COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D.C 20001

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Board of Zoning Adjustment
441 4th Street, NW
Washington DC 20001

RE: Case No. 16696 (3254 O St. NW)

Dear Members of the Board:

I have been contacted by Georgetown residents who are neighbors of 3254 O Street and who oppose the request by Craig and Ann Goodman for variance relief. After looking at various documents including the Office of Planning report I must agree that the variance should not be granted.

For many years before being elected to the Council I represented ANC 3-C in numerous variance cases before the BZA. Accordingly I have some familiarity with the criteria requisite for an area variance. I do not believe the applicants meet any of the criteria. I disagree with the Office of Planning's analysis that the property is "unique" within the meaning of the law. The property is developable and usable as an R-3 residence -- indeed, it has room to spare both in lot area and lot occupancy. That it contains an historic house, has mature plantings, and includes a subsurface rock "wall" are conditions found on numerous other properties throughout the District. As for practical difficulty, the applicants could meet their need by constructing an addition. Case law is clear that the presence of such an alternative (even if it is more expensive) vitiates the practical difficulty. Finally, I agree with both the OP and ANC 2-E that granting the variance would impair the intent, purpose, and integrity of the zone plan for Georgetown.

If the BZA disagrees, the Office of Planning recommends two conditions. Based on my experience, these conditions are impractical. A variance is a variance -- that is, it cannot be limited to five years. Limiting the use is virtually unenforceable, especially given the extant burdens on zoning enforcement.

Thank you for consideration of these views.

Sincerely,

Phil Mendelson

BZA
Case No. 16696
Exhibit No. 67

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District of Columbia
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EXHIBIT NO.67