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By IZIS and Email: bzasubmissions@dc.gov

DC Board of Zoning Adjustment
D.C. Office of Zoning
441 4th Street, NW, Suite 200-S
Washington, DC 20001
Via IZIS and bzasubmissions@dc.gov

Re: Opposition to BZA Case No. 21404 — 512 Taylor, LLC, 5034 Nebraska Avenue, NW (Square 1879, Lot 30)

Dear Chairperson and Members of the Board:

This letter is written on behalf of the owners and residents of 5012 Nebraska Ave., NW, located on the same block as 5034 Nebraska Ave., NW, the property subject of BZ Case No. 21404 (“5034 Applicant”). This letter is written in opposition to the special exception relief requested by owners of 5034 Nebraska Ave. and is written on behalf of the owners of 5012 Nebraska Ave., which includes their 13-year-old daughter.

Although our home is several doors down from applicant at 5034 Nebraska, we have been part of this block and neighborhood for over 25 years, and care about the proposed addition and development to 5034 Nebraska, and impact negative to the character and scale of the current pattern and landscape of the surrounding homes. We understand that these are matters the Board is required to weigh under Subtitle D § 5201 and Subtitle X § 901.2. For the following reasons we oppose the application for exemption.

1. The Applicant Has Not Met the Required Burden of Proof.

The 5034 Nebraska applicant has the burden to prove that the requested special exception will not have an undue adverse impact and must submit evidence in the record to support the no adverse impact requirement. The applicant must show more than mere assertions that the adverse impacts will be minimal. Here, it appears that the record contains mere assertions rather than substantive proof. The Board should hold the applicant to its burden and decline to grant relief on an incomplete record.

2. The Proposed Addition Substantially Intrudes Upon the Character, Scale, and Pattern of the Block (Subtitle D § 5201.4(C)).

The Board is to consider the addition "as viewed from the street, alley, and other public way" and its effect on "the character, scale, and pattern of houses along the street or alley frontage." There is no question that this is a neighborhood issue for all neighbors who live here. This would obviously be of no concern to a developer or investors who do not intend to live in the neighborhood and at 5034 Nebraska Ave.

The 5000 block of Nebraska Avenue NW is composed of approximately 15 houses built in 1939 and consists of a group of three attached dwellings —two semi-detached homes —and a row house in between, generally two stories in height, with back yards and consistent rooflines. It appears the proposed

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plans at 5034 Nebraska would add a full third story and a second-story roof deck and would extend a three-story rear addition far beyond the rear walls of the adjoining homes.

Over the last 26 years, no other home on the 5000 block of Nebraska has added a third story or a roof deck of this kind. The proposed addition appears to tower over 5034 neighbors, breaking the established two-story style of the block. This is the kind of out-of-scale, out-of-character intrusion that § 5201.4(c) is designed to prevent.

3. If Granted Relief, the Zone Plans Would be Undermined

The BZA's special exception authority under Subtitle X § 901.2 is intended to limit exemption that "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps." Clearly, the plans submitted by the Owners of 5034 Nebraska were not intended to keep the R-2's Zone development standards, including the limits on rear extensions beyond adjoining buildings and preservation of side yards and open spaces —to protect light, air, and the low-density residential character of neighborhoods like ours.

4. The 5034 Applicant's Comparison to the Approved Addition at 5042 Nebraska (BZA Case No. 20839) Does Not Support the Subject Exemption Application

The 5034 Applicant cites a BZA approved addition at 5042 Nebraska to support its exemption application. There is no comparison. The addition of 5042 was two stories, consistent the height of its neighbors. Moreover, the 5042 addition was constructed on a lot significantly closer to Nebraska Ave. with a longer, terraced back yard, which sat below grade, and reduced its visibility and impact. Finally, the 5042 addition was overwhelmingly supported by adjoining and non-adjoining neighbors.

The proposal by 5034 Nebraska is way taller (3 stories and roof deck), and will sit at the grade of the alley, occupying a good portion of the block with smaller rear yards. As proposed, it will project far beyond the adjoining houses. The proposed plans at 5034 Nebraska are opposed by both immediate and nearby neighbors.

Please note that we applied for and were granted an exemption by BZA to add an addition to 5012 Nebraska. See BZA Application No. 21309. However, in keeping with the character and scale of our original home's traditional pattern and landscape of the surrounding homes, we decided to limit our addition. We kept our addition to two stories, consistent the height of our neighbors. The addition was constructed on a lot significantly closer to Nebraska Ave. with a longer, terraced back yard, which sat below grade, and reduced its visibility and impact. Finally, our 5012-exemption application for an addition was overwhelmingly supported by adjoining and non-adjoining neighbors.

Based on the above, we respectfully ask the Board to consider the following before ruling:

- **Consideration of the ANC Report.** We support the ANC 3F's request for postponement to consider this case at its June 30, 2026, meeting. The ANC's written recommendation is entitled to great weight and respectfully requests that the Board allow the ANC's report in the record and given consideration before any decision is made.
- **Inadequate Shadow Analysis.** We understand the 5034 Applicant has not provided a seasonal, side-facing shadow study demonstrating the effect of the addition on the light and air available to neighboring properties. Therefore, the Applicant cannot carry its burden on Subtitle D § 5201.4(a), without the required shadow study.

- **Undisclosed Dwelling Unit.** The applicant's revised self-certification now lists one accessory dwelling unit. The proposed cellar layout depicts what appears to be a complete, independent dwelling unit (two bedrooms, kitchen, bathroom, and separate front and rear access), and the applicant's revised self-certification now lists one accessory dwelling unit — yet the applicant's statement describes the property as remaining a single-family dwelling and does not address the requirements applicable to accessory apartments. The Board should require the applicant to disclose and address this fully.

Conclusion

The 5012 Nebraska family opposes the proposed addition at 5034 Nebraska. It is excessively out of scale and not in character with the homes on our block. If granted, it would set an irreparable precedence for our neighborhood. We respectfully urge the Board to deny the application as presented, or at minimum require that it be substantially revised to conform to the scale and character of the surrounding homes.

Respectfully submitted,



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