Nothing completed since last Hearing

Takeaways at Last Hearing

- Reduce design below 80% lot occupancy
- Redesign color, materials to fit with neighborhood character
- Shrink oversized wall of windows
- Request for further documentation addressing alley and view-shed/privacy impacts.
- Allow neighbors on both sides of the issue to continue discussions before the item returns to the agenda.

Was this done?

☒No reduction in size

☒No new design – Same garish look that is out of place

☒ Wall of windows is bigger not smaller

☒Zero documentation addressing alley and view-shed privacy impacts

☒No attempts to negotiate. Responded 13 minutes before hearing.

Board of Zoning Adjustment
District of Columbia
CASE NO. 21524
EXHIBIT NO. 27

The petition doesn't legally qualify for a variance

The basic three-part test

Under **11 DCMR Subtitle X, Chapter 10**, the applicant generally must establish:

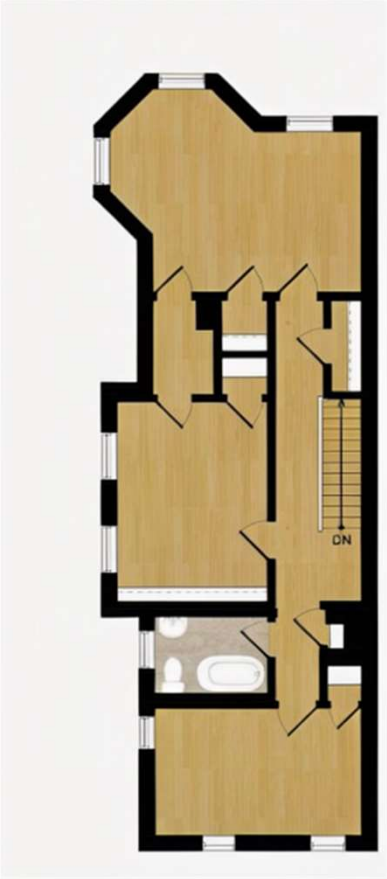
1. **Exceptional condition or situation affecting the property**
   - There must be something exceptional about the property or situation. In other words, wanting a particular design or a larger addition is not, standing alone, the variance standard.
2. **Practical difficulty or undue hardship**
   - The exceptional condition must create the requisite difficulty from complying with the zoning regulation. D.C. distinguishes between **area variances** and **use variances**. The Office of Zoning specifically identifies the governing concepts as "exceptional practical difficulties" or "exceptional and undue hardship."
3. **No substantial detriment / consistency with zoning**
   - Even where the first two requirements are satisfied, the BZA must determine that granting the variance **would not cause substantial detriment to the public good** and **would not be inconsistent with the general intent and purpose of the Zoning Regulations**

No Exceptional Condition / Undue Hardship

There must be something exceptional about the property or situation. Wanting a particular design or a larger addition is not, standing alone, the variance standard.

Here: They want to keep <u>a much larger bathroom</u> *and* make an extension to <u>also have a larger room</u>.





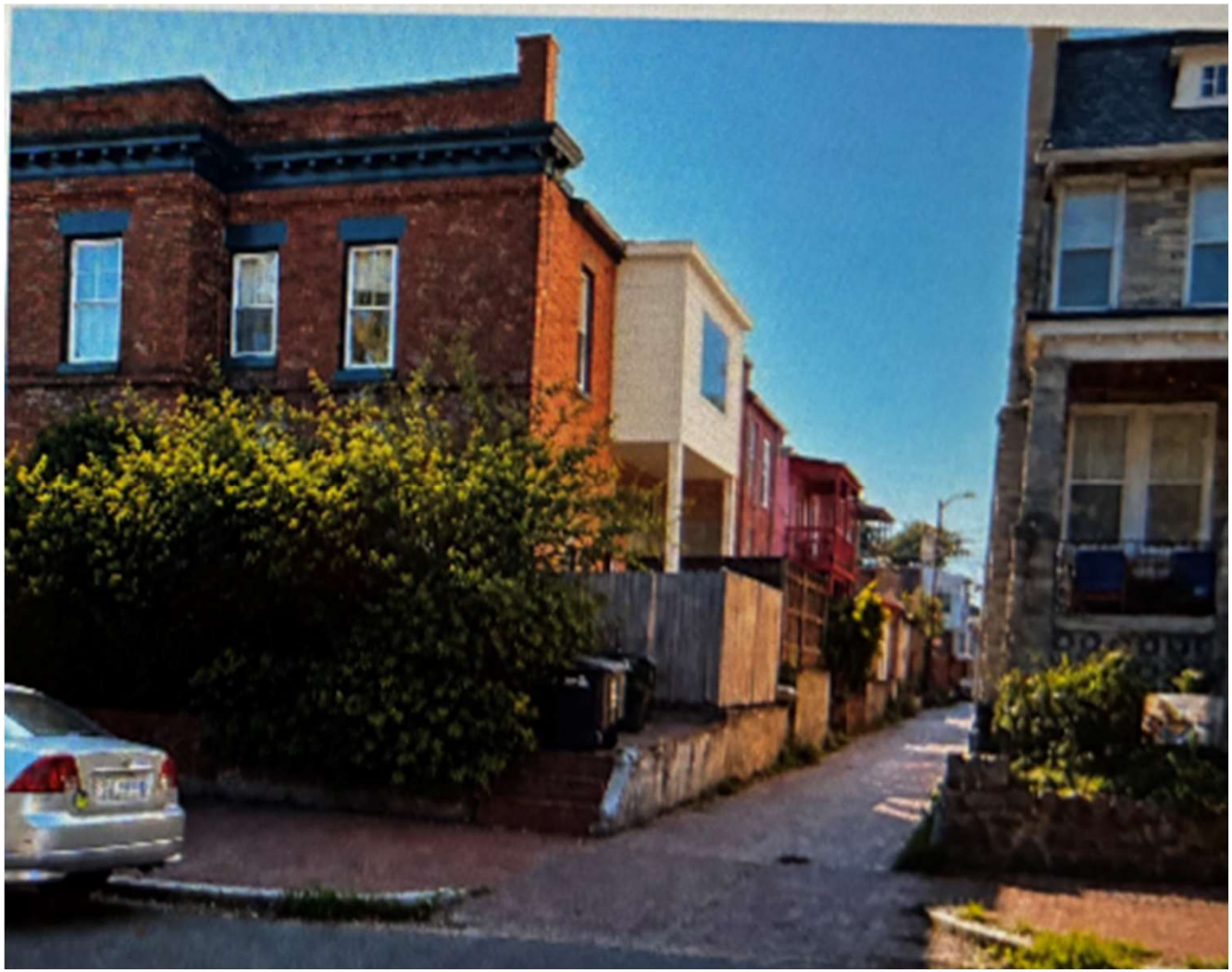
The houses are mirror images to each other.

