please let us know how we can be of further assistance. Thank you for your consideration.

Respectfully yours,
Nabil and Caroline Emad
(703) 928-8146



Cochran, Patricia (DCOZ)

From: Julian Latimer Clarke <latimerclarke@hotmail.com>
Sent: Sunday, December 15, 2019 6:33 AM
To: DCOZ - BZA Submissions (DCOZ)
Subject: Case #20135 -- Register of concern regarding application for zoning change

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Dear BZA,

I am writing to object to the zoning change requested by the owners of the new bagel shop, case #20135, to cook food onsite.

My property adjoins the shop at 1331 35th street.

Please accept this as my formal objection to the request for a zoning change based on the following issues:

- The rodent population will increase, a problem that the restaurant will inflict upon the neighbourhood for us to deal with at our own expense.
- The lines of people on the street will block the front entrance of my house. My house is tenanted and is run as a business. The line of people outside my door is likely to damage my business by reducing the amount I can charge for rent. This is not fair to me.
- The noise created by the many customers will also affect my ability to rent out the apartments at a fair price thus negatively affecting my income.
- The proprietor is likely to set up chairs and tables outside the premises, even if he claims now that this will not be the case (I foresee a replica of the annexed tables and chairs found at his other restaurant location). The neighbors will be powerless to prevent him doing so.
- The restaurant patrons will generate an enormous amount of rubbish, much of which will end up in front of my house. There is no public trash receptacle near the proposed shop and therefore customers are likely to discard their trash in the vicinity of my house. Again, this is not fair to me and will negatively affect my business earnings.
- A decline in my property value due to the smell, pollution, waste and disruption caused by cooking on the premises and the other issues noted above. My house is residential property, not a business, so the negative effects listed above will be highly exaggerated.

As I am not resident in the United States I have difficulty appearing in person to make these complaints at public hearings on the subject. I hope that you can therefore take these complaints into special consideration.

I would also like the BZA to not my alarm at how swiftly and easily the proprietor's many requests for zoning changes have been accepted, with little consideration given to the concerns of local residents.

Best regards,

Dr. Julian Latimer Clarke

Board of Zoning Adjustment
District of Columbia
CASE NO.20135
EXHIBIT NO.137

