OCTOBER 26, 2002

RECEIVED
D.C. OFFICE OF ZONING
2002 OCT 31 PM 2:42

Jerrily R. Kress, FAIA, Director Board of Zoning Adjustment
441 4th Street, N/W.
Suite 210
Washington, D.C. 20001

Subject: Case 16814, Application for zoning variance of Marta Sotomayor Revocable Trust

Dear Director Kress

I wish to register my objection to the subject application (Case #16814) for a zoning variance for 2713 Ontario Road, N.W. As a resident of the immediate neighborhood, I feel that the requested variance from the maximum commercial density of 3.5 residential to 1.5 commercial Floor Area Ratio which is currently allowed under the property's C-2-B (11DCMR Section 3103.2)is neither appropriate nor desirable. While this neighborhood is mixed use, it is comprised of mostly residential and owner-occupied housing with some soft-use commercial properties, i.e. non-profits and professional offices. The variance which would result in the addition of a more densely occupied, heavily commercial use property would have a substantial, negative impact on the immediate area. It should be noted that the neighborhood also directly abuts Columbia Road and therefore is already subject to significant commercial activity and traffic.

A review of the requirements also indicates that a variance shall only be granted when "an exceptional situation …result[s] in "exceptional practical difficulties or exceptional and undue hardship" upon a property owner." I do not believe that this request rises to the level of such a standard. This property has been zoned for light commercial during the over twenty years that I have resided on Ontario Road and has been a fully functional property during that entire period. Only recently has the owner, who does not reside in the neighborhood, expressed a desire to expand the use of the building beyond that currently allowable. Most recently to establish a consignment or used clothing store.

As I stated before, the neighborhood is residential in character with many owner-occupants and I feel that the granting of this variance will be detrimental to the nature of the area and, most certainly, does not conform to the requirements of "exceptional or undue hardship" that must exist for Board to find that a variance is approvable.

Thank you for your consideration in this matter.

Stephen Lerner
2729 ONTARIO RD, NW
WASHINGTON, D.C. 20009

BZA
Case No. 16814
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO.16814
EXHIBIT NO.39