Eric L. Wiggins
3032 Clinton St. N.E.
Washington, D.C.20018

Burdens of Proof

The burden of proof solely is the responsibility of Marshal Height Corp. in the matter in that they have to prove that this particular house being erected at 3034 Clinton St. Lot # 72 is not a detriment or will cause undue hardship to its neighbors by D.C. Code Ann 5-424(g)(3)(1981). This structure will affect its neighbor in many ways. First, Marshall Height is asking for this committee to grant them relief from difficulties and undue hardship of a property that is not in their possession. The property does not belong to them, it is still belongs to the people of the District.

Yes the existing property is exceptionally narrow up front and require a unique structure to be place on it. But under the District code for the neighborhood it requires a minimum of an 8' side yard and this property does not allow the space for the proposed structure. There is enough space in the rear of the property to support such structure. Besides there are other properties in the area with the same unique configuration. Marshall Height argues that the topography of the property is such that excavation would be costly. I present to you that it just another way of getting around not cleaning off the property. The land is not as steep as Marshall Height would have you to believe. Not only that, my property which sits next to this property topography is 5' higher than this property.

I also submit to you that the measurement of the space between the house mention is inaccurate. The 4' side yard variance allotted will not add out to the 16' minimum require by the zoning board between houses even if the garage were not considered. The space would only mount out to 12'. They cannot use my space to account for the amount that they need for clearance.

I reject Marshall Height request for side yard variances on the bases of the use of other property to build such structure, the space between the property line and the house is inadequate, it reduces and out character of our neighborhood, noise control, the proposed driveway and foremost it will interfere with my privacy. Also I am rejecting their request base on the fact before they were asking for 5' variance from my house and now they are asking for 4'. If I rejected them at 5' surely I am against a 4" variance.

BZA
Case No. 17148
Exhibit No. 37

Board of Zoning Adjustment
District of Columbia
CASE NO. 17148
EXHIBIT NO. 37