

## Cochran, Patricia (DCOZ)

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**From:** D&G Juppenlatz <juppenlatz@gmail.com>  
**Sent:** Monday, July 23, 2018 5:35 PM  
**To:** DCOZ - BZA Submissions (DCOZ)  
**Subject:** Letter of Opposition to 19521A

Re 19521A 3520 S Street NW

Letter in opposition

This application is for a variance to build a garage/adu. The proposed structure is higher than Regulations specifically permit. As measured, by Zoning Regulation, it is 16 feet 6” high. The R-20 zone has a maximum height for this structure of 15’. This is the important aspect of the entire application. (See D 5002.1 and B100.1)

Variations refer to the lot itself (Subtitle X). The applicant justification is for hardship and special circumstances. While I appreciate his financial and personal issues, they are not relevant to the issue here. The lot is acceptable, the building height exceeds what is permitted.

Variations are permitted if the **exceptional topographical conditions**, or other **extraordinary or exceptional situation or condition of a specific piece of property**, would result in peculiar and exceptional practical difficulties and undue hardship upon the owner....” That is pretty clear that the lot itself can be the only source for a variance.

Because the Regulations are new, apparently some mistakes have been made. The original permit, finally granted and quickly rescinded, is a perfect example. The original submission was for a structure 20’ high with zoning requirements listed from section E which is for an **RF** zone, medium density permitting 20’ high secondary buildings. Burleith is not an RF Zone. Burleith is R-20 lo density zone. Apparently OP did not recognize this in his original submission, nor did zoning until after the permit was issued. It was rescinded within a few days. The OP letter recommending the approval to the BZA was based on incorrect information from Section E where a 20’ building is within the Regulations but not in the Zone R-20 which is 15’.

After seeing the latest response from the applicant, I feel further clarification is required. He submitted 3 examples of "2 story detached garages". The first is a garage next to his at 3522 S St. Since the plans submitted are not available online, one only assumes he “rebuilt existing garage” in 2012 as he stated in his permit application. The 2nd story is not mentioned on the permit. It is not an habitable ADU. The 1800 35th St. house has no permit applications for a garage online. It was undoubtedly constructed before the current Regulations were in place. The one the applicant states on 1912 Whitehaven is actually the garage of the house on 3550 Whitehaven Parkway NW. It is an illegal Garage/ADU that has been there over 30 years. The owner does not live in the main house and it has been a rental for so long as anyone can remember. The address of 1912 36th street is not in DC property records. This may be the only ADU in a separate building in Burleith. It does not have a BBL. There are no legal garage/ADU’s with a BBL in Burleith.

I further note that most of the letters of support are from renters, not owner occupied homes. I hope the opinions of the ANC and owner occupied homes have more bearing on this proposed extraordinary and permanent change to the character and density of our neighborhood than do temporary residents.

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19521A  
EXHIBIT NO.55

With all due respect, this application for a variance should be denied. The Regulations do not permit an accessory building, properly measured, over 15' high in the R-20 zone.

Thank you for your consideration.

Dick Juppenlatz  
homeowner 3542 Whitehaven Pkwy  
Burleith

1. 1000.1 With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."