

Although the date in the heading of the attached document reads “May 18” it is actually the agenda for June 15.

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. BZA #18253 (213 8th St NE). The owner seeks a special exception to allow a rear addition to a one-family row dwelling under section 223, not meeting the court (section 406) and nonconforming structure (subsection 2001.3) requirements in a R-4 District. (10 minutes)
2. BZA #18247 (1309-1311 H St NE). The applicant seeks for a variance from the floor area ratio requirements under subsection 771.2, a variance from the rear yard requirements under section 774, a variance from the off-street parking requirements under subsection 2101.1, and a variance from the loading requirements under subsection 2201.1, to allow the development of a new restaurant in the HS/C-2-A District. (45 minutes)
3. BZA #18254 (1303 Linden Ct. NE). The owner seeks multiple variances and a special exception to construct a 3-story residence and roof deck in the alley of Linden Ct. The lot is split zoned C-2-A/R4. (35 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/>

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Kyrus Lamont Freeman
(202) 862-5978
kyrus.freeman@hklaw.com

May 6, 2011

Via Hand Delivery

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: BZA Application – 1309 & 1311 H Street, N.E.
(Square 1027, Lots 88 and 89)

Dear Board Members:

On behalf of Big City Development, LLC (the “Applicant”), as the owner of property located at 1309 & 1311 H Street, N.E., Lots 88 and 89 in Square 1027, we submit an application and supporting materials requesting approval for an area variance from the floor area ratio requirement of Section 771.2; an area variance from the rear yard requirements of Section 774.1; an area variance from the off-street parking requirements of Section 2101.1; and an area variance from the loading requirements of Section 2201.1 to allow the development of a new restaurant in the HS/C-2-A District. Enclosed are the following materials:

- A completed BZA Form 126 (fee calculator) and a check in the amount of \$4,160.00;
- A completed BZA Form 120 (application);
- A completed BZA Form 135 (self-certification);
- A letter from the property owner authorizing Holland & Knight LLP to file the application;
- A statement explaining how the application meets the specific tests identified in the Zoning Regulations;
- A statement of existing and intended uses of the subject property;
- Architectural Plans and Elevations;

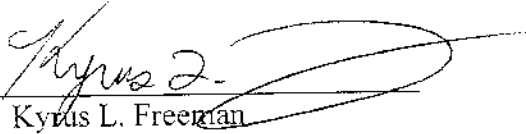
- Photographs of the subject property;
- A building plat showing the subject property; and
- The name and mailing address of the owners of all property within 200 feet in all directions from all boundaries of the subject property, in both list and mailing label format.

We respectfully request that the Board schedule the application for a public hearing on the next available date.

Very truly yours,

HOLLAND & KNIGHT LLP

By:



Kyrus L. Freeman

Attachments

cc: Jennifer Steingasser, OP
Advisory Neighborhood Commission 6A
Andrew Hysell, ANC 6A06



BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040	4	\$4,160.00
TOTAL FOR VARIANCES:			\$4,160.00

SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560		
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%		

TOTAL FOR SPECIAL EXCEPTIONS:

APPEAL:			
NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		

TOTAL FOR APPEALS:

GRAND TOTAL: \$4,160.00

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)

Name: **Kyrus L. Freeman, Esq.**

Signature:

Exhibit No. _____

Last Revised (10/18/10)

Case No. _____



**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
1309 & 1311 H Street, N.E.	1027	88 & 89	HS/C-2-A	Area Variance	Floor Area Ratio (771.2)
				Area Variance	Rear Yard (774.1)
				Area Variance	Parking (2101.1)
				Area Variance	Loading (2201.1)

Present use(s) of Property: Vacant

Proposed use(s) of Property: Restaurant

Owner of Property: Big City Development LLC

Telephone No: (240) 793-5888

Address of Owner: 2107 Parkside Drive, Bowie, MD 20721-4227

Single-Member Advisory Neighborhood Commission District(s): 6A06

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

Application of Big City Development, LLC, pursuant to 11 DCMR § 3103.2, for an area variance from the floor area ratio requirement of Section 771.2; an area variance from the rear yard requirements of Section 774.1; an area variance from the off-street parking requirements of Section 2101.1; and an area variance from the loading requirements of Section 2201.1 to allow the development of a new restaurant in the HS/C-2-A District at premises 1309 & 1311 H Street, N.E. (Square 1027, Lots 88 and 89).

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: May 9/2011

Signature*:

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

Name: Kyros L. Freeman, Esq.

E-Mail: kyros.freeman@hklaw.com

Address: 2099 Pennsylvania Avenue, NW Suite 100 Washington, DC 20006

Phone No(s): 202-862-5978

Fax No.: 202-955-5564

* 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. _____



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 - ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
1309 & 1311 H Street, NE	1027	88 & 89	HS/ C-2-A

Single-Member Advisory Neighborhood Commission District(s): 6A06

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	<input type="checkbox"/> §3103.2 - Use Variance	<input checked="" type="checkbox"/> §3103.2 - Area Variance	<input type="checkbox"/> §3104.1-Special Exception
Pursuant to Subsections:	771.2;774.1;2101.1;2201.1;2001.3		

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certificate, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

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 form 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)

Owner's Signature 		Owner's Name (Please Print) OTIS LONON	
Agent's Signature 		Agent's Name (Please Print) RICHARD J. CONRATTI	
Date	D.C. Bar No.	or	Architect Registration No. 100669

FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

<input type="checkbox"/>	Accepted for filing.
<input type="checkbox"/>	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required.
<input type="checkbox"/>	Rejected for failure to comply with the provisions of <input type="checkbox"/> 11 DCMR §3113.2; or <input type="checkbox"/> 11 DCMR - Zoning Regulations. Explanation _____

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

Case No. _____

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. (All applications must be submitted before 3:00 p.m.)

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	1950 sf	n/a	n/a	1950 sf	--
Lot Width (ft. to the tenth)	30 ft	n/a	n/a	30 ft	--
Lot Occupancy (building area/lot area)	100%	n/a	100%	100%	--
Floor Area Ratio (FAR) (floor area/lot area)	1.71	n/a	1.0	3.0	2.0
Parking Spaces (number)	0	16	n/a	0	16
Loading Berths (number and size in ft.)	0	1 @ 30' deep	n/a	0	1 @ 30' deep
Front Yard (ft. to the tenth)	none	none	none	none	--
Rear Yard (ft. to the tenth)	none	15'	none	none	15 ft
Side Yard (ft. to the tenth)	none	none	none	none	--
Court, Open (width by depth in ft.)	none	none, if provided 12' min.	n/a	13'-9" min.	--
Court, Closed (width by depth in ft.)	none	none, if provided not less than 250 sf	n/a	n/a	--
Height (ft. to the tenth)	+/- 38'-6"	n/a	50'-0"	+/- 38'-6"	--

If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.



