

## Jack's December report

At the November meeting, the ANC did the following:

- Advised the BZA (Board of Zoning Adjustment) to deny the application for a variance for the house to be built at 1844 Monroe Street.

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As I noted in the November newsletter, a developer wants to build the pair of houses on **the vacant lot at 1842-1844 Monroe** right up to the property line, with no “side yard” between his building and the next-door neighbor, 1850 Monroe. He attended the November meeting to argue his case, but no one was persuaded, and the ANC passed my resolution, opposing a zoning variance to permit construction without the side yard, by unanimous vote.

Long ago, the building on this lot was a duplex, with side yards on both sides, east and west. The two lots into which this vacant area is divided are relatively wide, 25 feet, so a comfortably wide pair of houses could be built, leaving space between the new construction and both of the existing houses, east and west. (The row-house lots, adjacent and across the street, are just 16.67 feet wide.) But the developer wanted houses just as big as could be fit onto those lots, and so intends to build right up to the property lines, east and west.

On the east, this means building what amounts to an extension of the existing row, attaching the new house – 1842 Monroe – to the end of the existing row – 1840 Monroe. The ANC was not consulted on the zoning permit to do this, and I wish we had paid attention to this when this did come to the ANC, as a historic preservation matter. But I know of no zoning restriction on building an extension of an existing row. The row-house neighbors have filed a letter with the BZA protesting that attached construction, but in the absence of a legal zoning restriction, requiring a zoning variance, the BZA can do nothing (nor could the ANC).

On the west there is a free-standing house, so the developer can't attach to that. But his proposed construction goes right up to the property line, creating a 32-foot-high wall abutting that neighbor, who is not pleased by that prospect.

The zoning regulations may or may not permit construction of a row house right up to the property line. The text of the regulation seems to say that this is allowed. But in July, the DCRA Zoning Administrator said no, a five-foot side yard would be required. The developer is fighting that decision. Then, in case his appeal of the Zoning Administrator's decision fails, he's applied for a zoning variance, to permit building to the property line.

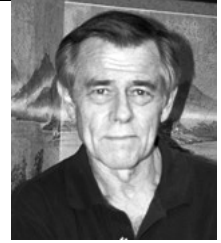
My resolution addresses that second effort, the application for a variance, advising the BZA to deny the variance, should the variance be required. As for his challenge of the Zoning Administrator's interpretation of the side-yard regulation, I'm sure that will be decided by precedents, since this is not a new regulation, and there must be prior cases concerning the interpretation of that awkwardly phrased regulation. I assume that the Zoning Administrator, no novice at this sort of thing, will provide a substantial defense of his decision.

If the Zoning Administrator is overruled, then the application for a variance comes into play. My ANC resolution advises

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Jack McKay, December 10, 2017

Jack McKay  
3200 19th St, Tel. 462-8692  
e-mail: [jack@dcjack.org](mailto:jack@dcjack.org)  
<http://DCJack.org>



the BZA to deny that application, and require the side yard between the new buildings and 1850 Monroe.

The BZA hearings to decide both efforts were to have been on November 29, but have been postponed to February 28.

The developer has been telling me that I should not be objecting to his plans because he has the support of the neighbors. In fact he's facing strong opposition from the immediate neighbors, east and west. Development of that now-vacant lot is fine, but does it have to be such a massive construction, filling every last bit of open space?

In November I got an anguished e-mail from a neighbor whose guests, visitors from Canada, had been socked with an utterly **enormous parking ticket** – for *one thousand dollars!* Everybody gets parking tickets, but what parking offense is so awful that it warrants a thousand-dollar ticket?

The terrible crime that brought about such a horrendous fine was this: her guests had parked their truck, with a little bitty bedroom-trailer, on the street. And yes, the fine for parking a trailer, however small, on a street in front of a residence, is a thousand dollars!

Further investigation revealed that the ticket had been issued by an MPD officer, not by Parking Enforcement. I protested this to our Lieutenant Munk, who located the officer in question. That turned out to be not a regular patrol officer, but an Environmental Crimes officer. What was he doing on 19th Street at 4 in the morning? Did somebody call to complain about that little trailer? Who knew that parking such a trailer on our street was illegal?

I told this officer that, whatever the wording of the law, inflicting such a horrendous fine on a family visiting residents here showed extremely poor judgment. There's no doubt that this officer knew exactly what he was doing to these poor folks, as the “\$1000” fine for the violation was hand-written on the ticket.

The visitor took the ticket downtown, and a DMV examiner, agreeing that this was wholly inappropriate, dismissed the ticket. The whole business was a waste of everybody's time, and certainly left my neighbor's Canadian visitors with a dreadful impression of the civility of authorities in DC.

A thousand dollars! Say, if you rent a little U-Haul trailer to do some errands, and park it in front of your own house, are you subject to getting such a dreadful fine? Well, yes! The way the law is written, any trailer, however small, however non-commercial in use, warrants a thousand-dollar fine. I'm going to ask our Council to stop that. The text of that

regulation pertaining to trucks specifies only large trucks, exempting small, personal-use vehicles. The trailer prohibition should do the same.

