

AGENDA

ANC 6A Economic Development & Zoning Committee
Wednesday May 18, 2011, 7-9:00 PM
Sherwood Recreation Center (640 10th St, NE)
2nd Floor Community Room

7:00 pm **Call to order**

7:01 **Community Comments**

7:05 **Status Reports**

1. Resolution of previously heard BZA/HPRB cases (2 min)
2. Vacant Properties (Dan Golden/Phil Toomajian) (3 min)
3. Zoning Regulations Rewrite (Drew Ronneberg) (2 min)
4. H Street Business Liaison Report (Charmaine Josiah/Sharee Lawler) (3 min)

7:20 **Old Business** - None

7:20 **New Business**

1. HPA #11-XXX (818 C St NE). The owner seeks to build a 2-story addition in the Capitol Hill Historic District. The addition complies with the zoning requirements. (20 minutes)
2. BZA #18243 (1231 F St NE). The owner seeks a special exception for lot occupancy requirements (§223.1) and a variance from §2500.4 to construct a new garage with basement and “pop up” stair structure for roof access. The variance is required because the height of the garage structure exceeds the 15’ maximum specified in §2500.4. (20 minutes)
3. BZA #18241 (138 12th St NE). The Northeast Neighbors for Responsible Growth (NNRG) filed an appeal to DCRA’s administrative vacate its decision to revoke building permits for the AppleTree site. This appeal is similar to ANC 6A ‘s appeal that authorized at its March meeting. (15 minutes)
4. BZA #182XX (701 10th St NE). The owner seeks a variance from the §2101.1 that requires 2-unit structures (flats) to have one on-site parking space. The site does not have alley access, but was granted a curb cut and driveway by DDOT in 2005 over the strenuous objection of ANC 6A. If the variance is granted, the curb cut will be removed. (15 minutes)
5. Planning for special public meetings regarding whether ANC 6A should seek to have the Capitol Hill Historic District extended to H St in the north, 15th St to the East and East Capitol St to the South. (15 minutes)

8:30 **Additional Community Comment (time permitting)**

Everyone is welcome! Call Drew Ronneberg with questions at 202 431-4305.

Visit our website at <http://www.anc6a.org/>

PROJECT DATA

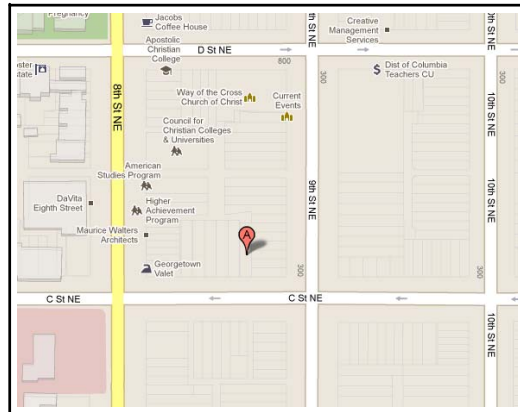
OWNER:

BRIAN ROHAL AND JAMIE STRNISHA
818 C STREET NE
WASHINGTON, DC 20002

ZONING DATA:

LOT: 800
SQUARE: 916
LOT AREA: 1500 SF
ZONE: R-4
USE GROUP: R-3
CONSTRUCTION TYPE: 3B

TWO STORY SEMI DETACHED DWELLING W/ CELLAR
SINGLE FAMILY DWELLING
FIRE ALARM: NO
SPRINKLER: NO
FIRE DETECTION: HARD WIRED AND INTERCONNECTED
SMOKE DETECTORS W/ BATTERY BACKUP
ACCESSIBILITY NO



VICINITY MAP (NTS)

	EXISTING	PROPOSED	MAXIMUM
LOT COVERAGE	746.0 SF	600.0 SF	600.0 SF
(PERCENTAGE)	49.7%	40.0%	40.0%
REAR YARD	37.7'	35.9'	20.0' MINIMUM
OPEN COURT	N/A	N/A	6.0' MIN
SIDE YARD	3.7'	3.7/8.0'	8.0' MIN
HEIGHT	24.1'	NO CHANGE	40'
STORIES	2+B	NO CHANGE	3+B
F.A.R.	N/A	N/A	NONE PRESCRIBED
SQUARE FOOTAGE			
BASEMENT	265.7 SF	NO CHANGE	
FIRST FLOOR	510.2 SF	539.7 SF	
SECOND FLOOR	265.7 SF	539.7 SF	
TOTAL	1041.6 SF	1345.1 SF	

PROJECT DESCRIPTION:

INTERIOR RENOVATION AND 2 STORY REAR ADDITION

APPLICABLE BUILDING CODES:

DCMR 11
IBC 2006
IRC 2006
DCMR 12-B, DC CONSTRUCTION CODES SUPPLEMENT 2008 EDITION

FIRE RATING DATA:

EXTERIOR LOAD BEARING FACE-ON-LINE WALLS
1 HOUR RATED WOOD FRAME W/ VENEER
EXTERIOR LOAD BEARING PARTY WALLS
2 HOUR RATED SOLID MASONRY, 12" THICK
FLOOR FRAMING
0 HOUR RATED, 2X10 WOOD JOISTS @ 16" OC
ROOF FRAMING
1 HOUR RATED w/IN 4" OF P.L. 2X8 RAFTERS, OR
2 HOUR RATED PARAPET WALL TO 30" ABOVE ROOF

STRUCTURAL DESIGN CRITERIA:

FLOOR JOIST SPANS

RESIDENTIAL LIVING AREAS: 40 PSI
RESIDENTIAL SLEEPING AREAS: 30 PSI

SOIL BEARING 2000 PSI

DECK

LIVE LOAD: 40 PSF
SNOW LOAD 30 PSF

CONCRETE FOR FOOTINGS TO BE MIN 3000 PSI,
NORMAL WEIGHT, AIR ENTRAINED

WOOD STRUCT MEMBERS TO BE NON ARSENIC, PT HEM-FIR SS
EXTREME FIBER STRESS IN BENDING 1200 PSI
MODULUS OF ELASTICITY 1.4X10-6 PSI
ALLOWABLE DEFLECTION $\frac{1}{360}$ OF SPAN

WOOD DECKING TO BE $\frac{3}{4}$ " RECYCLED LUMBER
COMPRESSION PARALLEL 1806 PSI
COMPRESSION PERPENDICULAR 1944 PSI
MODULUS OF ELASTICITY 175 PSI
TENSILE STRENGTH 854 PSI
SHEAR STRENGTH 561 PSI

MEZZANINE

LIVE LOAD: 40 PSF
WIND LOAD: 90 MPH

ROOF OF MEZZANINE

SNOW LOAD 30 PSF
WIND LOAD: 90 MPH
RAFTERS- EXTREME FIBER STRESS IN BENDING 1200 PSI
RAFTERS- MODULUS OF ELASTICITY .88 PSI
HURRICANE TIES TO BE LOCATED AT 24" OC,
RATED FOR -134.22 LBS

HANDRAILS

LIVE LOAD: 200 PSF

STAIRS

40 PSF OR 300 LBS CONCENTRATED LOAD
ACTING OVER 4 SQ INCHES

ADDITION

Brian Rohal and Jamie Strnisha
818 C Street NE
Washington, DC 20002

DRAWING INDEX

- C-1 COVER SHEET
- C-2 SITE PLAN
- C-3 PHOTOGRAPHS
- C-4 PHOTOGRAPHS
- D-0 BASEMENT DEMOLITION PLAN
- D-1 FIRST FLOOR DEMOLITION PLAN
- D-2 SECOND FLOOR DEMOLITION PLAN
- A-0 BASEMENT PLAN
- A-1 FIRST FLOOR PLAN
- A-2 SECOND FLOOR PLAN
- A-3 EXTERIOR ELEVATIONS
- A-4 EXTERIOR ELEVATIONS
- A-5 EXTERIOR ELEVATIONS

REVISIONS		
#	DATE	COMMENTS

ROHAL-STRNISHA RESIDENCE

818 C ST NE Washington, DC 20002

FOWLER ARCHITECTS

1819 D STREET SE
WASHINGTON, DC 20003
(202) 546-0896
www.fowler-architects.com

SEAL:

VERSION: HPRB
DATE: 4-1-11
SCALE: N.T.S.

COVER SHEET

C-1

REVISIONS		
#	DATE	COMMENTS

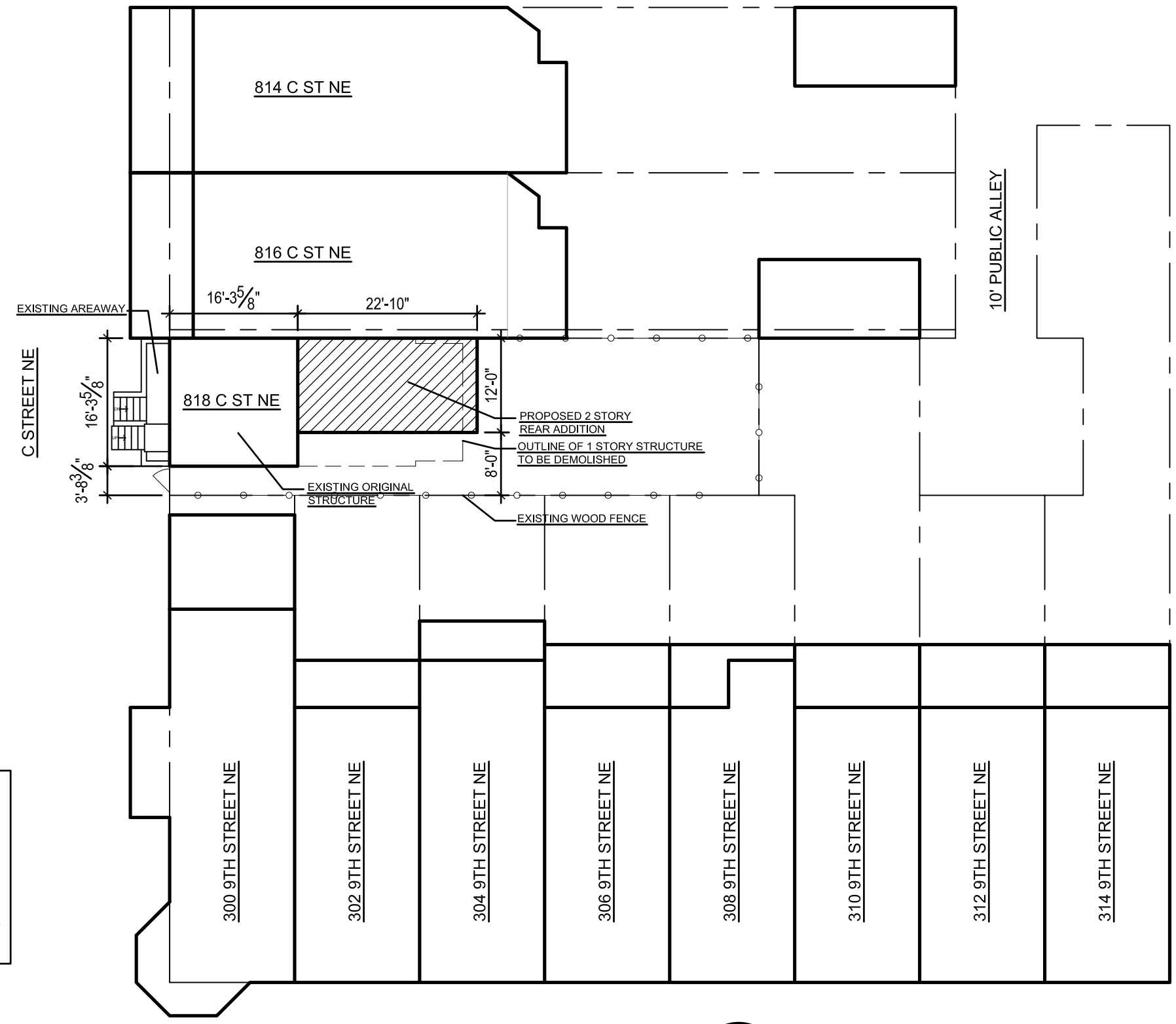
ROHAL-STRNISHA RESIDENCE
818 C ST NE Washington, DC 20002




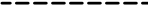

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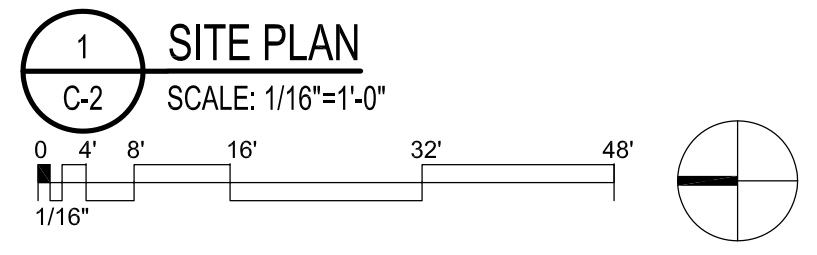
SEAL:

VERSION: HPRB
DATE: 4-1-11
SCALE: 1/16"=1'-0"