May 4, 2011

Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

Re: Square 1027, Lots 88 and 89

Dear Members of the Board:

As owner of the above-referenced property, this letter is to authorize the law firm of Holland & Knight LLP to act as our authorized agents regarding all necessary zoning relief for the above-referenced property. As set forth in section 3106.1 of the Zoning Regulations, this authorization includes the power to bind the owner in the case before the Board.

Very truly yours,

BIG CITY DEVELOPMENT LLC

By: Otis L. Lonon Jr.
Name: Otis L. Lonon, Jr.
Title: Sole Member

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

**Application of Big City Development, LLC
1309-1311 H Street, N.E.**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted on behalf of Big City Development, LLC (the "Applicant"), as the owner of property located at 1309-1311 H Street, N.E., Lots 88 and 89 in Square 1027 (the "Site") in support of its application for an area variance from the floor area ratio requirement of Section 771.2; an area variance from the rear yard requirements of Section 774.1; an area variance from the off-street parking requirements of Section 2101.1; and an area variance from the loading requirements of Section 2201.1 to allow the development of a new restaurant in the HS/C-2-A District.

Pursuant to Section 3113.8 of the Zoning Regulations, the Applicant will file its prehearing statement with the Board no fewer than 14 days prior to the public hearing date. In that statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested zoning relief. Following herein is a description of the Site and proposed renovation and addition, and a statement indicating how the Applicant will meet its burden of proof.

I. Description of the Site and Proposed Renovation

Square 1027 is located in the Northeast quadrant of the District and is bounded by H Street on the north, 14th Street on the east, G Street and Maryland

Avenue on the south, and 13th Street on the west. The Site is zoned HS/C-2-A, and is located on the south side of H Street. Private property abuts the east, south, and western sides of the Site.

The Site measures approximately 30 feet by 65 feet, and includes 1,950 square feet of land area. The Site is improved with a building that occupies 100% of the Site and includes approximately 3,325 square feet of gross floor area.

The Applicant proposes to replace the existing vacant buildings on the Site with a modern, viable restaurant. The proposed restaurant will provide a layout consistent with other new or renovated restaurants in the District. Once the proposed work is completed, the building will have a height of 38.5 feet and a total gross floor area of approximately 5,850 square feet. There will be no expansion of the existing building footprint.

II. Burden of Proof for Area Variances

Variance relief is required from the floor area ratio (§771.2); the off-street parking (§2101.1); and the loading (§2201.1) requirements in this case. Under D.C. Code §6-641.07(g)(3) and 11 DCMR §3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

- (1) the property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and
- (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); *see also*, *Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, and as will be further explained at the public hearing, all three prongs of the area variance test are met in this Application.

A. The Property Is Unusual Because of its Size, Shape or Topography and is Affected by an Exceptional Situation or Condition.

The phrase "exceptional situation or condition" in the above-quoted variance test applies not only to the land, but also to the existence and configuration of a building on the land. *See Clerics of St. Viator, Inc. v. D.C. Board of Zoning Adjustment*, 320 A.2nd 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation or condition may arise from a confluence of factors which affect a single property. *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2nd 1164, 1168 (D.C. 1990). In this case, the size and dimensions of the Site, combined with the size and dimensions of the existing building on the property, combine to create an exceptional situation and condition. As shown on the plans included with the application, the existing lots are very narrow, which impacts the internal design and layout of the proposed restaurant use. In addition, based upon the Applicant's research, the existing structures on the Site were initially constructed in approximately 1892, and prior to the adoption of the current zoning limitations, to a uniform height of approximately 39 feet. However, due to a fire in approximately 1939, the western portion of the building was destroyed and never rebuilt to its

original condition. The Applicant is proposing to return the Site to original massing along H Street.

B. Strict Application Would Result in a Practical Difficulty to the Owner

a. Floor Area Ratio

The strict application of the floor area ratio requirements in this case would result in a practical difficulty to the Applicant. Pursuant to Section 771.2 of the Zoning Regulations, the C-2-A District permits a maximum density of 2.5 FAR, no more than 1.5 FAR of which may be devoted to nonresidential uses. Section 1323.3 of the H Street Overlay reduces the FAR to 1.0 for new construction dedicated to non-residential uses. The Site's current lot area is 1,950, and thus the Site can be improved with a total gross floor area of 4,875 square feet, but no more than 1,950 square feet of which can be devoted to nonresidential uses. The Site is currently improved with approximately 3,325 square feet (1.71 FAR) of gross floor area, and as shown on the plans, the completed project will have a total of 5,850 square feet (3.0 FAR) of nonresidential use, and thus requires an area variance from Section 771.2 to allow the construction of the additional square footage.

As shown on the plans, the increased square footage will include water closets, a stairway, and dining space. The stairway is required to provide access to, and egress from, each floor of the building, and the dining space is needed to support the restaurant use. In addition, approximately 642 square feet of open area is included in the FAR computation since it will be covered by a canopy for portions of the year. The proposed restaurant requires the additional square footage to

function as a full service restaurant. In a normal restaurant, one can anticipate that the ancillary egress, support, kitchen and storage areas comprise up to approximately 40-50% of the overall building footprint. In this particular location, the challenges of the existing lot width hamper the Applicant's ability to provide the necessary support spaces while maintaining the required means of egress, storage and kitchen areas. Based upon the proposed footprint, these ancillary spaces would comprise over 50-60% of the proposed footprint. Under the current proposal, the applicant is also looking to provide the kitchen in a newly excavated basement area for the full extent of the proposed building footprint. The excavation and shoring costs associated with this basement expansion, will prove to be very costly but necessary to maintain the required number of seats to make the proposed restaurant viable.

Thus, it is not possible to replace the existing vacant structures on the Site with a viable restaurant use without variance relief.

b. Off-Street Parking and Loading Requirements

The strict application of the off-street parking and loading requirements in this case would result in a practical difficulty to the Applicant. Pursuant to Sections 2100.4 and 2101.1 of the Zoning Regulations, the proposed project is required to provide 16 off-street parking spaces. In addition, pursuant to Section 2201.1 of the Zoning Regulations, a restaurant in the C-2-A District with 5,000 to 20,000 square feet of gross and cellar floor area is required to provide 1 loading berth at 30 feet deep and 1 loading platform measuring 100 square feet.

