

Cochran, Patricia (DCOZ)

From: page smith <page3618@yahoo.com>
Sent: Monday, July 23, 2018 6:11 PM
To: DCOZ - BZA Submissions (DCOZ)
Subject: Fw: Letter of Opposition to 19521A

My name is Sara Page Smith and I live at 3618 Whitehaven Parkway NW. I am in complete agreement with this letter sent by D&G Juppenlatz regarding refusal of requested variances. Many of our neighbors believe they have the right to just build anything they want to, whether legal or illegal, and that DC zoning laws do not apply to them. The zoning laws/regulations need to be followed and respected, which, unfortunately, are ignored by our government. Please do not grant these requests.

--- On Mon, 7/23/18, D&G Juppenlatz <juppenlatz@gmail.com> wrote:

> From: D&G Juppenlatz <juppenlatz@gmail.com>
> Subject: Letter of Opposition to 19521A
> To: bzasubmissions@dc.gov
> Date: Monday, July 23, 2018, 5:34 PM
> 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)
> Variances 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.
> Variances 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 finally granted and quickly rescinded, is a perfect example.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 It was rescinded within a few days.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

Board of Zoning Adjustment
District of Columbia
CASE NO.19521A
EXHIBIT NO.56

> 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.
> 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
>
>
>
>
>
>
>
>
>
>
>
>
>
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."

>
>
>
>
>