SITE PLAN
C-2



LEGEND:	
	STABILIZED CONSTRUCTION ENTRANCE
	SILT FENCE
	PROPERTY LINE
	CONTOUR
	LIMIT OF DISTURBANCE
	VOLUME OF CUT 2291 SF
	VOLUME OF FILL 172 CU FT
	0 CU FT

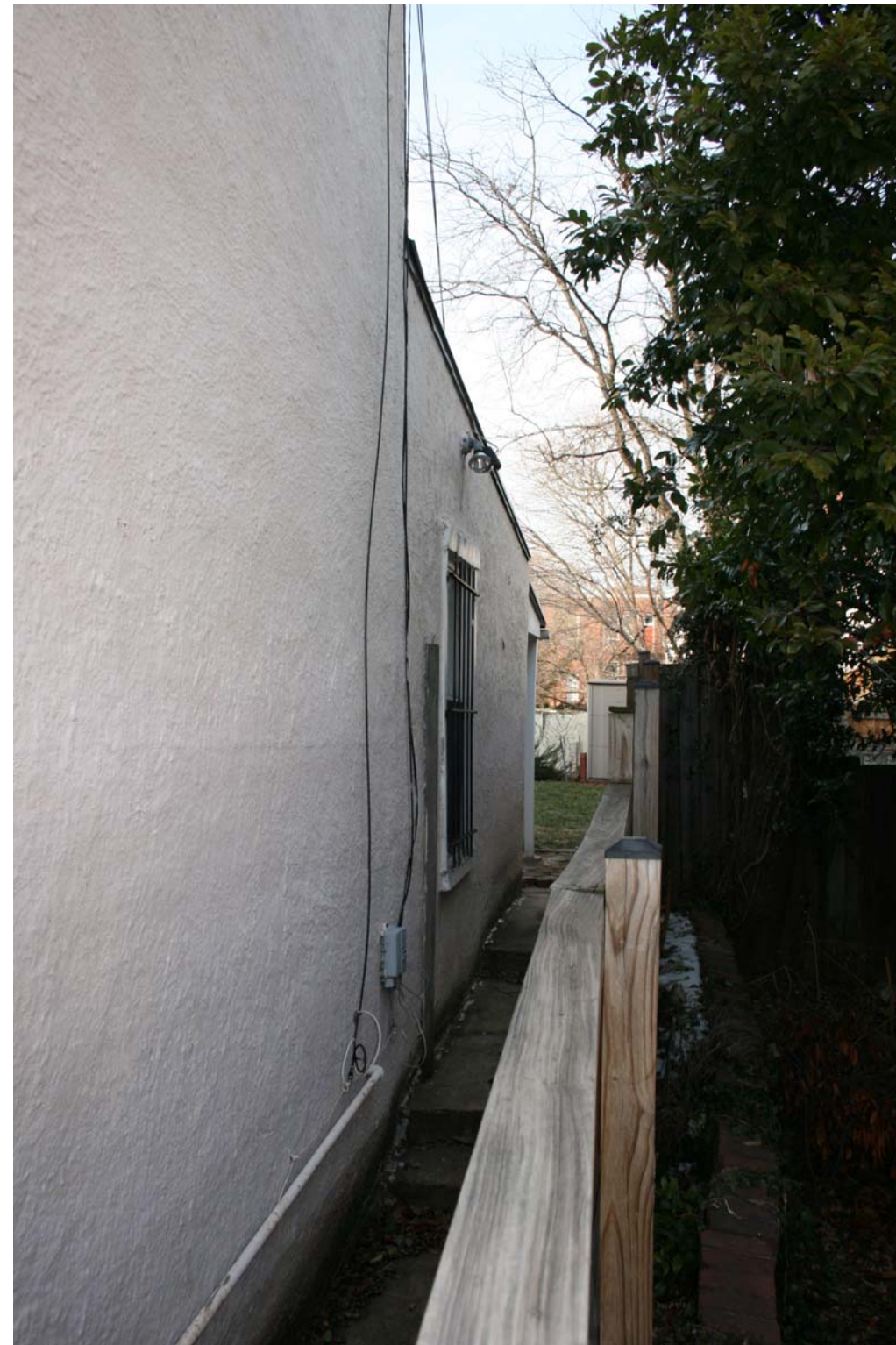


1
C-2
SITE PLAN
SCALE: 1/16"=1'-0"

9TH STREET NE



View from C Street NE towards North



View of side yard from C Street

REVISIONS		
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PHOTOGRAPHS
C-3



View of rear of house



View of rear towards Southeast



View of rear towards Southwest



View of rear yard from the house

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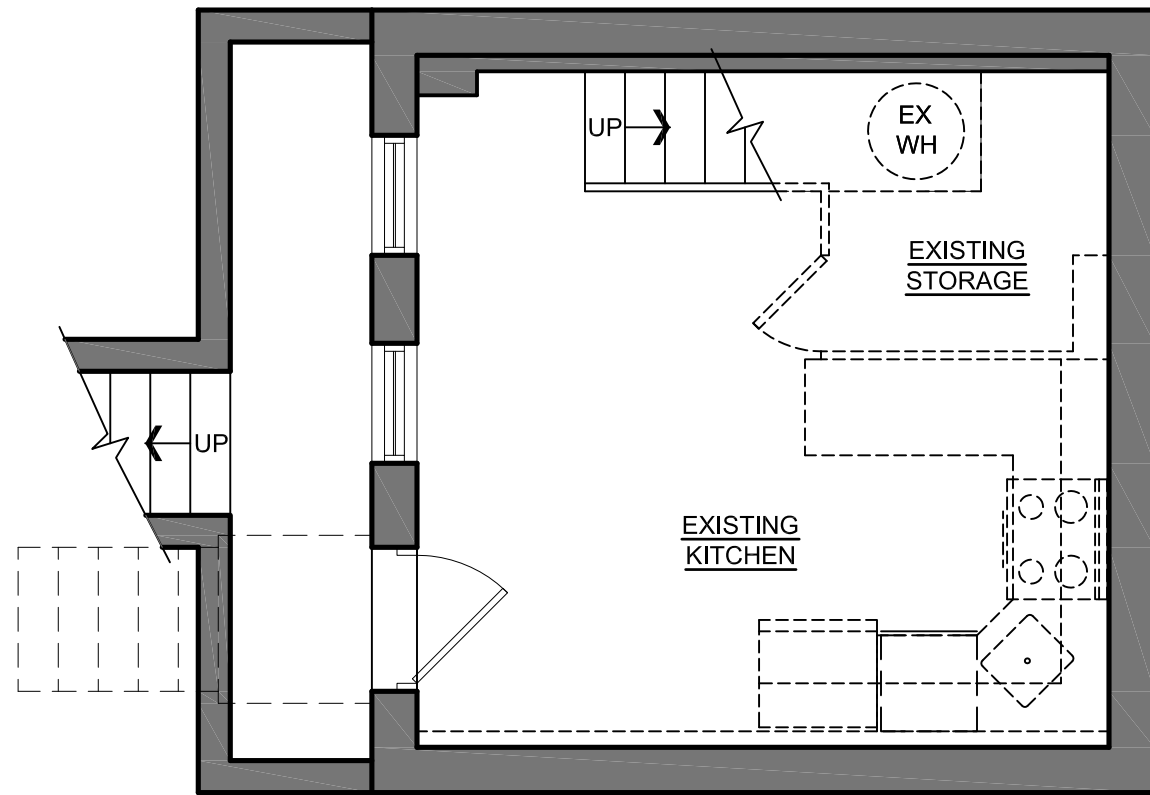
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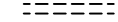
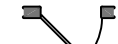

SCALE: N.T.S.

PHOTOGRAPHS

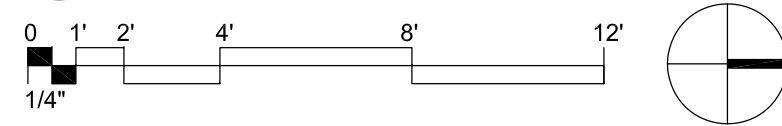
C-4



LEGEND:

-  EXISTING PARTITION TO REMAIN
-  EXISTING PARTITION TO BE REMOVED
-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO BE REMOVED

1
D-0 **BASEMENT DEMOLITION PLAN**
SCALE: 1/4"=1'-0"



REVISIONS		
#	DATE	COMMENTS

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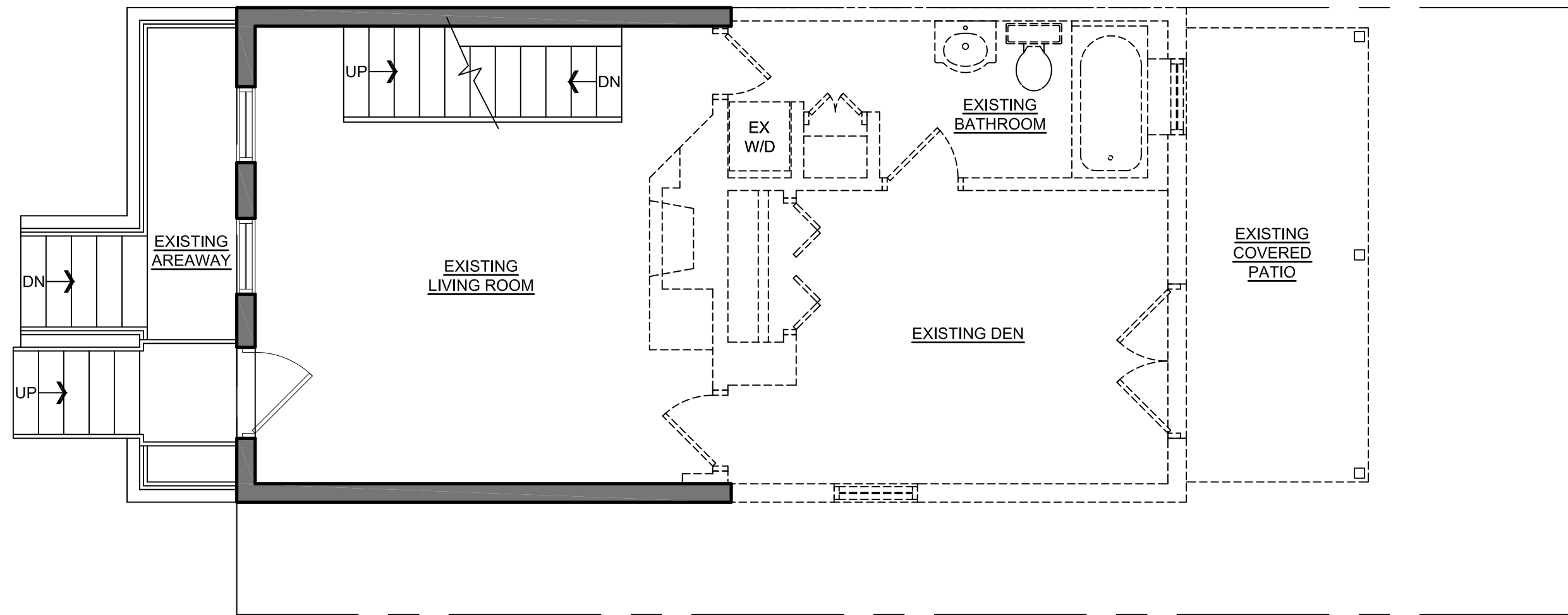
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BASEMENT
 DEMOLITION PLAN
D-0

REVISIONS		
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 SCALE: 1/4"=1'-0"

FIRST FLOOR DEMOLITION PLAN

D-1

GENERAL DEMOLITION NOTES:

1. FIELD VERIFY EXISTING CONDITIONS PRIOR TO START OF DEMOLITION. NOTIFY THE ARCHITECT OF ANY DISCREPANCIES OR POTENTIAL CONFLICTS BEFORE PROCEEDING WITH THE WORK.
2. LABEL, STORE AND PROTECT ALL SALVAGE ITEMS TO BE REUSED IN THIS PROJECT.
3. ALL WALLS, DOORS, FRAMES, ETC. SHOWN DASHED SHALL BE REMOVED COMPLETELY, UON.
4. WALLS TO BE REMOVED SHALL BE REMOVED FROM FLOOR TO STRUCTURE ABOVE. REMOVAL SHALL INCLUDE ALL ARCHITECTURAL, MECHANICAL, & ELECTRICAL ACCESSORIES, EQUIPMENT, ETC.
5. WHERE AN EXISTING DOOR IS INDICATED FOR REMOVAL THE DOOR FRAME SHALL ALSO BE REMOVED UNLESS OTHERWISE NOTED. SALVAGE ALL DOORS AND TRIM.
7. DEMOLITION OF FINISHES INCLUDES REMOVAL OF ADHESIVES, GROUTING BEDS, ETC. AND REQUIRES REMAINING SURFACES TO BE PREPARED FOR NEW CONSTRUCTION. ALL PATCHING SHALL BE FLUSH WITH SURROUNDING SURFACES AND LEVEL WITHIN TOLERANCES SPECIFIED FOR THE SPECIFIC MATERIAL. IF MATERIAL IS NOT SPECIFIED, MAINTAIN EXISTING PLANES WITHIN 1/8" IN 10 FEET, NON-CUMULATIVE.
8. THE ITEMS IDENTIFIED TO BE REMOVED REPRESENT THE MAJOR ITEMS ONLY. MINOR ITEMS, THAT REQUIRE REMOVAL TO COMPLETE THE WORK, SHALL ALSO BE REMOVED.