However, given that the existing building footprint occupies 100% of the lot, the Site currently does not include any off-street parking spaces or loading. As shown on the plans included with the application, the Site is surrounded by private property, so it is physically impossible for the Applicant to provide any parking or loading from the rear of the Site. In addition, Sections 1303.2 and 1320.7 of the Zoning Regulations prohibit driveways on H Street to provide access to parking spaces or loading berths. Thus, there is no practical way to provide vehicular access for parking or loading on the Site.

c. Rear Yard Requirement

The strict application of the rear yard requirements in this case would result in a practical difficulty to the Applicant. Pursuant to Section 774.1 of the Zoning Regulations, all structures in the C-2-A are required to provide a rear yard with a minimum depth of 15 feet. As shown on the plans, the existing building does not provide a rear yard, and the project will not provide a rear yard once completed. In order to comply with the minimum rear yard depth requirement in this case, the Applicant would be required to demolish the existing rear wall and building footprint by 450 square feet per level, which would reduce the project's square footage by 1,350 square feet.

However, demolishing this wall and space would increase the inefficiency of the building in a number of ways. In addition, the loss of this square footage would make it practically difficult for the Applicant to develop a viable restaurant use, while also creating enough space to provide the amount of seating and service space

for the proposed use. Therefore, strict compliance with the rear yard requirement in this case would result in a number of practical difficulties for the Applicant.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose and integrity of the zone plan by approving the project as proposed. The proposed development will bring a new, desirable restaurant use along the emerging H Street corridor. Moreover, the building's proposed FAR and height will be consistent with the heights and facades of other structures along H Street. With respect to parking, the Site is well-served by a number of public transportation facilities and services, and the District is completing installation of the new streetcar service along H Street. Thus, the Applicant anticipates that the existing transit access to the Site will result in a significant amount of transit and pedestrian access to the Site, resulting in a decrease in the number of vehicle trips that would otherwise be generated if the property were not in such close proximity to public transportation. With respect to loading, the Applicant will develop a loading management plan that will include delivery and service operational requirements once the building is completed. Finally, the rear yard relief will not create any adverse impacts since the existing building on the Site currently occupies 100% of the Site and does not currently include a rear yard.

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

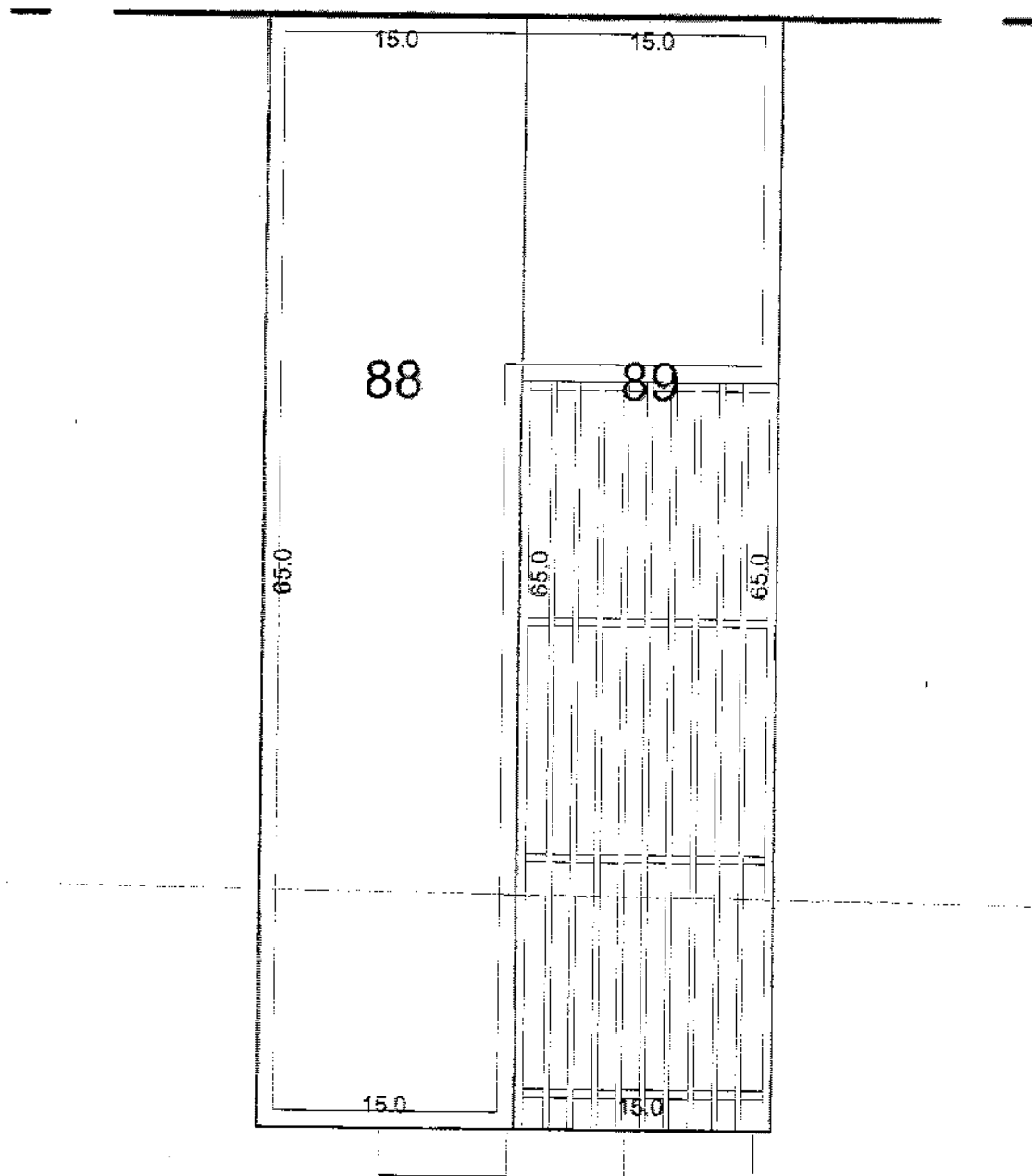
**Application of Big City Development, LLC
1309-1311 H Street, N.E.**

STATEMENT OF EXISTING AND INTENDED USE OF THE SUBJECT PROPERTY

The Site is currently improved with a vacant building. The Applicant proposes to construct a new restaurant use on the Site.

H STREET, N.W.

H STREET, N.W.





4 EXISTING SITE PHOTO - H STREET
SCALE: NOT TO SCALE



1 EXISTING SITE PHOTO - REAR
SCALE: NOT TO SCALE



2 EXISTING SITE PHOTO - REAR
SCALE: NOT TO SCALE

EXISTING SITE PHOTOS



1

STREET VIEW

SCALE: NOT TO SCALE

1309 & 1311 H Street, NE

WASHINGTON, DC

PROJECT NO. 11.0002

5-6-2011

BUILDING IMAGERY

COPYRIGHT 2011, GTM ARCHITECTS, INC.

