
Opposition to BZA Application No. 21360 — Prospect Street, NW (Square 1206, Lot 832)

From Stanley Kuo <kuochienting1222@gmail.com>

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To DCOZ - BZA Submissions (DCOZ) <DCOZ-BZASubmissions@dc.gov>

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To:

District of Columbia Board of Zoning Adjustment

441 4th Street NW, Suite 200-S, Washington, DC 20001

Re: Opposition to BZA Application No. 21360 — Prospect Street, NW (Square 1206, Lot 832)

(Variance and Special Exception Request) — Abutting Neighbor Opposition

Members of the Board:

I submit this letter as the owner of an abutting property to the subject lot at Prospect Street, NW (Square 1206, Lot 832). I respectfully request that the Board deny the applicant's request for variance and special exception relief.

I. The OP Memorandum Is Not Dispositive and Relies on an Incomplete Record

The Office of Planning's report (Ex. 35) recommends approval without considering ANC 2E's opposition. On September 30, 2025, ANC 2E voted to oppose the application. ANC 2E has just submitted its opposition on October 19, 2025. Under D.C. Code § 1-309.10, the BZA must give great weight to the ANC's position.

II. Variance Relief Cannot Be Granted — Legal Standard Is Not Met

Board of Zoning Adjustment
District of Columbia
CASE NO. 21360
EXHIBIT NO. 30

Variance relief may be granted only if the applicant proves all of the following:

1. Exceptional condition not of the applicant's making
2. Practical difficulty unique to this property
3. No substantial detriment to public good or zone plan

The application fails at every step.

- 1) The alleged hardship is self-created.

The lot is undersized because it was carved out decades ago and has remained undeveloped for the very reason zoning prohibits such construction. Purchasing a substandard lot at a discount does not convert a known condition into a legal "hardship."

- 2) The requested relief is extraordinary, not minimal.

The OP memo itself acknowledges relief from minimum lot area, lot occupancy (to 70%), rear yard (reduced to 11'-9"), and side yard (reduced to 0.75 feet) . These are extreme deviations, not incidental adjustments.

- 3) The relief would produce substantial adverse impact.

As an abutting owner, the proposed construction would permanently and materially reduce light, air, and privacy, and eliminate one of the last open buffers in this square — directly contrary to the R-3/GT purpose.

III. Special Exception Relief Also Fails the Governing Test

Subtitle X § 901 and § 5201 require that the relief not adversely affect neighboring property. The OP memo asserts that the project "is unlikely to affect" neighboring properties and claims that privacy "should not be unduly compromised" . As an adjacent homeowner, I can affirm the opposite: the intrusion is direct, permanent, and substantial.

The applicant's shadow study is not a neutral technical analysis — it is a selectively modeled exhibit that excludes duration, cumulative effect, and actual built conditions. The OP memo's reliance on such study does not fulfill the statutory burden of proof.

IV. "Concept Approval" by OGB Is Not Zoning Compliance

The OP memo cites OGB conceptual approval as evidence of compatibility . However:

- OGB concept approval is preliminary and not determinative of zoning compliance.
- The OGB review relied on submissions containing material errors and missing public notice, depriving adjacent owners of the opportunity to participate.

The BZA may not delegate its legal variance findings to a preliminary architectural review.

V. Granting this Relief Would Undermine the Zoning Plan for Georgetown

The R-3/GT district is not intended to allow development of undersized remnant parcels by variance. If granted, this case would serve as precedent that any substandard lot in the historic district may be overbuilt by variance so long as the structure mimics massing on a different block — a result clearly at odds with § 1000 and § 901.

Request

For the reasons above, and based on direct and adverse effects to an abutting property, I respectfully request that the Board:

- (1) DENY the requested variance and special exception relief in BZA Case No. 21360; or, in the alternative,
- (2) Defer decision pending full cross-examination and party-status proceedings by affected owners.

Thank you for your consideration.

Respectfully submitted,

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Date: 10/20/2025