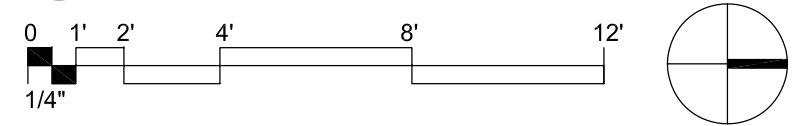
LEGEND:

- EXISTING PARTITION TO REMAIN
- EXISTING PARTITION TO BE REMOVED
- EXISTING DOOR TO REMAIN
- EXISTING DOOR TO BE REMOVED

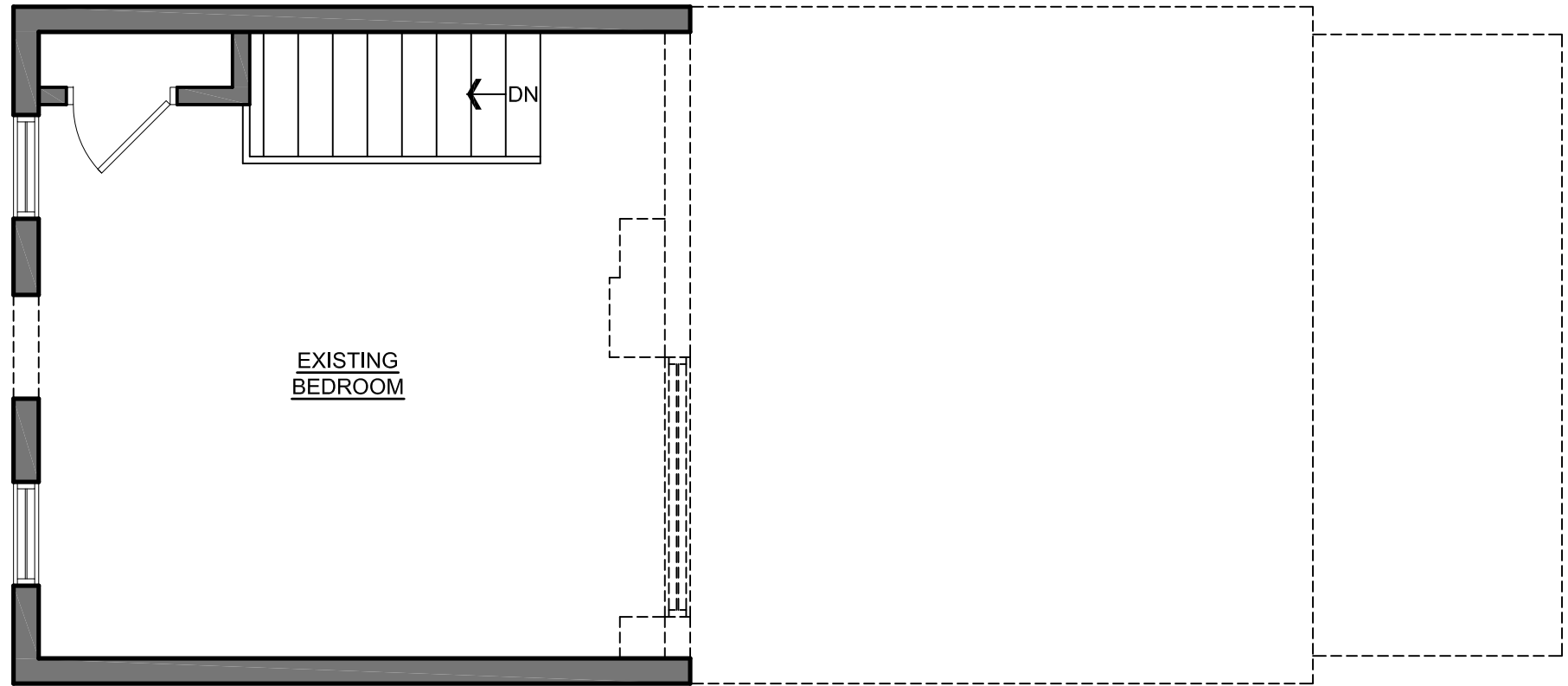
1
D-1

FIRST FLOOR DEMOLITION PLAN

SCALE: 1/4"=1'-0"







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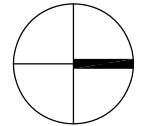
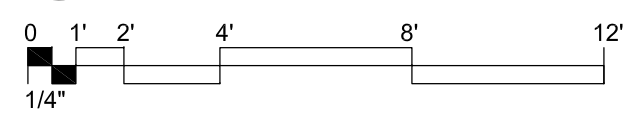
EXISTING
BEDROOM

← DN

LEGEND:

-  EXISTING PARTITION TO REMAIN
-  EXISTING PARTITION TO BE REMOVED
-  EXISTING DOOR TO REMAIN
-  EXISTING DOOR TO BE REMOVED

1 SECOND FLOOR DEMOLITION PLAN
D-2 SCALE: 1/4"=1'-0"



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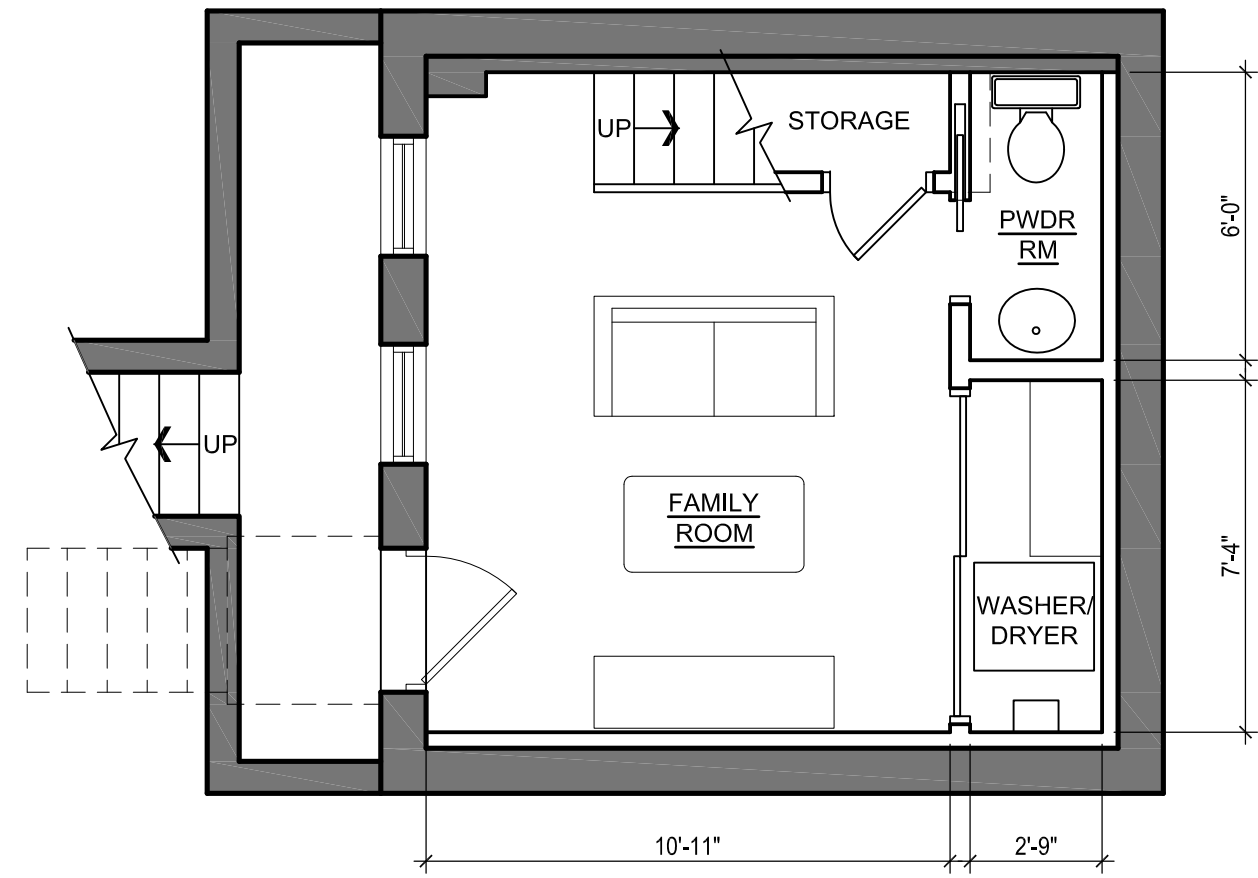
SEAL:

VERSION: HPRB
DATE: 4-1-11
SCALE: 1/4"=1'-0"

SECOND FLOOR
DEMOLITION PLAN

D-2

REVISIONS		
#	DATE	COMMENTS



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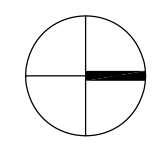
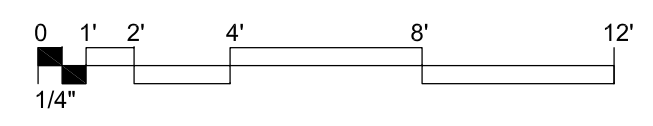
BASEMENT PLAN

A-0

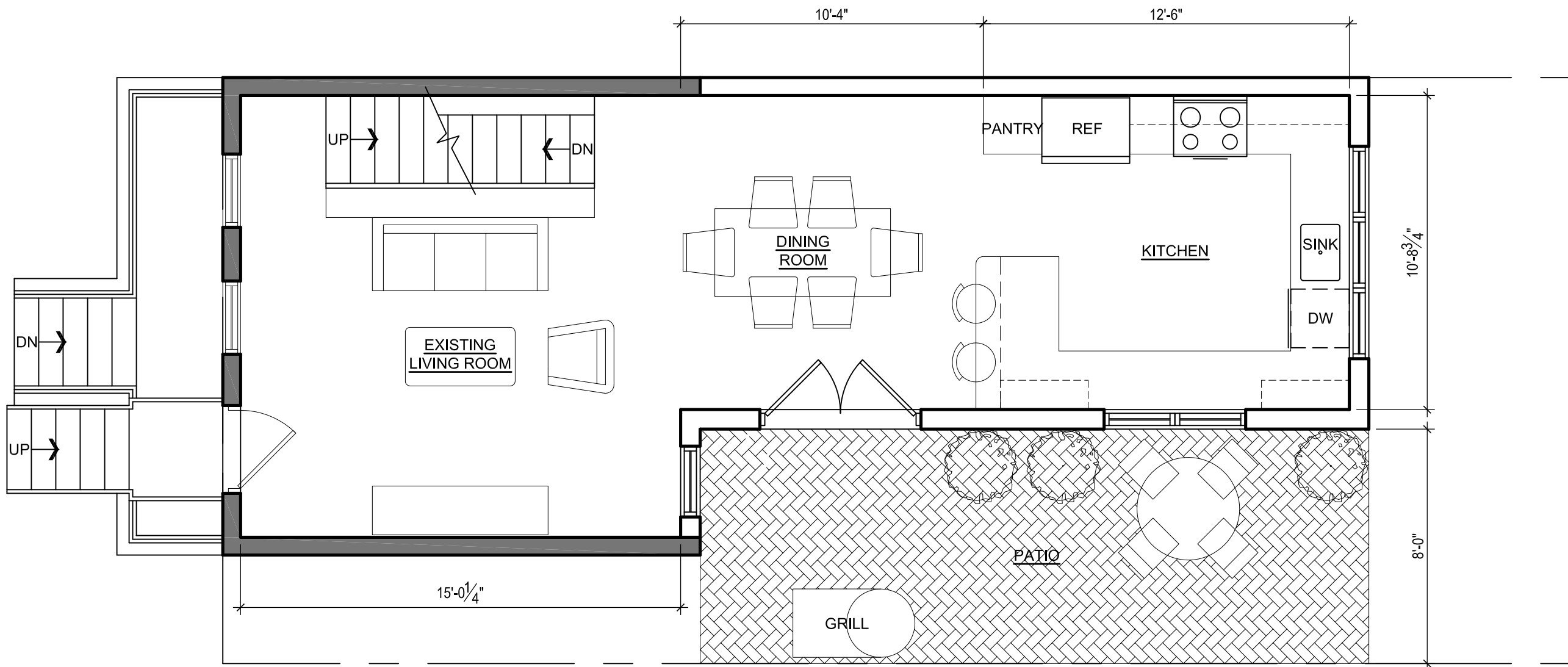
1 BASEMENT PLAN
 A-0 SCALE: 1/4"=1'-0"

LEGEND:

