822 25th St., N. W.
Washington, D. C.
20037-2208
November 17, 2004

Hon. Geoffrey H. Griffis
Chairman, Board of Zoning Adjustment
441 4th St., N. W., Room 210
Washington, D. C. 20001

In re: BZA Case No. 17204
Square 17, Lot 35
2512 Eye St., N. W.

Dear Mr. Griffis:

In June, 2004, Applicant proposed a construction project at 2512 Eye St., N. W. which contained requests for three variances from the Zoning Regulations, namely:

1. A 25% variance from lot occupancy requirements.
2. A 100% variance from rear yard requirements.
3. A variance from the nonconforming structure provisions under sub-section 2001.3.

This project, including the three variances, was supported by 8 petitioners. It was opposed by 33 petitioners. It was opposed by the ANC-2A. It was opposed by the D. C. Office of Planning.

At an ANC-2A meeting on September 14, 2004, Applicant stated that it would file a revised construction plan that would require no variances from the Zoning Regulations, i.e. the revised plan would comply with the Zoning requirements.

On October 29, 2004, Applicant filed its revised construction plan which contained the following in regard to the above 3 variances its original plan contained:

1. Applicant stated that it had scaled back its construction plans so that its structure complied with the 60% lot occupancy requirement.
2. A request for 100% variance from rear yard requirements.
3. Applicants revised explanation did not mention this third variance asked for in its original filing.

As to the first item, Applicant's drawings show 60% lot occupancy.
As to the second item, it is clear that, contrary to Applicant's commitment at the ANC-2A September 14, 2004 meeting, Applicant is asking for exactly the same variance from the rear yard requirements in its revised plan as it asked for in its original plan. On the Requirements sheet of the original plan, Applicant requested a "100% Variance" from the rear yard requirements. On the Requirements sheet of the revised plan, Applicant is requesting a "100% Variance" from the rear yard requirements. In the original plan,

BZA
Case No. 17204
Exhibit No. 43

Board of Zoning Adjustment
District of Columbia
CASE NO. 17204
EXHIBIT NO. 43

Applicant stated, on the first page of its Statement or Explanation and Reasons that it was requesting to "eliminate the rear yard". In its revised plan, on the Revised Application sheet, Applicant requests to "eliminate the rear yard". Applicant labels its request for a 100% Variance as a request for a "Special Exception" rather than a request for a Variance. The revised plan does not explain why the BZA should permit Applicant to change the ground rules of the proceeding. But Applicant's motive appears quite clear. Applicant states that if the BZA treats the request as a Special Exception that the BZA's jurisdiction is "largely limited to questions of impact on neighboring properties". In short, Applicant seeks to reduce the importance of broader public interest considerations, especially those espoused by the ANC-2A and the D. C. Office of Planning, which are Agencies charged with protecting the public interest.

As to the third item, Applicant's revised plan does not explain why this variance should no longer be involved in the case. The lack of mention does not effectuate its elimination. Hence, in reality, Applicant. in its revised plan, is still asking for two out of the three variances it asked for in its original plan.

To the best of my knowledge, there has been only one petitioner that has withdrawn its opposition to the project because of the revised plan. That leaves 32 petitioners, and the ANC-2A and the D. C. Office of Planning still opposed to the project and its two requested variances.

I see no reason why Applicant's cannot build an attractive, comfortable, single family residence which stays within the Zoning Regulations and fits into the character of the neighborhood. Therefore, I urge the BZA to deny the application.

Respectfully submitted,

Alexander E. Wiskup

Alexander E. Wiskup