ZONING TABULATIONS

ZONE: HS/ C-2-A
LOT: 88 & 89
SCORE: 1027
TERRACE AREA: 975sf + 975sf = 1,950sf

ISSUE	EXISTING	ALLOWED/ REQUIRED	PROPOSED	RELIEF REQUIRED (Yes/No)
GROSS FLOOR AREA:	3,325 sf (approx.)	1,950 sf maximum	5,850 sf	Y
FAR:	1.71	1.0	3.0*	
BUILDING HEIGHT: Height of roof or parapet	+/- 38"-6"	50'-0"	no change	N
REAR YARD:	NONE	15'-0"	no change	Y
SIDE YARD:	NONE	none required	no change	N
MAX OCCUPANCY: Percentage:	1,950 sf 100%	100%	1,950 sf 100%	N
ROOF STRUCTURES: Height: Setback:	NONE	18'6"	NONE	N
	N/A	1 continuous structure w/ 1:1 setback	N/A	N
LOADING BERTH:	NONE	1 space @ 30' deep w/ 100 sf loading platform	NONE	Y
DELIVERY SPACES:	NONE	None required	no change	N
COURTS: Open Court:	NONE	None required. If provided Court Width= 3"/ft x 13'-0" = 3'-3"; 12'min.	13'-9" min.	N
			N/A	N
PARKING:	NONE	In excess of 3,000 ft.2, 1 for each additional 300 ft.2 of gross floor area and cellar floor area (7,800 sf - 3,000 sf) / 300sf = 16 spaces	no change	Y

- THE ROOFTOP PATIO WILL BE ENCLOSED IN COLD MONTHS FOR YEAR-AROUND USE.
 IT IS INCLUDED AS AN ENCLOSURE FOR PURPOSES OF COUNTING F.A.R.
 TERRACE AREA = 642 sf

1309 & 1311 H Street, NE

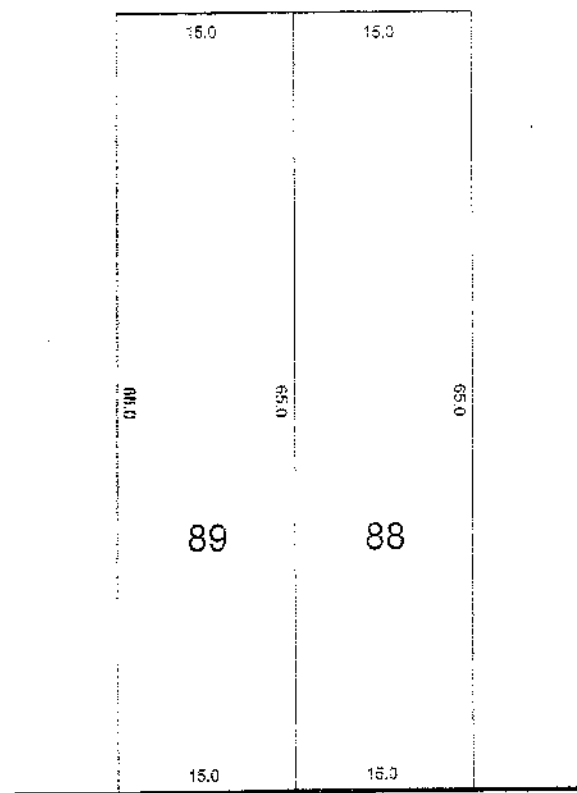
ZONING AND H STREET

STREET OVERLAY TABULATIONS

ISSUE	EXISTING	PROPOSED	PROPOSED	RELIEF REQUIRED (Y/N)
STREET WALL:	100% of street wall built to property line	25% of wall must be from 250' right of centerline to property line	100% of street wall built to property line	N
GROUND LEVEL STREET WALL:	41% of ground level street wall is glazed	50% of wall must be ground level to the ground	50% of ground level street wall is glazed	N
PUBLIC ENTRANCE:	Individual public entrance directly accessible to sidewalk is provided	Provide individual public entrance directly accessible to sidewalk	Individual public entrance directly accessible to sidewalk is provided	N
BUILDING ENTRANCES:	N/A (Building frontage only 30' wide)	Provide building entry every 40 feet	N/A (Building frontage only 30' wide)	N
GROUND LEVEL CLEAR FLOOR HEIGHT:	14' min.	14' min.	14' min.	N
OVERHANG PROJECTIONS:	N/A	8' min. above sidewalk and project no more than 3'-6" from face of building	10' min. above sidewalk 3'-6" max from face of building	N

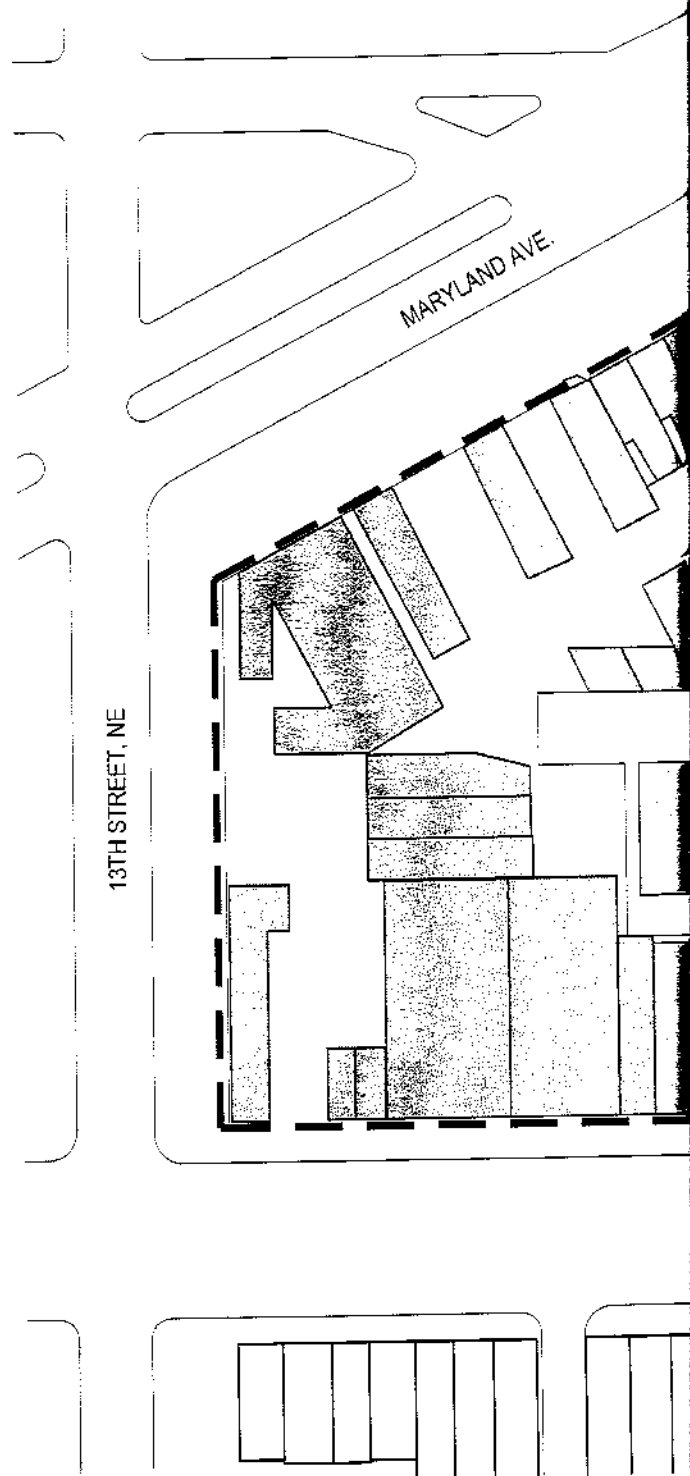
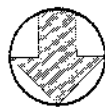
GTM