-  EXISTING PARTITION TO REMAIN
-  NEW PARTITION



REVISIONS		
#	DATE	COMMENTS



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 DATE: 4-1-11
 SCALE: 1/4"=1'-0"

FIRST FLOOR PLAN

A-1

GENERAL CONSTRUCTION NOTES:

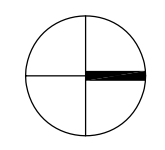
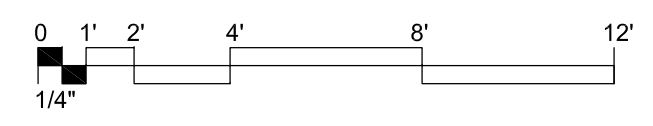
1. CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE BEFORE STARTING THE WORK. NOTIFY THE ARCHITECT OF ANY DISCREPANCIES OR POTENTIAL CONFLICTS BEFORE PROCEEDING WITH THE WORK.
2. DIMENSIONS ARE FROM FACE OF GWB OR EXPOSED MASONRY UNLESS OTHERWISE NOTED.
3. THOSE DIMENSIONS WHICH REQUIRE FIELD VERIFICATION ARE IDENTIFIED WITH ±. DIMENSIONS, OR LABELED "VIF". DIMENSIONS NOT SO NOTED ARE INTENDED TO BE HELD. FIELD VERIFY ALL DIMENSIONS PRIOR TO FABRICATION OR INSTALLATION OF BUILDING COMPONENTS.
4. WHERE DISCREPANCIES OCCUR BETWEEN VARIOUS DRAWINGS OBTAIN CLARIFICATION FROM THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.
5. WHERE SPECIFIC DETAILING IS NOT SHOWN, EXECUTE THE CONSTRUCTION IN A SOUND, WORKMANLIKE MANNER CONSISTENT WITH THE OTHER DETAILING SHOWN.
6. PROVIDE BLOCKING WITHIN PARTITIONS FOR ALL WALL MOUNTED WOODWORK, APPLIANCES, AND ACCESSORIES.
7. EXISTING SURFACES DISTURBED BY DEMOLITION OR NEW CONSTRUCTION SHALL BE PATCHED TO BE FLUSH WITH SURROUNDING SURFACES. THE FINISHED SURFACE IS TO BE LEVEL AND PLUMB TO WITHIN 1/8" IN 10 FEET, UNLESS OTHERWISE SPECIFIED.
8. ALL TRIM TO MATCH EXISTING. FINAL PROFILES TO BE SELECTED BY OWNER/ARCHITECT.

1 FIRST FLOOR PLAN

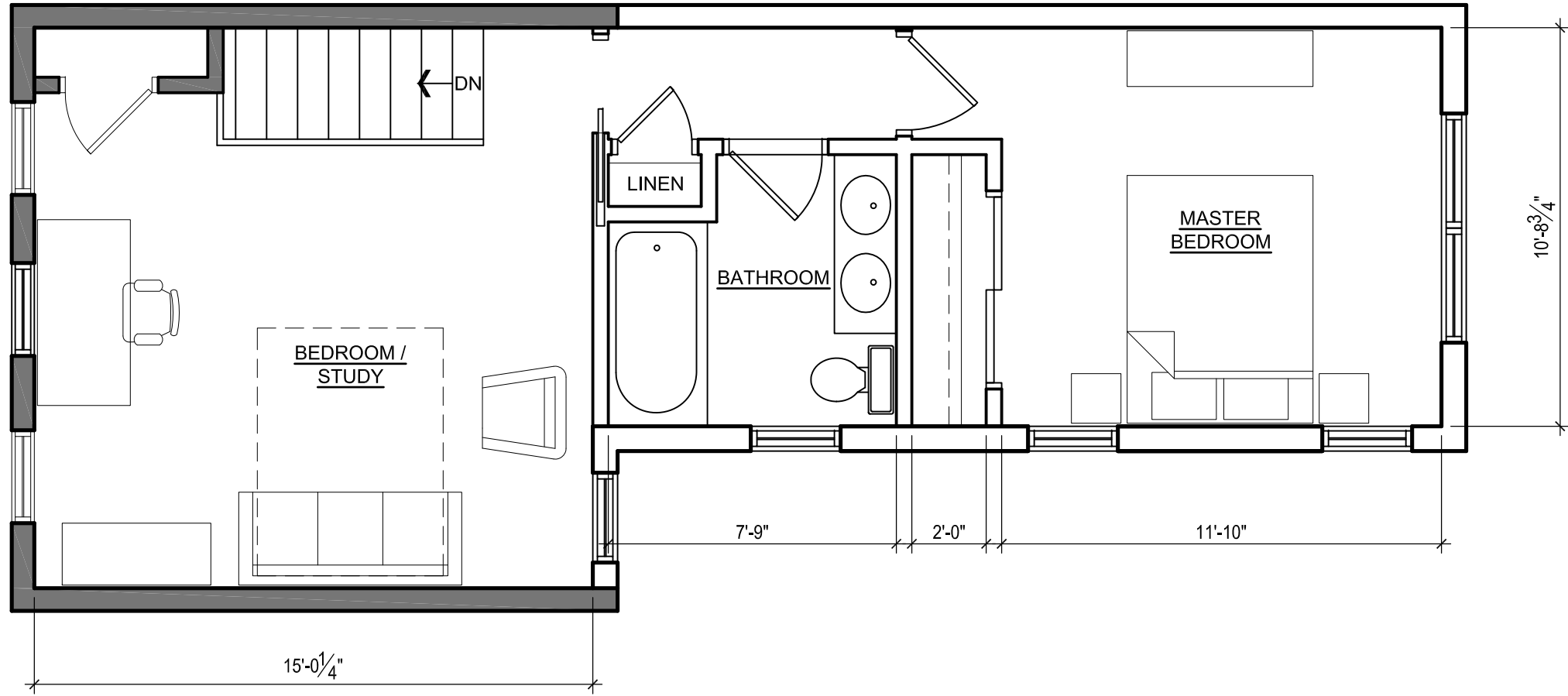
A-1 SCALE: 1/4"=1'-0"

LEGEND:

- EXISTING PARTITION TO REMAIN
- NEW PARTITION



REVISIONS		
#	DATE	COMMENTS



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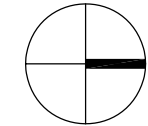
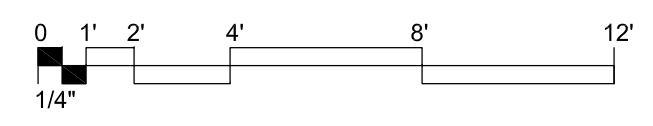
SEAL:

VERSION: HPRB
 DATE: 4-1-11
 SCALE: 1/4"=1'-0"
 SECOND FLOOR PLAN

1 **SECOND FLOOR PLAN**
 A-2 SCALE: 1/4"=1'-0"

LEGEND:

- EXISTING PARTITION TO REMAIN
- NEW PARTITION



A-2

REVISIONS		
#	DATE	COMMENTS

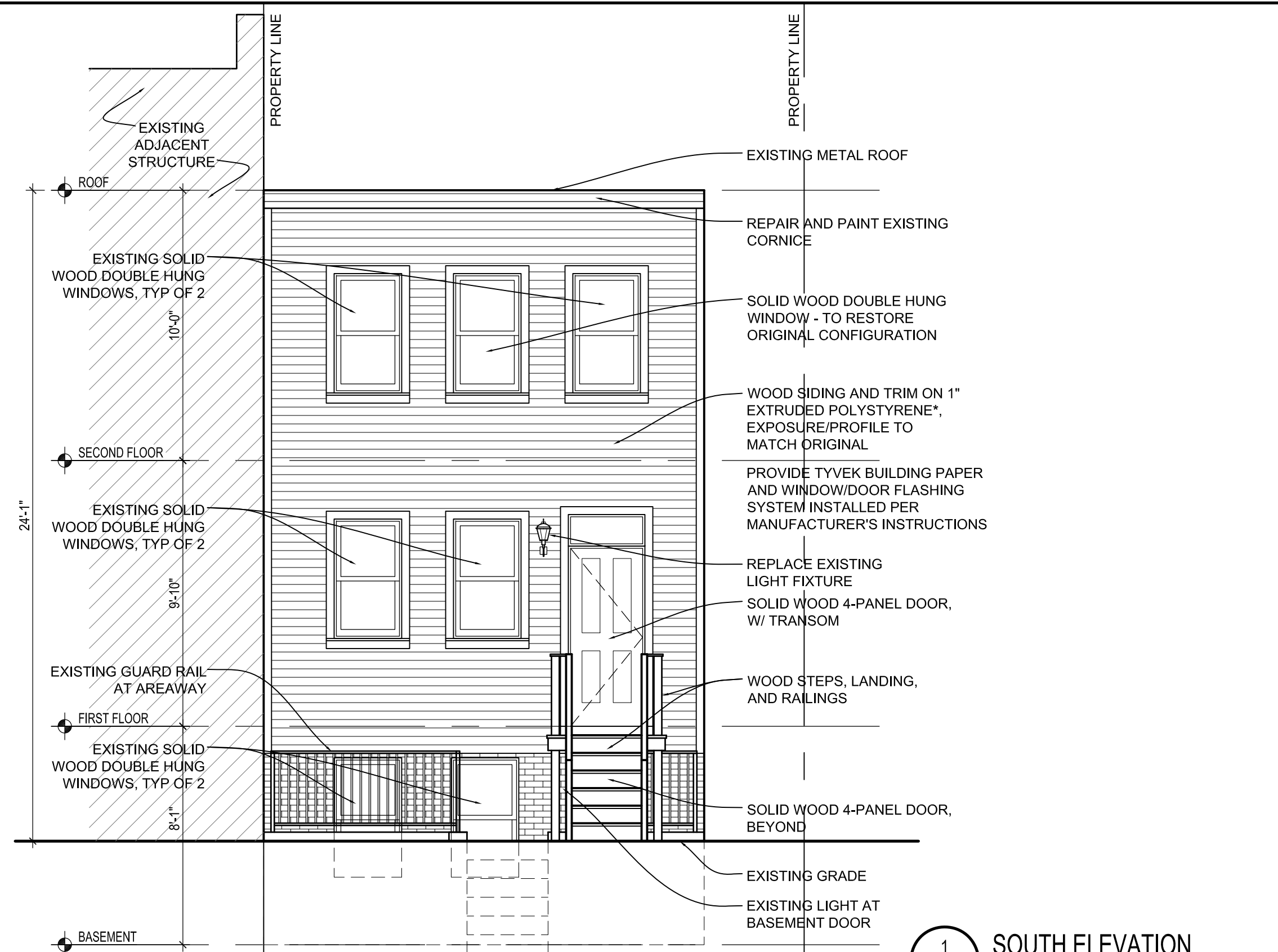
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SEAL:

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 DATE: 4-1-11
 SCALE: 1/4"=1'-0"
 EXTERIOR ELEVATIONS