They just chose to have a bigger bathroom.

Moving interior walls would solve the problem.

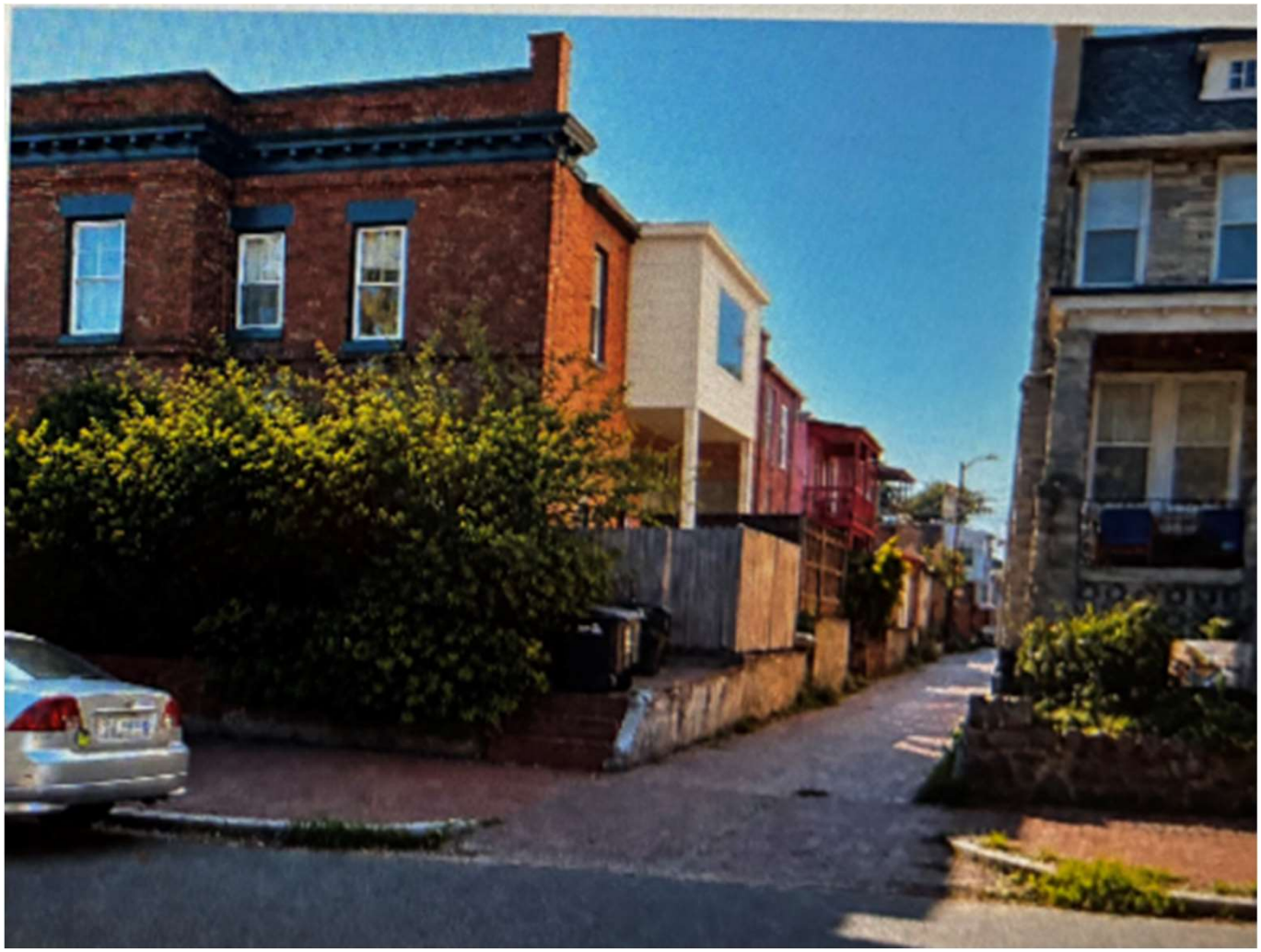


Detriment to the public good



White plastic **“guard tower”** is out of character.

Cheap white color and materials don’t fit with neighborhood





Burden of proof is on Mr. Ander.

“By authorizing this variance petition, they are essentially trying to throw away zoning rules.”

These zoning rules were made for a reason.

We urge the board to reject the current proposal.