G T M



H STREET, N.E.

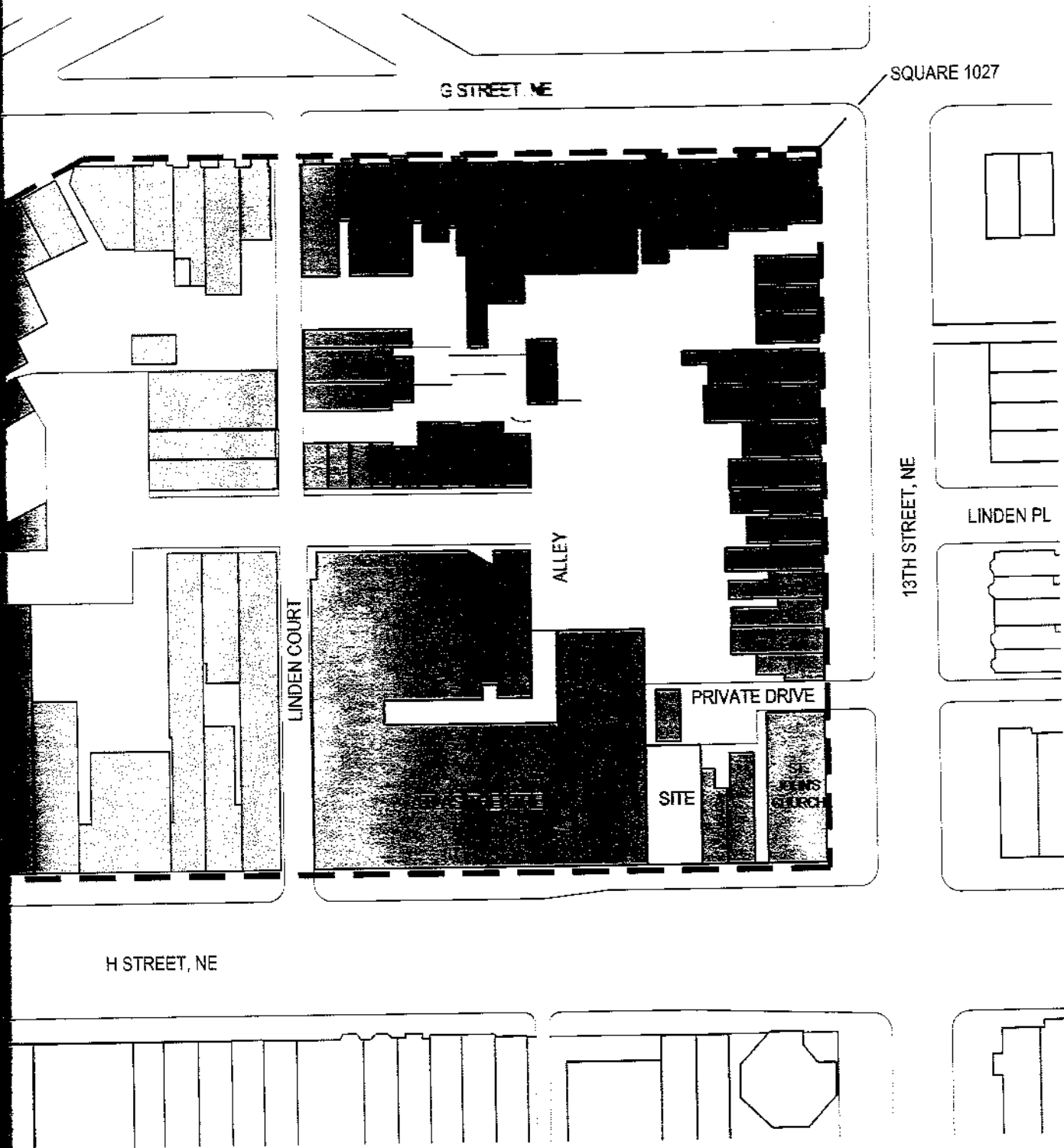
1 PLAT
SCALE: 1/16" = 1'0"



2 SITE PLAN
SCALE: 1'-0" = 80'-0"

1309 & 1311 H Street, NE

PLAT AND



GTM

G T M



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
1303 Linden Ct. NE	1027	814	R-4/C-2-A	Use Variance	2507.2
				Area Variance	403.2 and 772.1
				Area Variance	404.1 and 774.1
				Area Variance	405.1 and 775.2
				Area Variance	2514.1(d)
				Special Exception	2514.2.

Present use(s) of Property: Rental Garage

Proposed use(s) of Property: Single Family Dwelling

Owner of Property: Brain O'hora Telephone No: 202-460-0527

Address of Owner: 1320 G St. NE Washington, DC 20002

Single-Member Advisory Neighborhood Commission District(s): SMD02 6A06/ ANC 6A

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

The proposed development of single family dwelling on the subject property has been referred to the Board of Zoning Adjustment as stipulated in a Memorandum from Matthew Le Grant, Zoning Administrator, dated March 25, 2011 for the following relief: variance from section 2507.2; variance from sections 403.2 and 772.1; variance from sections 404.1 and 774.1; variance from sections 405.1 and 775.2; variance from section 2514.1(d); and special exception pursuant to section 2514.2.

