GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Foxhall-MacArthur, Georgetown and Hillandale
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D.C. Zoning Commission
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June 13, 2001

Board of Zoning Adjustment
Suite 210
441 Fourth Street, NW
Washington, DC 20001

RE: Application #16696, 3254 O Street

Dear Members of the Board:

At its June 5, 2001 regular scheduled meeting, which was duly noticed and attended by seven of the eight commissioners, ANC 2E unanimously passed the following resolution:

Whereas, ANC 2E has thoroughly reviewed the above-referenced application; and
Whereas, ANC 2E greatly values the historic and aesthetic qualities of the alleyway located directly adjacent to proposed project; and
Whereas, ANC 2E is concerned about the potentially negative impact on the community of conversion of alley buildings to residential uses; and
Whereas, ANC 2E appreciates the cooperation of the applicant with the commission and the Office of Planning; but
Whereas, ANC 2E recognizes the concerns voiced by a number of the surrounding neighbors, by means of a petition and through written communications;

Therefore, after consideration of these concerns and for the specific reasons enumerated below, ANC 2E is **opposed** to the above-referenced application.

Specific reasons for opposition include:

(1) ANC 2E is principally concerned that a special variance would establish a precedent that would encourage other residents of Georgetown's historic alleyways to construct freestanding residential units. ANC 2E feels such a precedent would be detrimental toward the historic and residential nature of the Georgetown community.

(2) **Three Prong Test:** ANC 2E maintains that the application has not met the burden of proof in establishing the "Three Prong Test" under 11 DCMR 3103.2. This code provides that the applicant must prove: (A) the uniqueness of the property, (B) the practical difficulties that the current Zoning Regulations would impose, and (C) that the variance can be granted without substantial detriment to the public good and the zone plan.

BZA
Case No. 16696
Exhibit No. 42

COMMISSIONERS:
Scott Polk, District 1 Len Levine, District 2 Peter Pulsifer, District 3 Justin Kopa, District 4
Justin Wagner, District 5 Bill Starrels, District 6 Tom Birch, District 7 Mark Ryan, District 8

Board of Zoning Adjustment
District of Columbia
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In reference to provision (A) of the Three Prong Test, ANC 2E does recognize a certain degree of uniqueness of the 3254 O St property, specifically the low land use percentage and its beautiful upkeep.

In reference to provision (B) of the Three Prong Test, ANC 2E objects to the application on the grounds that applicant failed to show that compliance with the Zoning Regulation would be unnecessarily burdensome and that the practical difficulties are unique to the property. While ANC 2E is sympathetic to the needs of the applicant to provide live-in maids quarters and a dwelling for the applicant's mother-in-law, such considerations do not outweigh the negative impact this application would impose upon the surrounding neighbors.

In reference to provision (C) of the Three Prong Test, ANC 2E objects to the application because there would be significant harm to the public good, specifically to the sight lines and air circulation of the neighbors at 1317 and 1319 33rd Street. The petition in opposition to the application, signed by a large number of the surrounding neighbors, is testimony to this impact.

Other factors:

ANC 2E feels that the application would have little impact on sunlight to the surrounding neighbors. ANC 2E recognizes the low land use percentage of the applicants' property. Also, ANC 2E does not believe that such a project would cause parking issues since the applicant maintains five parking spaces. Thus, ANC 2E does not object to the application on the aforementioned grounds.

Conclusion:

As previously noted, ANC 2E is primarily concerned that the granting of this variance would establish a precedent that threatens the current zone plan of the Georgetown area. ANC 2E finds that the applicant fails to meet the burden of the Three Prong Test. Therefore, ANC 2E requests the Board of Zoning and Adjustment to deny application 16696.

Sincerely,

Peter Pulsifer

Peter Pulsifer
Chair, ANC 2E