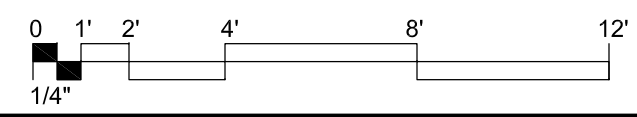
A-3



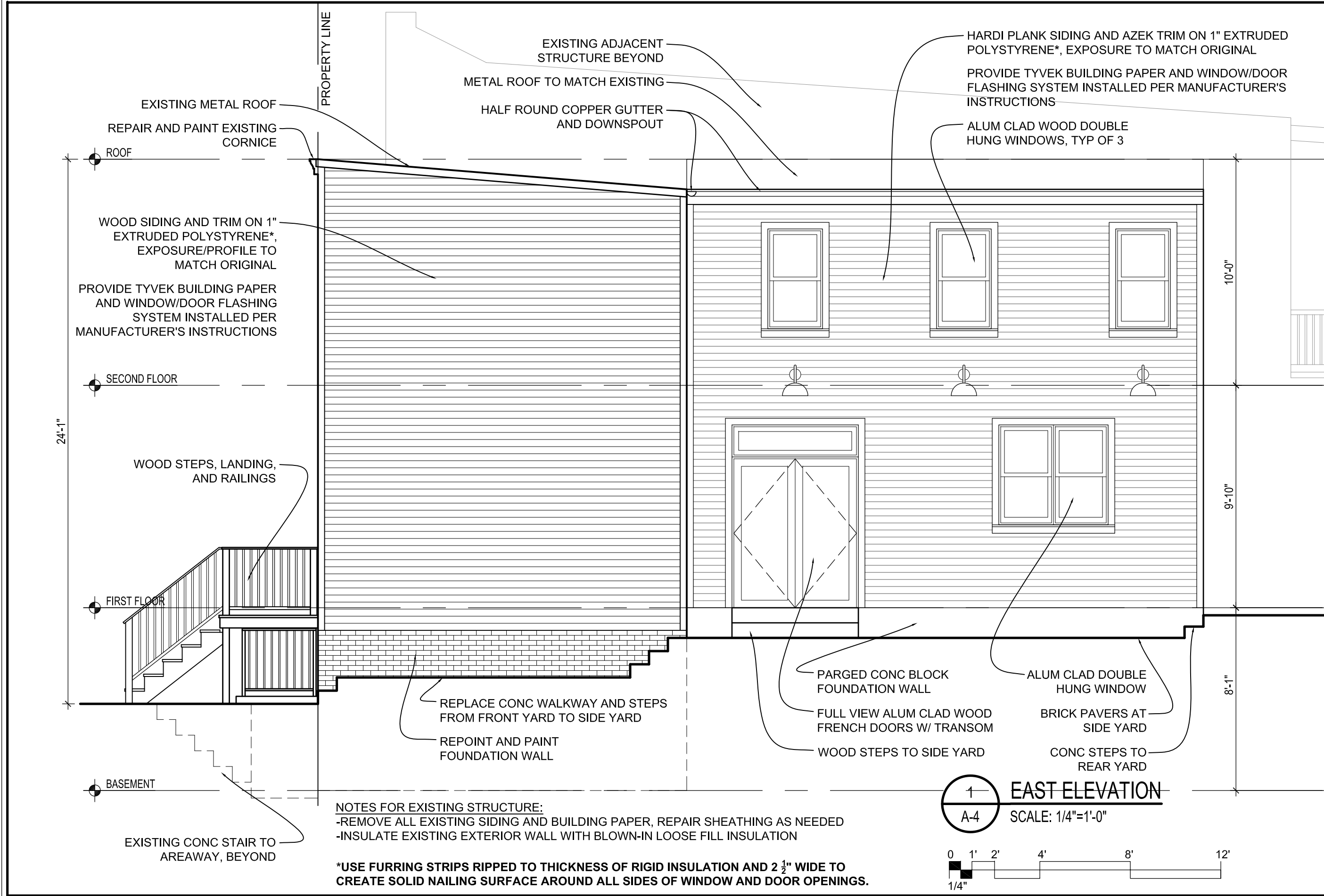
NOTES FOR EXISTING STRUCTURE:
 -REMOVE ALL EXISTING SIDING AND BUILDING PAPER, REPAIR SHEATHING AS NEEDED
 -INSULATE EXISTING EXTERIOR WALL WITH BLOWN-IN LOOSE FILL INSULATION

***USE FURRING STRIPS RIPPED TO THICKNESS OF RIGID INSULATION AND 2 1/2" WIDE TO CREATE SOLID NAILING SURFACE AROUND ALL SIDES OF WINDOW AND DOOR OPENINGS.**

1 SOUTH ELEVATION
A-3 SCALE: 1/4"=1'-0"



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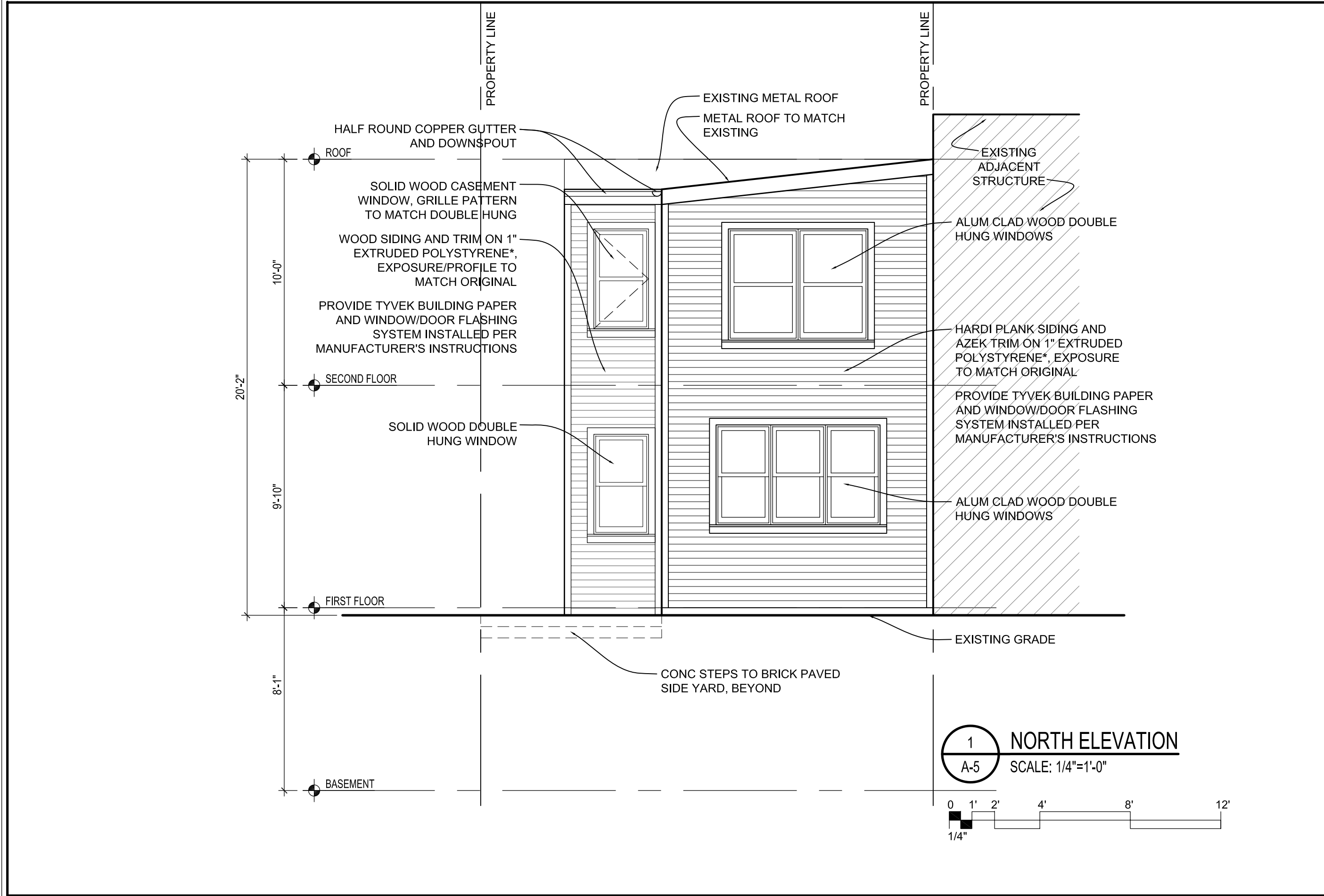
SEAL:
 VERSION: HPRB
 DATE: 4-1-11
 SCALE: 1/4"=1'-0"
 EXTERIOR ELEVATIONS

A-4

NOTES FOR EXISTING STRUCTURE:
 -REMOVE ALL EXISTING SIDING AND BUILDING PAPER, REPAIR SHEATHING AS NEEDED
 -INSULATE EXISTING EXTERIOR WALL WITH BLOWN-IN LOOSE FILL INSULATION
 *USE FURRING STRIPS RIPPED TO THICKNESS OF RIGID INSULATION AND 2 1/2" WIDE TO
 CREATE SOLID NAILING SURFACE AROUND ALL SIDES OF WINDOW AND DOOR OPENINGS.

1 **EAST ELEVATION**
 SCALE: 1/4"=1'-0"

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 DATE: 4-1-11
 SCALE: 1/4"=1'-0"

EXTERIOR ELEVATIONS

A-5

1 **NORTH ELEVATION**
A-5 SCALE: 1/4"=1'-0"



**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**



FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

Pursuant to §3103.2 - Area/Use Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations, an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zone District(s)	Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
1231 F STREET, NE	1007	113	R-4	SPEC. EXCEPT.	223.1
				VARIANCE	2500.4

Present use(s) of Property: RESIDENTIAL - SINGLE FAMILY W/ GARAGE

Proposed use(s) of Property: RESIDENTIAL - SINGLE FAMILY W/ GARAGE

Owner of Property: VANESSA MANCHESTER Telephone No: _____

Address of Owner: 1231 F STREET, NE WASHINGTON DC 20008

Single-Member Advisory Neighborhood Commission District(s): CGA

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

DEMOLITION OF EXISTING GARAGE AT 1231 F STREET, NE.
CONSTRUCTION OF NEW GARAGE W/ BASEMENT & "POP UP"
STAIR STRUCTURE FOR ROOF ACCESS.

EXPEDITED REVIEW REQUEST (If interested, please select the appropriate category)

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be placed on the Expedited Review Calendar, pursuant to §3118.2 (CHOOSE ONE):

A park, playground, swimming pool, or athletic field pursuant to §209.1, or

An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Date: 4/29/11 Signature*: *Van Manchester*

To be notified of hearing and decision (Owner or Authorized Agent*):

Name: PATRICK ROG E-Mail: patrick@yaunairog.com

Address: 180 N. CAROLINA AVENUE, SE WASHINGTON DC 20003

Phone No(s):: 202-669-4361 Fax No.: _____

* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.
FOR OFFICIAL USE ONLY

Exhibit No. 1 Case No. 18243

(Permit #B1103568) FY11-17-Z

NOTES AND COMPUTATIONS

ADDRESS: 1231 F Street, NE

LOT(S): 0113

SQUARE: 1007

two-story garage

ZONED: R-4

REQUIRED

ALLOWED

PROVIDED

VARIANCE

LOT AREA	1800 Sq. Ft.		2300 Sq. Ft.	N/A
LOT WIDTH	18 Ft.		20 Ft.	N/A
LOT OCCUPANCY (60%)		1380 Sq. Ft. (Max.60 %)	Proposed: 1517.6 Sq. Ft. (65.9%)	137.6 Sq. Ft. (5.9%)
FLOOR AREA RATIO ()		N/A	N/A	N/A
PARKING SPACES	1		1	N/A
ACCESSORY BLDG. HEIGHT		15 Ft. 1 Story	22 Ft. 2 stories	7 Ft. 2 nd Story
FRONT YARD	N/A			
REAR YARD	20 Ft.		N/A	N/A
SIDE YARD	N/A		N/A	N/A
COURT, OPEN	N/A		N/A	N/A
COURT, CLOSED	N/A		N/A	N/A

Board of Zoning Adjustments
441 4th Street, NW
Washington, DC 20001

Property Address:
Vanessa Manchester
1231 F Street, NE
Washington, DC 20001

Statement of Existing and Intended Use

The existing property is a single family home with a detached garage. It is currently zoned R-4. The proposed renovation of the garage will not affect the use of the property. It will remain a single-family home, zoned R-4.

Board of Zoning Adjustments
441 4th Street, NW
Washington, DC 20001

Property Address:
Vanessa Manchester
1231 F Street, NE
Washington, DC 20002

Application for Variance and Special Exception

The homeowner, Vanessa Manchester, seeks both a special exception (§ 223.1) and a variance (§ 2500.4) from the Board of Zoning Adjustments to build a detached, two-story garage on the property located at 1231 F Street, NE (Lot 0113, Square 1007). As explained below, the application for the variance and for the special exception meet the burden of proof as required by the District of Columbia.

I. Special Exception of DCMR Zoning Regulations Title 11, § 223.1

The homeowner requests a special exception from § 223.1 to construct a new detached garage and new stairs and landing at the rear entrance to the main house. The allowable lot occupancy by right is 60%. The homeowner requests a special exception to allow for a 65.9% lot occupancy.

In order to meet the requirements for a special exception, the homeowner must address the following: 1) how the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map; and 2) how allowing the use will not adversely affect the use of the neighboring property.

- 1) The proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map.

The proposed garage renovation is not a departure from the current use of the property. There is an existing dilapidated garage on the property. The special exception to the lot occupancy regulation, if granted, will not result in an unintended use of the property. Rather, the property at issue is currently a garage and will be used as such following the renovation.

The homeowner requires an increase in lot occupancy due to a unique site condition in which the grade at the alley is 6.7 feet higher than the grade in the rear yard. (See Existing Site Plan A200). The difference in grade requires the addition of a staircase to circulate from the rear yard to the garage. The new staircase has been designed as an enclosed u-shape stair to minimize its impact on the rear yard. In addition, a new stair with landing and awning attached to the main house will be constructed at the rear entrance to the house. The current staircase does not have a landing area. The new stairs and landing will bring this egress condition up to code, but will also slightly increase lot occupancy.

Thus, the design of the new garage and the addition of a landing area seek to maximize safety and enjoyment of the rear yard. These are purposes that are in keeping with the intent and purpose of zoning regulations. The proposed garage renovation will result in a typical-sized garage capable of accommodating modern vehicles.

- 2) Allowing the use will not adversely affect the use of the neighboring property.

Since the use of the property is to remain the same, there will be no increase in traffic or noise in the alley.

There will be slight increase in the shading of the neighboring property adjacent to the east. The shading will occur in late afternoon only in the rear yard and will not impact lighting into the main building. This is not a significant change as there is existing shade cast over both the homeowner's property and the adjacent property to the east caused by a large tree on the property to the west of the homeowner.

The homeowner has obtained letters from the adjacent neighbors to the east supporting the garage renovations and anticipates obtaining a letter of support from the neighbor to the west. No objections to the design have been raised.