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 §205.1, 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: 5/12/2011 Signature*:

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

Name: Thomas Ahmann E-Mail: taahmann@ahmannarchitects.com

Address: 4408 Beechwood Road University Park, MD 20782

Phone No(s).: 301-864-1334 Fax No.: 301-864-6818

* 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. 18254

1320 6 St NE

Washington DC 20002

5/16/11

To whom it may concern,

I hereby give permission to Tom Ahmann of
Ahmann architects to apply for variances and
special exceptions on my behalf in relation to
1303 Linden Ct NE

Yours sincerely

Erin Ahman



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE:

FEE

UNIT

TOTAL

VARIANCE:

Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040	8	8,320.00
TOTAL FOR VARIANCES:			8,320.00

SPECIAL EXCEPTION:

Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560	1	1,560.00
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325		
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%		
TOTAL FOR SPECIAL EXCEPTIONS:			1,560.00

APPEAL:

NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		
TOTAL FOR APPEALS:			
GRAND TOTAL:			9,880.00

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)

Name:

Thomas Ahmann

Signature:

Exhibit No. _____

Last Revised (10/18/10)

Case No. _____

REQUEST FOR LENIENCY IN APPLICATION FEES

DATE: 05.16.11

TO: **Board of Zoning Adjustment
of the District of Columbia**
c/o Office of Zoning
441 4th Street, N.W.
Suite 210-S, Washington, DC 20001

REGARDING: **Application for Variances and Special Exception for
Proposed New Single Family Dwelling for Brian O'hora**

SUBJECT PROPERTY: 1303 Linden Court N.E. / Lot 0814, Square 1027
Property Zoned R-4/C-2-A
DCRA File Job #B1004249 / DCRA BZA Case #FY-11-22-Z

STATEMENT:

GENERAL

The proposed development of single family dwelling on the subject property has been referred to the Board of Zoning Adjustment as stipulated in a Memorandum from Matthew Le Grant, Zoning Administrator, dated March 25, 2011 for the following relief: variance from section 2507.2; variance from sections 403.2 and 772.1; variance from sections 404.1 and 774.1; variance from sections 405.1 and 775.2; variance from section 2514.1(d); and special exception pursuant to section 2514.2.

REQUEST FOR LENIENCY IN APPLICATION FEES

As indicated in the Detailed Statement of Existing and Intended Use, the intended use of the subject property is as an owner-occupied single family dwelling. Mr. Brain O'hora purchased the property with such intent, and such intent is clear in the submitted applications. He has been a resident of the District of Columbia for nine years, and currently resides at 1320 G Street N.E.

As is established in Section 3180 of the Zoning Regulations, owner-occupied single family projects are typically granted leniency in fees such that the maximum fee, regardless of the number of variances and special exceptions, is \$325.00. As can be seen on the enclosed Form 126, the fee required by the Office of Zoning for this Application is listed as \$9,880.00. This fee reflects the Office of Zoning interpretation that 3180 refers only to existing owner-occupied single family dwellings, where the actual wording in the Regulations is "for an application involving one owner-occupied dwelling . . ." Mr. O'hora certainly intends that this is an application involving one owner-occupied dwelling, that being the one he intends to build. The nearly \$10,000.00 in fees is a very high percentage of the overall budget for this small project, and poses a hardship to him as the homeowner. With that in mind, Mr. O'hora requests that the Office of Zoning, and/or the Board of Zoning Adjustment grant leniency in regards to the fees levied on this Application.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



March 25, 2011

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Matthew Le Grant *MLG*
Zoning Administrator *WJG*

SUBJECT: Proposed new single family dwelling. The structure is located at
1303 Linden Court NE
Lot 0814 in Square 1027
Zoned R-4 /C-2-A
DCRA File Job #B1004249
DCRA BZA Case #FY-11-22-Z

Review of the plans for the subject property referenced above indicates that Board of Zoning Adjustment approval is required as follows:

1. Variance from section 2507.2 to permit the erection of a single family dwelling on an alley lot that abuts an alley less than thirty feet (30 ft.) in width. (Section 3103.2).
2. Variance from sections 403.2 and 772.1 to permit the erection of a single family dwelling detached structure that does not comply with maximum lot occupancy requirements in R-4 and C-2-A. (Section 3103.2).
3. Variance from sections 404.1 and 774.1 to permit the erection of a single family dwelling detached structure that does not comply with minimum rear yard requirements in R-4 and C-2-A. (Section 3103.2).
4. Variance from sections 405.1 and 775.2 to permit the erection of a single family dwelling detached structure that does not comply with minimum side yard requirements in R-4 and C-2-A. (Section 3103.2).
5. Variance from section 2514.1 (d) to allow the required FAR to be exceeded for a single family dwelling detached structure located on a lot divided by a zone district boundary line. (Section 3103.2).

6. Special exception pursuant to section 2514.2 to allow a transfer of density from the lesser restrictive use zone to the more restrictive zone district. (Section 3104.1).

Note: All applicants must provide the Office of the Zoning Administrator with submission verification, in the form of a formal receipt from the BZA, within 30 days of the date of this memo.

DETAILED STATEMENT ADDRESSING "BURDEN OF PROOF"

DATE: 05.12.11

TO: **Board of Zoning Adjustment
of the District of Columbia**
c/o Office of Zoning
441 4th Street, N.W.
Suite 210-S, Washington, DC 20001

REGARDING: **Application for Variances and Special Exception for
Proposed New Single Family Dwelling for Brian O'hora**

SUBJECT PROPERTY: 1303 Linden Court N.E. / Lot 0814, Square 1027
Property Zoned R-4/C-2-A
DCRA File Job #B1004249 / DCRA BZA Case #FY-11-22-Z

STATEMENT:

GENERAL

The proposed development of a single family dwelling on the subject property has been referred to the Board of Zoning Adjustment as stipulated in a Memorandum from Matthew Le Grant, Zoning Administrator, dated March 25, 2011 for the following relief: variance from section 2507.2; variance from sections 403.2 and 772.1; variance from sections 404.1 and 774.1; variance from sections 405.1 and 775.2; variance from section 2514.1(d); and special exception pursuant to section 2514.2.

USE VARIANCE (Sec. 2507.3)

The proposed single family dwelling meets the variance requirements pursuant to Sec. 3103.2 as follows:

1) The subject property exhibits specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions.

- a) The subject property is 18 feet wide by 35 feet deep and so is exceptionally shallow, as well as considerably diminutive in terms of lot area.
- b) The subject property is a bifurcated lot controlled by both R-4 and C-2-A zoning regulations.
- c) The property is surrounded by an alley way on three sides.

