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Board of Zoning Adjustment 441 4th Street, NW  
Suite 210S  
Washington, DC 20001

**Re: BZA Case No. 20135 of 3428 O Street, LLC: Letter in Opposition**

Dear Members of the Board,

We reside near the Applicant's property of 3428 O Street, NW, and are writing to urge you to DENY the above requested variance. As your website indicates (emphasis added):

“The Board of Zoning Adjustment (BZA) is authorized to waive strict application of any part of the Zoning Regulations where, due to an exceptional situation, adherence to the language of the Zoning Regulations results in “**exceptional practical difficulties or exceptional and undue hardship**” upon a property owner.

In most cases, difficulty or hardship results from physical characteristics that make the property unique or difficult to use.

While **the Applicant has the burden of proof**, the BZA must determine that **granting the request would not cause substantial detriment to the public good and would not be inconsistent with the general intent and purpose of the Zoning Regulations.**”

This request clearly does not meet the standard outline above. There is nothing exceptional about a property owner wanting to rent their property to an entity that does not fit within current zoning requirements. In fact, that is exactly how zoning is intended to work. It is hard to imagine how operating within current zoning regulations in and of itself creates any undue hardship for the property owner. Without at least a showing by the property owner (who, as outlined on your website quoted above, bears the burden of proof here) of a changed circumstance which has rendered the zoning requirements unduly burdensome or otherwise not operating exactly as designed, it is hard to imagine how the board could find a basis to grant this variance. Surely, the property owner was aware of the zoning of the property when he or she purchased it and therefore had the opportunity to value it accordingly. It's hard to see how that all of a sudden creates an undue hardship for him or her. Additionally, not only would a variance cause substantial detriment to the residential community by creating some of the undesired conditions outlined below, it would also be inconsistent with the general intent and purpose of the Zoning Regulations in that there is ample vacant commercial space with appropriate zoning just steps away from the proposed location in an area designed to handle commercial traffic

(both vehicular and pedestrian) and commercial sanitation issues. Surely, not only would one of the vacant storefronts on Wisconsin Ave. be more appropriate for a commercial establishment, as originally contemplated by the zoning regulations from which a variance is sought, but it is more likely also to ensure the success of such a business with ready-made walk-in foot traffic that does not require a detour into a residential area. In addition, occupying one of the existing appropriately zoned spaces would also be consistent with existing commercial zoning purposes by helping the area to repopulate its now vacant commercial properties thereby restoring a commercial vibrancy to Wisconsin Ave. and adjacent areas.

Finally, this request is a clearly incompatible use for our quiet residential neighborhood. With the substantial residential construction that is already ongoing in our little area, we and our neighbors have been involved in a costly and intense battle to control the rodent population. The addition to our residential area of another commercial food establishment that is at odds with existing zoning regulations designed to protect us from such things will undoubtedly exacerbate the already substantial sanitation issues with which we are contending. Additionally, as has already happened with the Georgetown cupcake restaurant, an establishment like Call Your Mother (“CYM”), which attracts patrons from around the city, will create parking, traffic, noise, litter and, perhaps most importantly, safety issues that will substantially impact our properties and potentially endanger our families and guests. Patrons waiting for a cupcake on 33d Street regularly find their way into the street and obstruct traffic and create a danger for vehicular, pedestrian, scooter and bicycle traffic in that area. There is no reason to believe that CYM in our area would not result in the same dangerous and inconvenient conditions. While we warmly welcome the Call Your Mother restaurant to Georgetown, we believe they should find a suitable location that not only fits within our zoning regulations, but would better serve their needs as a restaurant, including seating, proper trash facilities and the availability of nonresidential parking.

Finally, there is an equitable consideration here. While being allowed to vary from the zoning regulations would clearly benefit the property owner and the CYM establishment, it will certainly negatively impact the value of our homes and other residential homes in the area. When each of us evaluated whether to purchase our homes, we considered and more importantly RELIED on the existing zoning regulations. It would be unfair to us to benefit a commercial property owner at our expense. Please recognize that those of us who reside close to this proposed restaurant are the ones who will be the most significantly negatively affected. We therefore urge you to deny the requested variance. Thank you for your consideration

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