II. Variance from DCMR Title 11, § 2500.4

The homeowner requests a variance from § 2500.4 to construct a new detached garage with "Pop Up" structure for roof access. The allowable building height for an accessory structure is 15 feet measured from the building elevation facing the rear yard. The homeowner requests a variance to allow the building height to be measured from the grade at the alley side of the rear yard. The homeowner also requests a variance to the height restriction to construct a roof top access. Additionally, the homeowner requests the right to construct a basement level underneath the garage.

To qualify for a variance, the homeowner must address the following: 1) the physical characteristics of the property make it difficult for the owner to use the property in compliance with the Zoning Regulation, including topography, and creates financial hardship for the owner in using the property consistent with the Zoning Regulations; 2) granting the application will not be a substantial detriment to the public good; and 3) granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

- 1) The topography of the property makes it difficult for the owner to use the property in compliance with the Zoning Regulations and creates financial hardship for the owner in using the property consisting with the Zoning Regulations.

The homeowner's property represents a unique site condition in which the grade at the alley is 6.7 feet higher than the grade in the rear yard. (See Existing Site Plan A200). The current conditions do not allow for the construction of a standard garage. The approximate ceiling height in the garage, if built in compliance with § 2500.4, would be 7 feet. This is

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., October 8, 2010

Plat for Building Permit of SQUARE 1007 LOT 113

Scale: 1 inch = 20 feet Recorded in Book 198 Page 100

Receipt No. 11-00064

Furnished to: PATRICK ROG

Bob M
Surveyor, D.C.

By: A.S. 134

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

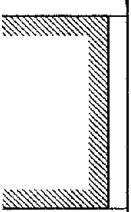
Date: 2.2.11

Robert O
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

F STREET, N.E.

20.0



Lot occupancy calculation

Lot Area: 2300 SF

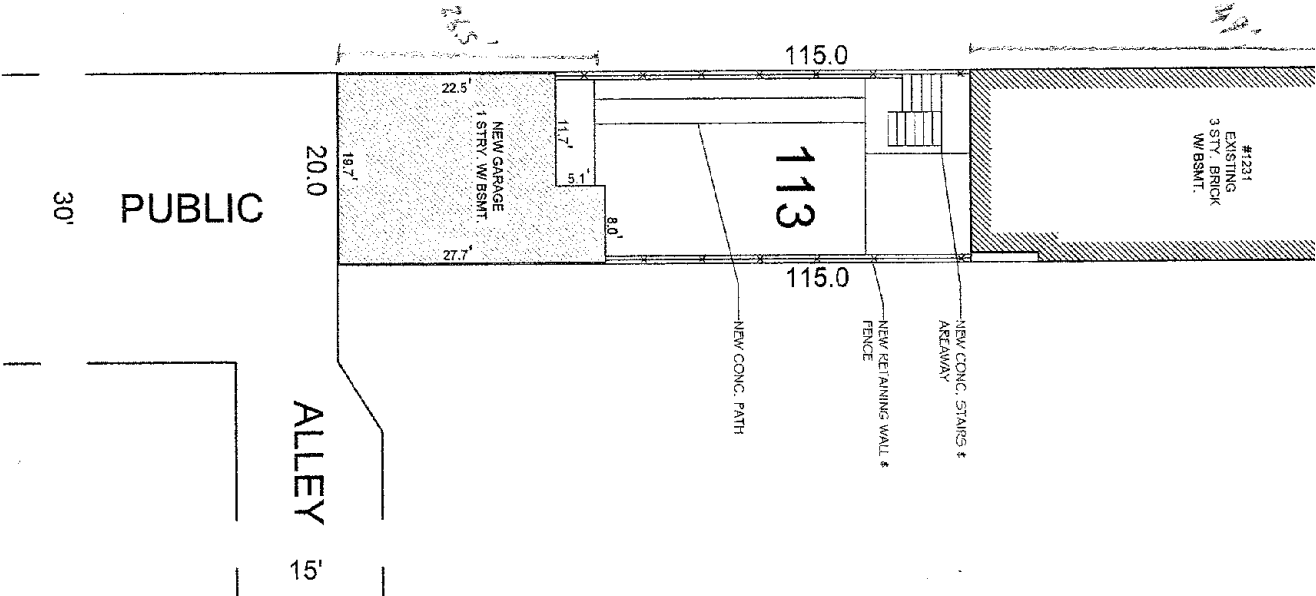
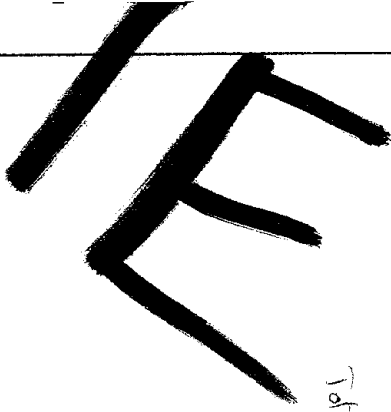
Main structure: $49' \times 20' = 980 \text{ SF}$

Rear structure: $2.65 \times 20 = 53.0 \text{ SF}$

1.2 x 8 = 9.6 SF

Total 1519.6 SF

= 66%



FY11-17-2

**Senate View Condominium Association
1235 F ST NE #A
Washington, DC 20002**

April 27, 2011

Board of Zoning Adjustment Committee,

I am writing you today as the President of the Senate View Condominium Association. Our building, addresses 1233 F ST NE and 1235 F ST NE, is comprised of four units. Although I am the elected representative for all four units, and am a unit owner myself, the statements below have been voted on and agreed upon with a unanimous decision.

Our building is directly adjacent to 1231 F ST NE. We are the neighbors to the east, and wish to support the proposed garage renovation as submitted to your committee.

We have reviewed the proposed plans and are aware of the exceptions and variances they are requesting. They include the following:

- Measuring the maximum height of the garage from the alley vs. the back yard
- Allowing their lot occupancy to be approximately 65% (5% more than the standard)
- The construction of a basement level for general use/storage below the garage
- The construction of a "pop up" stair structure for access to a roof deck

We do not find these proposed changes to be a detriment to the quality of our privacy, sunlight or air space.

We see the garage construction as an improvement to the community and a positive step towards cleaning up our alley.

If you have any questions, feel free to contact me any time at 202-494-4343.

Sincerely,



Seth Goldman, President
Senate View Condominium Association

Wednesday, April 27, 2011

William Schultheiss and Liz Twarog

1225 F Street, NE

Washington, DC 20002

Board of Zoning Adjustment Committee-

My husband, Bill, and I are writing this letter in support of the proposed garage renovation for 1231 F Street, NE. We are their neighbors, three houses to the west, 1225 F Street, NE, and our backyards are visible to each other.

We have reviewed the proposed plans and are aware of the exceptions and variances they are requesting. They include the following:

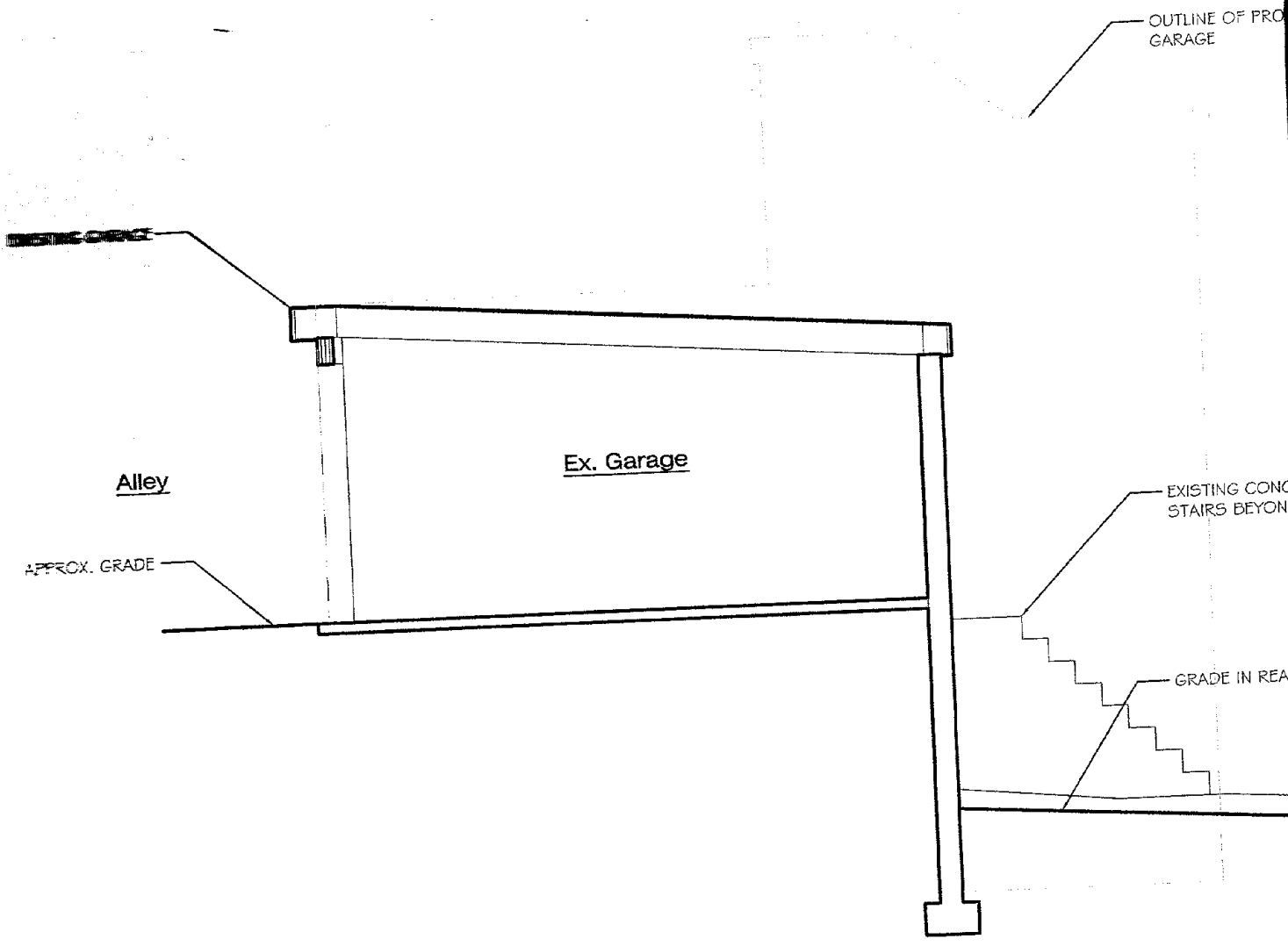
- Measuring the maximum height of the garage from the alley vs. the back yard
- Allowing their lot occupancy to be approximately 65% (5% more than the standard)
- The construction of a basement level for general use/storage below the garage
- The construction of a "pop up" stair structure for access to a roof deck

We do not find these proposed changes to be a detriment to the quality of our privacy, sunlight or air space.

We see the garage construction as an improvement to the community and a positive step towards cleaning up our alley.