2) By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in particular and exceptional practical difficulties or an exceptional and

CONT. ON PAGE 2

undue hardship upon the owner of the property.

- a) Due to size limitations, the lot is un-developable without relief for all but a few select uses.
- b) The bifurcated sections of the subject property pose a further restriction and, with the lot size and configuration, would be limit development to uses allowable in an R-4 zone.
- c) Refer to the Attachment 1, Annotated List of Permitted Uses in an R-4 Zone. All residential uses permitted in an R-4 zone would require the same relief from Sec. 2507.3 as requested for the subject property.
- d) Refer to the Attachment 1, Annotated List of Permitted Uses in an R-4 Zone. There are only four uses which are remotely feasible due to the uniqueness of the subject property:
 - Car-sharing spaces
 - Farm or Truck Garden
 - Private Garage
 - Artist Studio
- e) All four of the uses listed above will render the subject property as under-developed in comparison with neighboring lots which currently are alley lot dwellings (refer to Attachment 2, Diagram Showing Alley Dwellings in Square 1027).
- f) Exclusive of a farm or truck garden, the uses listed above would each require relief from the Board of Zoning Adjustment and would hence require support from the local ANC and the neighboring property owners. Many of the adjacent residential property owners are opposed to non residential development spreading to this portion of Square 1027 (refer to ten attached statements of support for this project signed by adjacent neighbors).

3) The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations Map.

- a) As a portion of the lot is zoned R-4, it would be hard to find the use at odds with the zone plan or the Zoning Regulations Map.
- b) As there are existing precedents in Square 1027 for alley lot dwellings (refer to Attachment 2, Diagram Showing Alley Dwellings in Square 1027), the proposed owner occupied single family dwelling is in keeping with the character and use of the square, as well as the broader neighborhood.
- c) The proposed owner occupied single family dwelling will add new vitality, and a degree of additional safety to the south portion of the alley.
- d) The maneuverability of the alley is unchanged by the proposed development. Refer to email from Bruce D. Faust, Deputy Fire Chief. He stipulates that "the Office of the Fire Marshal has no objections given the proposed construction does not further impede or restrict fire department access to the alley."

DETAILED STATEMENT ADDRESSING "BURDEN OF PROOF"
PAGE 3 OF 5

AREA / DENSITY VARIANCES (Secs. 403.2 and 772.1; 404.1 and 774.1; 405.1 and 775.2; 2514.1(d))

The proposed single family dwelling meets the variance requirements pursuant to Sec. 3103.2 as follows:

1) The property exhibits specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions.

- a) The subject property is 18 feet wide by 35 feet deep and so is exceptionally shallow, as well as considerably diminutive in terms of lot area.
- b) The subject property is a bifurcated lot controlled by both R-4 and C-2-A zoning regulations.
- c) The property is surrounded by an alley way on three sides.

2) By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in particular and exceptional practical difficulties or an exceptional and undue hardship upon the owner of the property.

Maximum Percentage of Lot Occupancy / Secs. 403.2 and 772.1

- a) By nature of the property dimensions, the lot is not developable for a reasonable use without relief from the standards of Maximum Percentage of Lot Occupancy.
- b) The relief requested is the minimum amount required to allow the proposed development of a modest size, one bedroom, owner occupied, single family dwelling.

Minimum Depth of Rear Yard / Secs. 404.1 and 774.1

- a) By nature of the property dimensions, the lot is not developable for a reasonable use without relief from the standards for Minimum Depth of Rear Yard.
- b) The relief requested is the minimum amount required to allow the proposed development of a modest size, one bedroom, owner occupied, single family dwelling.

Minimum Side Yard Requirements / Secs. 405.1 and 775.2

- a) By nature of the property dimensions, the lot is not developable for a reasonable use without relief from the standards for Side Yards.
- b) The relief requested is the minimum amount required to allow the proposed development of a modest size, one bedroom, owner occupied, single family dwelling.

Floor Area Ratio (FAR) / Sec. 2514.1(d)

- a) By nature of the property dimensions, the lot is not developable for a reasonable use without relief from the standards for Floor Area Ratio in a Residential Zone.

DETAILED STATEMENT ADDRESSING "BURDEN OF PROOF"
PAGE 4 OF 5

- b) The relief requested is the minimum amount required to allow the proposed development of a modest size, one bedroom, owner occupied, single family dwelling.
- 3) **The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations Map.**

Maximum Percentage of Lot Occupancy / Secs. 403.2 and 772.1

- a) The use proposed is consistent with the zoning of the adjacent residential properties.
- b) The proposed lot coverage is slightly less than the lot coverage of the existing garage structure on the property.
- c) The maneuverability of the alley is unchanged by the proposed development. Refer to email from Bruce D. Faust, Deputy Fire Chief. He stipulates that "the Office of the Fire Marshal has no objections given the proposed construction does not further impede or restrict fire department access to the alley."
- d) The proposed owner occupied single family dwelling will add new vitality, and a degree of additional safety to the south portion of the alley.

Minimum Depth of Rear Yard / Secs. 404.1 and 774.1

- a) The use proposed is consistent with the zoning of the adjacent residential properties.
- b) The proposed rear yard is slightly larger than the rear yard created by the existing garage structure on the property.
- c) The current garden at the adjacent to, and maintained by the owner of, lot 813 will be enlarged.
- d) The proposed owner occupied single family dwelling will add new vitality, and a degree of additional safety to the south portion of the alley.

Minimum Side Yard Requirements / Secs. 405.1 and 775.2

- a) The use proposed is consistent with the zoning of the adjacent residential properties.
- b) The adjacent residential properties have row dwellings without side yards.
- c) All but a small portion of the sides of the property abut the alley and not adjacent properties
- d) The existing garage structure on the property occupies virtually the entire width of the property, as is proposed for the new residence.
- e) The maneuverability of the alley is unchanged by the proposed development. Refer to email from Bruce D. Faust, Deputy Fire Chief. He stipulates that "the Office of the Fire Marshal has no objections given the proposed construction does not further impede or restrict fire department access to the alley."

DETAILED STATEMENT ADDRESSING "BURDEN OF PROOF"
PAGE 5 OF 5

- f) The proposed owner occupied single family dwelling will add new vitality, and a degree of additional safety to the south portion of the alley.

Floor Area Ratio (FAR) / Sec. 2514.1(d)

- a) The use proposed is consistent with the zoning of the residential adjacent properties.
- b) The FAR proposed is consistent with the C-2-A zoning of the adjacent commercial properties and is hence an accepted standard in Square 1027.
- c) The proposed owner occupied single family dwelling will add new vitality, and a degree of additional safety to the south portion of the alley.

