

**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:

I am a resident and property owner at 5040 Nebraska Avenue, on the 5000 block of Nebraska Avenue NW and neighbor directly next door to the primary affected party. I write to oppose the application of 512 Taylor, LLC for special exception relief at 5034 Nebraska Avenue, NW. While my home does not directly adjoin the subject property, I am a member of this community and my testimony goes to the impacts of the proposed addition on the character, scale, and pattern of our streetscape and alley — matters the Board is required to weigh under Subtitle D § 5201 and Subtitle X § 901.2.

1. The applicant bears the burden of proof, and has not met it.

Under Subtitle X § 901.3, the applicant has the full burden to prove that the requested special exception will not have an undue adverse impact and must demonstrate this through evidence in the record. The applicant cannot satisfy that burden simply by asserting that impacts will be minimal. On several of the relevant criteria, the record contains assertions rather than proof — most notably on light, air, and shadow impacts, where no adequate seasonal, side-facing shadow study has been provided. 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)).

This criterion expressly directs the Board 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." This is a neighborhood-wide question, and the answer is plain to anyone who lives here.

The 5000 block of Nebraska Avenue NW is characterized by groups of three attached dwellings — a row house between two semi-detached homes — generally two stories in height, with modest rear yards and consistent rooflines. The proposed project 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. No other home in this group of buildings has a third story or a roof deck of this kind. The result would be a structure that towers over and projects well past its neighbors, visible from the public alley and from Nebraska Avenue, and breaking the established two-story rhythm of the block. This is precisely the kind of out-of-scale, out-of-character intrusion that § 5201.4(c) is designed to prevent.

3. Granting this relief would undermine the zone plan and invite a harmful precedent.

The Board's special exception authority under Subtitle X § 901.2 is limited to relief that "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps." The R-2 zone's development standards — including the limits on rear extensions beyond adjoining buildings and the preservation of side yards and open space — exist to protect light, air, and the low-density residential character of neighborhoods like ours. Approving an addition of this scale, with no side yards on either free-standing side and a rear projection well beyond the neighbors, would signal that these protections can be set aside on a block where they have otherwise held. If granted here, the same relief could be sought by other property owners, producing a cumulative loss of open space, light, and neighborhood character across the block — a "race to the bottom" that the zone plan is meant to prevent.

4. The applicant's contrast with the prior addition at 5042 Nebraska Avenue (BZA Case No. 20839) does not hold up.

The applicant relies on the earlier addition at 5042 Nebraska Avenue as a comparable. It is not. That addition was two stories, matching the height of its neighbors; it was on a lot set significantly closer to Nebraska Avenue with a longer, terraced rear yard that sat below grade, sharply reducing its visibility and impact; and it proceeded with the support of the adjoining neighbors. The present proposal is taller (three stories plus a roof deck), sits nearly at the grade of the alley, occupies a portion of the block with smaller rear yards, projects far beyond the adjoining structures, and is opposed by both immediate neighbors. The comparison cuts against the application, not for it.

5. Procedural and completeness concerns the Board should weigh.

I respectfully ask the Board to consider the following before acting:

- **The ANC report.** ANC 3F requested postponement to consider this case at its June 30, 2026 meeting. The ANC's written recommendation is entitled to "great weight." The Board should ensure the ANC's report is in the record and given its due weight before any decision is made.

- **An apparent undisclosed 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.
- **Inadequate shadow analysis.** The 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. Without it, the applicant cannot carry its burden on Subtitle D § 5201.4(a).

Conclusion.

The proposed addition is out of scale and out of character with our block, would set a damaging precedent for the neighborhood, and rests on an incomplete record. I respectfully urge the Board to deny the application as presented, or at minimum to require that it be substantially revised to conform to the scale and character of the surrounding homes. As the neighbor directly east of the proposed project, our quality of life will be irreparably damaged by the addition of this type of housing. It is out of step in the legal framework and impacts our sunlight, privacy and the unique character that this group of houses conforms to. It appears to be violative of spirit and the intent of the current zoning parameters.

Thank you for your consideration.

Respectfully

The Payton Family

5040 Nebraska Avenue NW