June 12, 2001

Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street, N. W., Suite 210-S
Washington, D. C. 20001

Dear Board Members:

Regarding Application Number 16709, I submitted a brief dated May 31. Subsequently, I have discovered two subsections of Zoning Regulations that, I think, strengthen my case. I request following amendment to my earlier submission:

"In addition to the variances requested in Chapter 31 on side yard, back yard and lot occupancy requirements, the Brannons have requested a variance to subsection 2001.3 to allow an addition to an already nonconforming structure. With respect to the Chapter 31 variances requested, I do not know how Zoning Regulations could be any clearer in subsection 3101.6: 'The Board may, for any good cause shown, waive any provision of this chapter, if in the judgement of the Board, *the waiver will not prejudice the rights of any party* and is not otherwise prohibited by law.' (Italics added) I can show, I think, with out doubt, that the waivers under Chapter 31 will prejudice my rights. With respect to the waiver requested under subsection 2001.3, I point out that subsection 2000.2 of Zoning Regulations is very clear. It states, 'It shall be the intent of this title that non conformities shall not be enlarged upon, expanded or extended, nor shall they be used as a basis for other structures or uses prohibited elsewhere in the same district.' I have read nowhere in Chapter 20 where the *intent of this title* can be disregarded just because someone wishes to enlarge on a nonconforming structure because he desires to make it into a single family dwelling that is even more nonconforming, and also in violation of requirements set forth in Chapter 31."

Thanks for receiving this amendment as a part of my file.

Sincerely yours

Douglas C Dacy

Douglas C. Dacy

BZA
Case No. 16709
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16709
EXHIBIT NO.41