Sincerely,


Liz Twarog



Alley

Ex. Garage

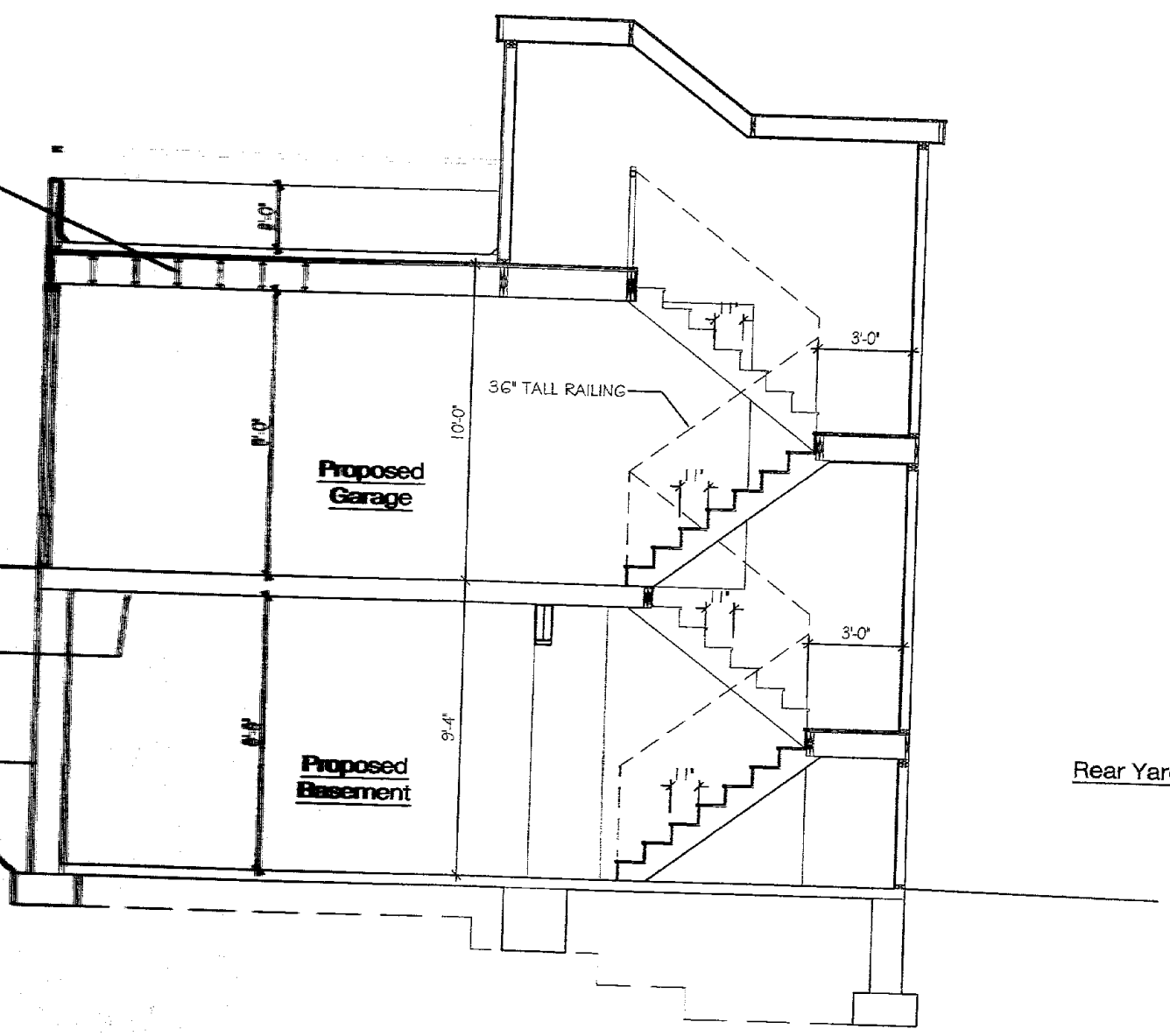
APPROX. GRADE

OUTLINE OF PRO GARAGE

EXISTING CONCR STAIRS BEYOND

GRADE IN REAR

EXISTING SIDE
EXISTING SIDE
EXISTING SIDE
EXISTING SIDE
EXISTING SIDE



1 Proposed Section @ Stair
3/16" = 1'-0"

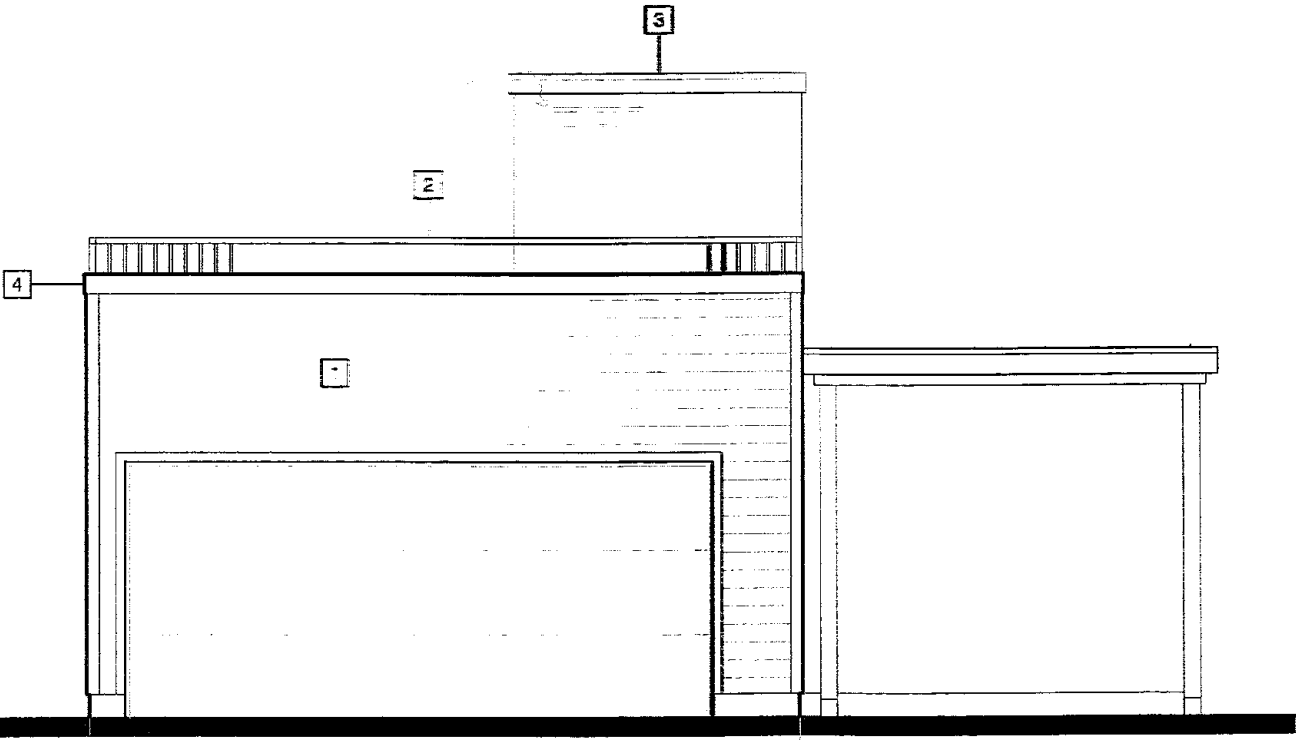
YAVNAI + ROG
180 N. Carolina Avenue, SE
Washington, DC 20003
202.669.4361 or 202.498.0029

The Manchester Residence
1231 F Street, NE
Washington, DC 20002

Proposed
Elevation

ISSUE: 29 APRIL 2011
SCALE AS NOTED:
SCALE: 3/16" = 1'-0"

A400



① **Proposed Alley Elevation**
3/16" = 1'-0"

YAVNAI + ROG
180 N. Carolina Avenue, SE
Washington, DC 20003
202.669.4361 or 202.498.0029

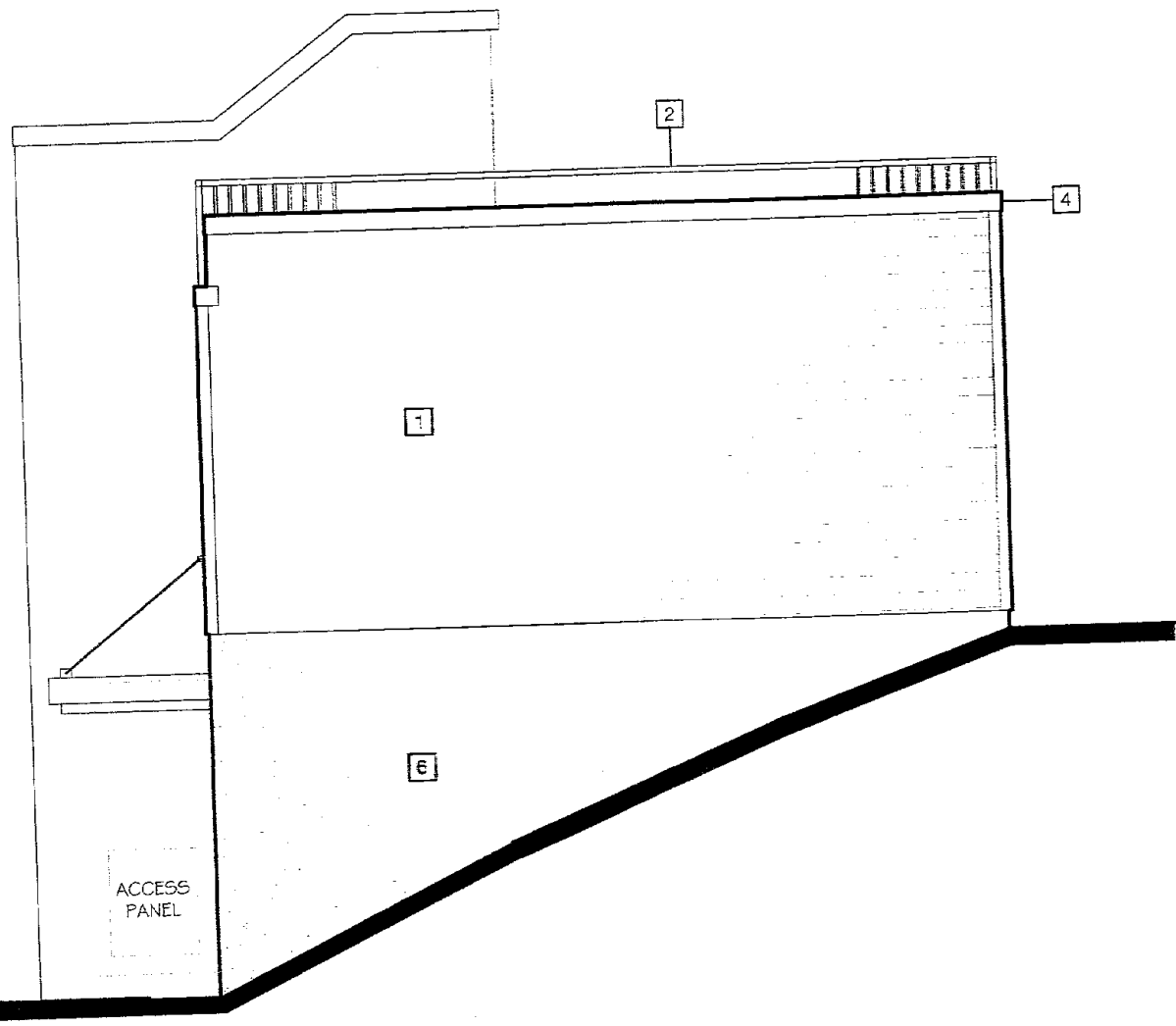
The Manchester Residence
1231 F Street, NE
Washington, DC 20002

Proposed
Elevation

ISSUE:
29 APRIL 2011

SCALE AS NOTED:
SCALE: 3/16" = 1'-0"

A403



1 Proposed Side Elevation
3 6" = 1'-0"



**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**



FORM 125 - APPEAL

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to §§ 3100 and 3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the

administrative decision of:	<small>Name of administrative officer and title</small>
	Rabbiah Sabbakhan Actin Chief DCRA Permit Operation Div
made on	<small>Date of decision</small>
2/24/11	
that states	NNRG is appealing DCRA's decision of th
Revocation of the Revocation of Building Permit No B1010205	

Address(es) of Affected Premises	Square(s)	Lot(s)	Zone Districts
138 12th Street, Northeast	0988	820	R-4

Present use of Property:	Vacant
Proposed use of Property:	Public School
Name of Owner of Property:	Appletree Institute for Education Innovation
Address:	415 Michigan Ave N.E. Washginton D.C.
Phone No(s):	202-488-3990
Fax No.:	
E-Mail:	

Name of Lessee:	
Address:	
Phone No(s):	
Fax No.:	
E-Mail:	

Name of Appellant, if other than Owner:	Northeast Neighbors for Responsible Growth (NNRG)
Address:	contact addres: 130 12th Street, N.E. Washington D.C. 20002
Phone No(s):	202-547-1959
Fax No.:	
E-Mail:	

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this appeal is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Date:	4/22/11	Signature of Appellant*:	
--------------	---------	---------------------------------	--

To be notified of hearing and decision (Appellant or Authorized Agent*):

Name:	Joseph Jorgens III
Address:	130 12th Street, N.E. Washington, D.C. 20002
Phone No(s):	202-547-1959
Fax No.:	
E-Mail:	JosephJorgens@gmail.com

* If an appeal is filed by the agent of the Appellant, Form 125 Appeal shall be accompanied by a letter signed by the Appellant authorizing the agent to act on its behalf in this appeal.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

FOR OFFICIAL USE ONLY

Exhibit No. 1

Case No. 18241

Before the
DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF:

Northeast Neighbors for Responsible Growth from the
Administrative Decision of DCRA on
DCRA Building Permit No. B1010205
Decision to Vacate Revocation of Permit

Statement of the Applicant

Northeast Neighbors for Responsible Growth (NNRG) hereby requests that the Board of Zoning Adjustment (the Board) GRANT the Appeal from the Administrative Decision of the Department of Consumer and Regulatory Affairs Building and Land Regulation Administration to withdraw the revocation of Building Permit No. 1010205 at 138 12th St NE. In support of its appeal NNRG states the following:

RELEVANT FACTS

1. The permit was issued for the purposes of constructing a charter school at property located at 138 12th Street, NE. Washington, D.C. 20002 (hereinafter "the Property).
2. This permit was subject to several extensions.
3. Pursuant to 11 D.C.M.R. 3130, a permit based upon an Order of the BZA must be begun within six (6) months of issuance of the permit, and if work is not begun, the permit shall expire.
4. Pursuant to 12 D.C.M.R. 105.5, any extension of a building permit may not exceed six (6) months, and there can be no more than three (3) extensions.
5. Pursuant to 11 D.C.M.R. 3202.4, construction may be completed pursuant to provisions in effect on the date of issuance of a permit so long as work was begun within two (2) years of the date of issues, and if work is not timely begun, any construction engaged must comply with the provisions of the title in effect on the date the permit is amended.
6. Pursuant to 11 D.C.M.R. 3202.7, any permit issued is not renewable unless there is compliance with the Zoning Regulations on the date of such renewal.
7. Pursuant to 11 D.C.M.R. 401.3, to construct a charter school in an R-4 district, certain minimum lot qualifications must be met.

