THE CITIZENS ASSOCIATION OF GEORGETOWN

OFFICERS

Raymond J. Kukulski
President

Victoria G.K. Rixey
1st Vice President

Peter Eisler
2nd Vice President

Catherine Shaw
3rd Vice President

Gillian St. Lawrence
Secretary

John L. Hopkins
Treasurer

DIRECTORS

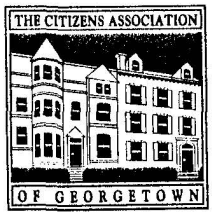
Karen Cruse
Derek V. Dilks
Barbara Downs
Barbara Zartman

LEGAL ADVISOR

Richard de C. Hinds

EXECUTIVE DIRECTOR

Juliet Zucker



ADVISORY COMMITTEE

Thomas Birch
Bob Bird & Lil Hoik
Huntington Block
Richard G. & Maud Brown
Terence Collins
Hon. & Mrs. Rockwood Foster
John O. Hedden
Outerbridge Horsey
Hugh Newell Jacobsen
Jacqueline & Marc Leland
Stephen Kurzman &
Patricia Goldman
June & Jerry Libin
John D. Macomber
Lucy G. Moorhead
Evelyn Nef
Hon. & Mrs. Charles Percy
Simon Pinniger
Frederick Prince
John & Nina Richardson
Arnold & Louise Sagalyn
Ruth MacKenzie Saxe
Clyde E. & Joan Shorey
Peggy & Alec Tomlinson
James A. van Sweden

3222 N Street, N.W.
Washington, DC 20007
TEL: 202-337-7313
FAX: 202-333-1088
E-Mail: cagmail@cagtown.org
www.cagtown.org

RECEIVED
D.C. OFFICE OF ZONING
2002 FEB 25 PM 4:42

February 25, 2002

Mr. Geoffrey Griffis, Chair
Board of Zoning Adjustment
District of Columbia
441 Fourth Street, N.W.
Washington, D. C. 20001

Dear Mr. Chairman:

Re: BZA Case 16810 - 1324 27th Street, N.W.

The Citizens Association of Georgetown, representing more than one thousand residents of the Historic District, asks that you reject the application for multiple variances at 1324 27th Street. The applicant has failed to meet the burden of proof of the three-prong test required for *any* variance under §3103.

While the property in question is small, there are literally hundreds of other small properties throughout the historic Georgetown community, as well as other historic districts. They reflect an important part of our history and the richness of social and economic experience in the communities' formation. Many of these small homes are highly successful residences for empty nesters, young couples without children, and single professionals. Some have been joined, with appropriate zoning and architectural review, to make larger residences.

The applicant either knew or should have known the limits on the use of this property at the time it was purchased. She chose to buy the property nonetheless. Her Inattention to consequences of the zoning strictures should not entitle her to variances, nor should it punish the neighbors and violate their rights.

As to the condition of the house, CAG strongly objects to the argument that, having allowed a property to fall into poor maintenance, the seller should be rewarded with recourse to variances for a new purchaser. Surely this perverse incentive works to undermine the standards for historic preservation, a critical goal of the Comprehensive Plan.

Moreover, as to this particular property, at no time during many months of repeated reviews of the series of alternative architectural plans for different rear additions was any evidence ever offered that the structural integrity of the rear wall was in doubt. The applicant may have a cause of action against the professional who conducted the inspection when she purchased the home, but neither she nor the architect who prepared the plans has ever provided evidence of structural weakness in the wall.

More fundamentally, the effort to establish an economic argument for the granting of multiple variances is inconsistent with the intent of the zoning plan. The Office of Planning report, flawed with erroneous observations, should be dismissed as unhelpful.

Specifically regarding the three prongs of §3103, we argue:

BZA
Case No. 16810
Exhibit No. 48

Board of Zoning Adjustment
District of Columbia
CASE NO.16810
EXHIBIT NO.48

1. There is no case for unique size, shape, or topography of this lot, unless the definition is changed to mean half-inch specificity of the footprint or GPS signature. Otherwise the considerable number of similar-sized lots in historic communities would all be, by precedent, entitled to multiple variances; clearly this amounts to rezoning and is beyond the province of the Board.

2. The practical difficulties and hardships asserted were known at purchase and stem more from the desire of the applicant to turn a tiny house into something it is not than from an *inability* to use the property as it presently is. Far from seeking to preserve a historic structure, the plans have called for destruction of at least large parts and, in one iteration, complete demolition of everything except portions of the front facade, with excavation of a complete basement level.

3. The variances would indeed cause substantial detriment to the adjoining neighbors, as they argue in considerable specificity in their filings; they cite loss of light and air, privacy and useful enjoyment. Indeed, they cite the very real threat to the physical integrity of the walls of their own adjoining homes, the likely nuisance of debris and vermin in the channels at both sides of the new construction, and the stunning impact during construction of this land-locked parcel, especially during excavation.

To that extent, we are all harmed when the matter-of-right use of our properties is threatened by multiple variances from the established purpose, intent, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (The argument that an adjoining property has a rear addition ignores the fact that the addition predates the regulations, having been built in 1944.)

The Citizens Association of Georgetown appreciates the opportunity to comment on this case and respectfully asks the Board to deny all five requested variances.

Sincerely,

Barbara Zartman, Chair
Historic Preservation, Zoning, and Planning Committee