I am told repeatedly by the Metropolitan Police that residents of Mount Pleasant are complaining about illegal parking, and asking them for increased parking enforcement. Commander Manlapaz, defending his aggressive policing of parking in Mount Pleasant, cites “the numerous complaints we get in Mt Pleasant”. I think parking enforcement should be left to DPW Parking Enforcement, while our police officers worry about real crime, such as protecting our parked cars from thieves. Mount Pleasant residents suffer about 100 thefts-from-auto every year. That is, I think, a far more serious problem than whatever illegal parking escapes Parking Enforcement ticketing

In early December we see **the earliest sunsets of the year**, a quarter to five. This early darkness puts pedestrians at risk. Three-fourths of pedestrian deaths occur after dark, and the rate of pedestrian fatalities increases every winter, peaking along with early midwinter darkness. One doesn't have to be a rocket scientist to see that the problem is the visibility of pedestrians on dark nights.

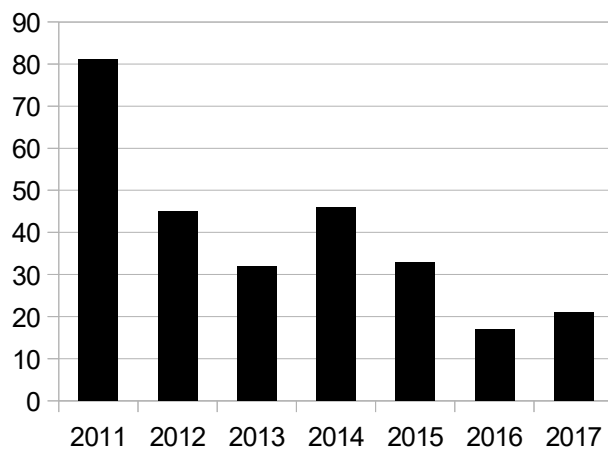
We can't do anything about early sunsets, but we pedestrians can do something about our own visibility in the darkness. I'm dismayed that dark clothing seems to be most favored in winter; why not wear light-colored clothing, for maximum visibility in a car's headlights? Even in city lights, pedestrians can be hard to see, and we pedestrians should do all we can to be visible, simply as a matter of our own survival.

Residents worry, with good reason, about being the victim of a burglary. But **how serious is the burglary risk**, here in Mount Pleasant?

As is evident from the chart, burglaries (persons entering your home to steal your property) have been declining here in recent years, though the 2017 count is higher than last year's total. (Never trust simple, this-year versus last-year, comparisons, which are not reliable indicators of trends.)

## Burglaries in Mt Pleasant

annual totals (2017 through November)



I've calculated the count of *burglaries per resident* in the seven MPD districts, for comparison to the same count for Mount Pleasant. The lowest burglary rate is, of course, in the second MPD district, which is upper Northwest, west of Rock Creek Park: 1.52 burglaries (year to date) per 1000 residents. Our rate is somewhat higher, 2.20 burglaries per 1000 residents. The average for the District is 2.33, so the burglary rate here is slightly lower than the citywide average.

It seems awfully early to be thinking about it, but pretty soon the District's 2018 **primary election campaign** will be under way. In years past, the primary election was held in September, so no one got serious about it until summer. But federal election rules now require a much earlier primary election, in order to give members of the armed forces stationed abroad time to mail in absentee ballots. The minimum time for that put the DC primary election in August, conflicting with vacation travel plans for many residents. So the primary has been made even earlier, June 19, after school is out, but before residents leave for summer vacations (it is hoped).

Incumbents on the ballot in Ward One include Mayor Bowser, Ward One Councilmember Brienne Nadeau, and At-Large Councilmember Anita Bonds. Because the Democratic primary in DC is tantamount to election, it's necessary for us to pay very close attention to the primary, five months before the general election.

Candidates for ANC do not participate in the primary, because we're not supposed to be aligned with any party. But of course all the ANC seats will be on the general election ballot in November. Yes, including mine.

December 9 brought our first bit of **snow**. This is a good time to note that we residents are obliged to clear the sidewalks in front of (and, for corner lots, alongside) our homes.

*D.C. Code 9-601: The owner of a residential or commercial property that fronts or abuts a paved sidewalk shall, within the first 8 hours of daylight after the ceasing to fall of any snow or sleet, remove and clear away, or cause to be removed and cleared away, snow or sleet that is in front of or abuts a building or lot of land to provide a path that is the entire width of the sidewalk, up to 36 inches wide; provided, that a residential or commercial property owner may delegate this responsibility to a tenant, occupant, lessee, or other individual by written agreement.*

As I've noted in a newsletter, **robberies** (being accosted in person and forced to give up your possessions) have declined sharply here in recent years. As of December 1, there have been just seven robberies in Mount Pleasant in 2017, versus 29 to this date a year ago.

But the count is not zero. A resident reports being robbed of his cellphone and backpack by a group of five youths on the 1700 block of Park Road, at 6:45 in the evening. This is a pattern frequently seen: not the solo robber, but a small band of juveniles, no doubt doing as a group what they might well not have the nerve to do individually.

The next meeting of the ANC will be on **Tuesday, December 19**, 7:00 pm, at the Mount Pleasant Library.