SUMMARY OF APPEAL

The Department of Consumer and Regulatory Affairs (DCRA) erred in its Feb. 24, 2011 decision to withdraw its Notice to Revoke Building Permit No.1010205. The property which is the subject of this appeal is located at 138 12th St NE.

On December 3, 2010 DCRA revoked Building Permit No.1010205 stating that "Here, the Construction Code does not allow an extension of the existing building permit beyond a total of eighteen months from the original building permit, B89587, which was issued on October 26, 2007. Therefore, the last building permit extension ended on 4/26/10. Building Permit B1010205 erroneously extended the building permit beyond the maximum eighteen months of extensions and must be revoked."

NNRG believes that DCRA was correct in revoking the building permit. The DCRA's stated basis for revocation of the permit is a correct and necessary application of DCMR Title 12 Chapter 105.5.1 Extension of Permit which allows a permit to be extended for a period of only six (6) months and allows for at most three (3) extensions. In this case, the owner had been granted three (3) one (1) year extensions to the initial permit B that is clearly a breach of the District statutes set down in DCMR Title12.

An additional reason why DCRA's decision to revoke the permit is correct is that no work was performed on the property at 138 12th St NE from Oct. 26, 2007 to Feb. 24, 2011, a period of more than three (3) years. The extension of the permit beyond Oct. 26, 2009 was a breach of Title 11 DCMR 3202.4 (a) which requires that the permit holder begin construction work within two (2) years of the date on which the permit is issued.

Had Title 11 been correctly applied, Building Permit No.1010205 would have become invalid even before the date of the earlier permit's second extension (the second extension, Building Permit B0909377 was issued on Nov 17, 2009).

In its Feb. 24, 2011 letter withdrawing the revocation of the permit, it states that the Building Permit No.1010205 has not lapsed. This declaration ignores the clear language of Title 11 and Title 12. The facts stated by DCRA in its December 3, 2010 letter revoking the building permit are indisputable and the grounds for DCRA's decision to revoke the permit are sound and comply with current District statutes.

DISCUSSION

The initial building permit, extended by Building Permit No.1010205, is Building Permit No. B89587. That permit was issued on 10/26/2007.

The DCRA has issued three (3) one (1) year extensions to the initial permit. The first extension, Building Permit No. B0900498 was issued on Oct, 21 2008. It was renewed Sept. 21, 2009 (No.B0909377) and again on Sept. 17, 2010 (No. B1010205). All extensions were issued for a

period of one year.

None of these extensions comply with DCMR Title 12 Chapter 105.5.1 Extension of Permit in that they are all for a period of more than six months. Based on a correct application of DCMR Title 12, the third extension issued on September 17, 2010 expired at the end of six months on March 17, 2010 and the permits are not eligible to be extended beyond that point.

The District statute contained in DCMR Title 11 DCMR 3202.4 (a) also applies to the building permits for this property. That statute requires that AThe permit holder shall begin construction work within two (2) years of the date on which the permit is issued@.

NNRG asserts that no construction was begun on the structure at 138 12th St NE until after February 24, 2011, a period of more than three years (3) from the October 26, 2007 issuance of the initial permit (No. B89587). The correct application of DCMR Title 11 makes Building Permit No.1010205 invalid and requires that the second extension (No. B0909377) should have expired as of Oct. 26, 2009, two years after the initial permit (No. B89587) was issued.

The property is located in an R-4 Zoning District. The proposed use by the current owners is as a public charter school. This proposed use is not a matter of right use in an R-4 Zoning District because the property does not meet the lot size and lot width requirements of an R-4 District.

Title 11 DCMR 401.3 stipulates that for a >public school' to be a matter of right use in an R-4 district, the property must have a minimum lot size of 9,000 sq. ft. and a minimum lot width of 120 ft. This property is 4,230 sq. ft. in area with a width of 36 ft.

MINIMUM LOT SIZE REQUIRED BY LAW: 9,600 sq ft. This lot size: 4,340 sq ft!

MINIMUM LOT WIDTH REQUIRED BY LAW: 120 ft This lot width: 36 sq ft!

On form 125 (revised 10/08/10) it states "state specifically manner (sic) in which appellant is aggrieved ..." IF that is still required, NNRG, a community and neighborhood group, provides the following.

This concerns the harm which will be done to the neighborhood, particularly to the residents in the vicinity of the 100 block of 12th Street, N.E. by the construction and operation of a school at 138 12th Street, N.E.

1. The proposed building and use are completely out of character for a designated Historic Area of Capital Hill. The plans are grossly out of character in a block of historic row houses and two low-rise apartment buildings. There is no commercially-zoned property for many blocks

surrounding the Lincoln Park neighborhood, except the few commercial enterprises that are small corner neighborhood-serving businesses that have been "grandfathered" under zoning regulations.

2. Allowing such a use will put a large, non-conforming building in the middle of a historic residential block. The surrounding homes tend to step down as they approach the alley, and the back is highly articulated, with doglegs, porches, green space, and other features that soften the rear of the buildings. This business structure would dwarf the surrounding homes and it would dominate the residential properties. The exposed rear yard of the proposed structure is predominantly hardscape with no planting materials to absorb noise and pollution.

3. The school will cause massive parking problems. There will be limited parking places on the property due to its very small lot size. Even if off site parking was attempted to be procured for the teachers, staff, and services personnel, this is temporary at best. Other schools in the District have on-site parking, or enforceable restrictions that prohibit parking by parents, students, staff, or support vehicles. Some prohibit driving to the school altogether and require drop-off/pick-up at satellite locations, or restrict the hours during which staff may drive to the school. Many neighbors do not have garage parking and must park on the street. At most other similar properties, the Department of Transportation has taken away many street parking places to attempt to provide some kind of curb access to the drop-off/pickup of children.

4. The school will cause traffic congestion. Any drop-off/pickup area for parents bringing their children to school will necessarily block 12th Street or if allowed to drop-off/pickup in the alley, block the alley. Many neighbors have their original carriage houses, or they have been replaced with garages that blend in with the historic nature, and garage their cars on the alley, and would:

- a.) not be able to exit their garages because of the blocking traffic waiting to move up to the property to drop-off the children, and
- b.) have to sit in the line of traffic to exit onto adjoining streets once egress from their garages was accomplished.

5. Parking or "stopping" in the alley is forbidden by law. It can not be used for pick-up/drop-off. Alleys also can not be used as thoroughfares which will be the case after drop-off/pick-ups on 12th Street as drivers use it to avoid East Capitol Street in returning to Constitution Avenue.

6. In addition, many harried parents will undoubtedly double park on narrow 12th Street as they unbuckle child safety seats and walk their children into the building - illegally crossing the street in the middle of the block.

7. 12th street is a one lane each way street: cars approaching each other must slow down to a crawl to ensure there is no contact. The circular driveway of the Steuart Square Condominiums is private property but will be used for parking and turning around, blocking their parking and access. Only a few cars can line up on 12th Street to drop-off/pick-up children. Others waiting on East Capitol Street or Constitution Avenue will congest the flow of traffic on these major arteries as they wait to make the turn into 12th Street. Cars waiting to turn onto 12th Street can

jeopardize users of the bike lane, which is particularly popular because of the BikeShare station at Lincoln Park. The traffic in the area is already horrendous. Constitution Avenue is a general thoroughfare for commuters in and out of the city. Any additional traffic in this immediate area would turn the entire general travel roads and then those with turning access onto 12th Street, and 12th Street itself into gridlock.

8. The noise of the inevitable gridlock and drop-off/pickup every weekday morning and evening will be overwhelming and will severely hurt the quiet enjoyment of one's property.

9. The trash pickup will bring more trash trucks with their accompanying noise and further congestion. The air conditioning equipment required for a commercial-style building of this size will be more than twice the capacity of that used by residential units and will generate significant noise that will echo through the confined alley space.

10. Based on Company's plans, the additional amount of people can be expected at the school:

- a.) 54 children, coming and going, yields 108 trips, mostly vehicular each day;
- b.) 20 staff members;
- c.) Visitors from administration, observers, guests, etc.
- d.) Vendor trucks delivering meals, supplies, etc. plus daily trash trucks.

11. Because this is a charter school, it must accept children from anywhere in the city by lottery. Charter schools on Capitol Hill are particularly in demand because they are close to the Capitol and the Federal office buildings. This decreases the odds that children within walking distance of the building will "win" the lottery, thereby increasing the number of children who will arrive and depart by vehicles as their parents drop-off/pick-up on their way to and from work.

REQUEST FOR RELIEF

The appellant requests that the Board ORDER the Department of Consumer and Regulatory Affairs to:

- 1) Declare that Building Permit No. B89587 has expired.

- 2) IF the property owners wish to continue to attempt to place such a structure at this inappropriate site, they follow the current zoning regulations and laws.

Attachments: 2

1. Revocation of Building Permit No. B1010205
2. Revocation of the Revocation of Building Permit No B1010205

To be delivered to the appropriate parties by Personal delivery or U.S. First Class Mail

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs



Permit Operations Division

**VIA PERSONAL SERVICE or
U.S. FIRST CLASS MAIL**

Appletree Institute for Education
Innovation, Inc.
400 7th Street, S.E.
Washington, DC 20003-2707

Appletree Institute for Education
Innovation, Inc.
c/o Quinten Washington
1025 Connecticut Avenue, N.W.
#1000
Washington, DC 20036

Re: Building Permit B1010205 (138 12th Street, N.E.)

NOTICE TO REVOKE BUILDING PERMIT NO. B1010205

This is official notice ("Notice") from the Department of Consumer and Regulatory Affairs ("DCRA") that Building Permit No. B1010205 is revoked effective ten (10) business days from the mailing of this Notice. This action is taken pursuant to District of Columbia Municipal Regulations ("DCMR") Title 12A § 105.6, which authorizes the code official to revoke a building permit when the permit was issued in error. Here, the Construction Code does not allow an extension of the existing building permit beyond a total of eighteen months from the original building permit, B89587, which was issued on October 26, 2007. Therefore, the last building permit extension ended on 4/26/10. Building Permit B1010205 erroneously extended the building permit beyond the maximum eighteen months of extensions and must be revoked.

Under the District of Columbia Municipal Regulations § 12A-105.6, DCRA has the authority to revoke building permits. Based upon the District's review and analysis of the building permit that was issued, DCRA is revoking Building Permit No. B101025. This revocation will be effective ten (10) business days from the mailing of this Notice.

1100 4th Street, SW Third Floor Washington, DC 20024
Phone: (202) 442-4589 Fax: (202) 442-4863

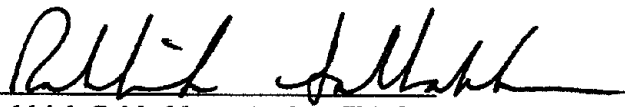
RIGHT TO APPEAL

You have the right to appeal the revocation of your building permit within ten (10) days (excluding Saturdays, Sundays and legal holidays) of receipt of this Notice to the Office of Administrative Hearings. 12A DCMR § 105.6.4. Should you appeal DCRA's decision, your appeal must be mailed to the Office of Administrative Hearings at 441 4th Street, N.W., 10th Floor, Washington, D.C. 20001. Alternatively, you may hand-deliver your appeal for a hearing to the Office of Administrative Hearings at 441 4th Street, N.W., 10th Floor, Washington, D.C. 20001. If you do not request a hearing within the time and manner specified in this notice (or fail to appear at a scheduled hearing), your permit will be immediately revoked without any further written notice.

Any questions about this notice may be directed to the Permitting Operations Division on 442-4542.

Date: _____

12-3-10


Rabbiah Sabbakhan, Acting Chief
Permit Operations Division

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Inspections and Compliance
Administration



February 24, 2011

To: Jack McCarthy
Managing Director
AppleTree Institute for Education Innovation, Inc.
415 Michigan Ave., NE
Washington, DC 20017

Mark A. Perry, Esq.
Gibson, Dunn & Crutcher LLP
1050 Connecticut Ave., NW
Washington, DC 20036


Re: 138 12th Street, NE

WITHDRAWAL OF NOTICE TO REVOKE BUILDING PERMIT NO. B1010205

This is official notice from the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") that the Notice to Revoke Building Permit No. B1010205, issued on December 3, 2010, is hereby withdrawn. By this letter, DCRA confirms that Building Permit No. B1010205, issued on September 17, 2010, is valid and has not lapsed, *nunc pro tunc*.

Any questions about this letter may be directed to the Permit Operations Division at (202) 442-4542.

Date: 2-24-11


Rabbiah Sabbakhan, Acting Chief
Permit Operations Division