

Ausubel, Lawrence M.

From: "Bolling, Melinda (DCRA)" <melinda.bolling@dc.gov>
To: "Ausubel, Lawrence M." <larry@ausubel.com>; "LeGrant, Matt (DCRA)" <matthew.legrant@dc.gov>
Cc: "Reid, Rohan (DCRA)" <rohan.reid@dc.gov>; "Cheh, Mary (COUNCIL)" <MCheh@DCCOUNCIL.US>;
"Hubbard, Judy (Council)" <jhubbard@DCCOUNCIL.US>; "Whitescarver, Clarence (DCRA)"
<clarence.whitescarver@dc.gov>; "Kathy Ausubel" <kathy@ausubel.com>
Sent: Monday, March 11, 2013 5:10 PM
Subject: RE: Transformer box - 2750 32nd St NW

Mr. and Mrs. Ausubel,

As you may be aware, the District of Columbia was closed last Wednesday due to inclement weather and it delayed my response to your request. During our meeting, you requested and I agreed to review cases decided before the Board of Zoning Adjustment ("BZA") and D.C. Superior Court which referenced the side yard and accessory structure question that you posed. As I suspected, this issue has not been expressly decided by either body. There were verbal references to an accessory structure and whether it had a required side yard in a couple of cases. Unfortunately, the written decisions do not reflect those verbal references. Accordingly, there is no case law from either the BZA or D.C. Superior Court on this issue.

Regards,
Melinda Bolling

From: Ausubel, Lawrence M. [mailto:larry@ausubel.com]
Sent: Tuesday, March 05, 2013 9:01 AM
To: LeGrant, Matt (DCRA)
Cc: Reid, Rohan (DCRA); Cheh, Mary (COUNCIL); Hubbard, Judy (Council); Whitescarver, Clarence (DCRA); Kathy Ausubel; Bolling, Melinda (DCRA)
Subject: Re: Transformer box - 2750 32nd St NW

Dear Matt and Melinda,

Thanks to both of you for the friendly and informative meeting yesterday morning.

Also, thanks, Matt, for agreeing to send us words describing how you measure a side yard when the house is irregularly shaped and the lot is irregularly shaped. And, thanks, Melinda, for agreeing to send us references to DC regulations and case law establishing the proposition that an accessory structure does not require a side yard, despite the definition in Section 199 of the Zoning Regulations that apparently refers to all structures. As we understood, you both agreed that you will be able to provide these by the end of this week, so that we have adequate time to investigate an appeal.

Thanks again for meeting with us!

Best,

Larry and Kathy

Board of Zoning Adjustment
District of Columbia
CASE NO.18577
EXHIBIT NO.6

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