SPECIAL EXCEPTION (Sec. 2514.2)

The proposed single family dwelling meets the special exception requirements pursuant to Sec. 3104.1 as follows:

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

- a) The use proposed is consistent with the zoning of the adjacent residential properties.
- b) The FAR proposed is consistent with the C-2-A zoning of the adjacent commercial properties and is hence an accepted standard in Square 1027.
- c) The relief requested is the minimum amount required to allow the proposed development of a modest size, one bedroom, owner occupied, single family dwelling.

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

- c) The maneuverability of the alley is unchanged by the proposed development.
- d) The proposed owner occupied single family dwelling will add new vitality, and a degree of additional safety to the south portion of the alley.
- e) Refer to ten attached statements of support for this project signed by adjacent neighbors.

ATTACHMENT 1: ANNOTATED LIST OF PERMITTED USES IN AN R-4 ZONE

The following uses shall be permitted as a matter of right in R-1 Districts:

- (a) Car-sharing spaces
Addressed in hardship argument
- (b) Chancery
Not practical by lot limitations
- (c) Child development center
Not practical by lot limitations
- (d) Church or other place of worship
Not practical by lot limitations
- (e) Community-Based Residential Facility
Same use restriction as proposed development
- (f) Community-based residential facility for occupancy by persons with disabilities
Same use restriction as proposed development
- (g) Embassy
Not practical by lot limitations
- (h) Farm or truck garden
Refer to argument below
- (i) Fire Station
Not practical by common sense
- (j) Mass transit facility
Not practical by common sense
- (k) One-family detached dwelling
Proposed development
- (l) Parsonage, vicarage, rectory,
or Sunday school building
Same use restriction as proposed development
Not practical by common sense
- (m) Police Department Local Facility
Not practical by common sense
- (n) Private garage, subject to the special provisions of chapter 23 of this title;
Addressed in hardship argument
- (o) Private garage on an alley lot, subject to the special provisions of chapter 23 of this title;
Addressed in hardship argument
- (p) Public Library;
Not practical by common sense
- (q) Public recreation and community center;
Not practical by common sense
- (r) Public school
Not practical by common sense
- (s) Temporary building for the construction industry that is incidental to erection of buildings or other structures permitted by this section;
Not practical by common sense
- (t) Temporary use of premises by fairs, circuses, or carnivals
Not practical by common sense
- (u) Transportation right-of-way or underground conduit or pipeline;
Of no established value
- (v) Youth residential care home
Same use restriction as proposed development
- (w) The following uses are permitted if located in a building that formerly served as the location of a public school:
 - (1) Administrative offices of District government agencies
 - (2) Clinic for humans
 - (3) Community service use or uses
 - (4) Child/Elderly development center
 - (5) Community college*Not applicable*

ANNOTATED LIST OF PERMITTED USES IN R-4 ZONE
PAGE 2 OF 2

201.2 Antenna

Of no established value

The following uses shall be permitted as a matter of right in R-2 Districts:

- (a) Any use permitted in R-1 Districts
See above
- (b) Community house
Not practical by common sense
- (c) One-family, semi-detached dwelling
Same use restriction as proposed development
- (d) Youth residential care home, community residence facility, or health care facility
Same use restriction as proposed development

The following uses shall be permitted as a matter of right in an R-3 District:

- (a) Any use permitted in an R-2 District
See above
- (b) Row dwelling.
Same use restriction as proposed development

The following uses shall be permitted as a matter of right in an R-4 District:

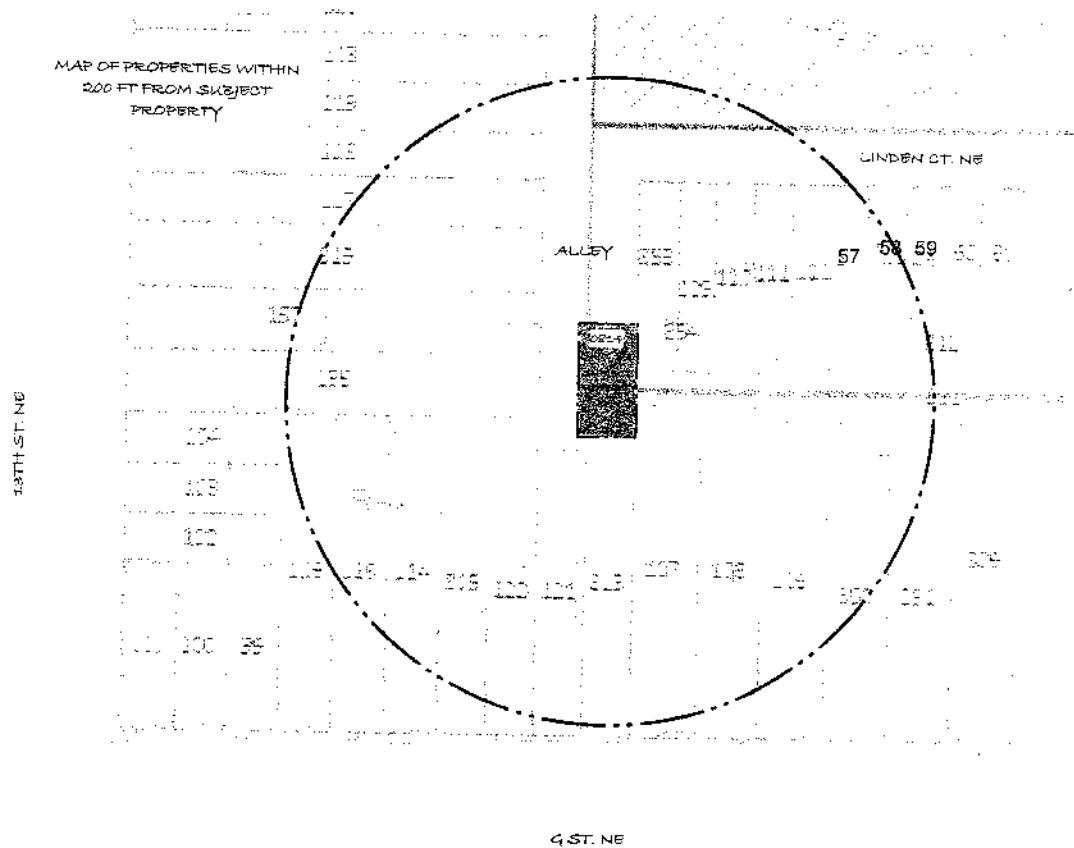
- (a) Any use permitted in R-3 Districts
See above
- (b) Child/Elderly development center
Not practical by common sense
- (c) Child/Elderly development center or adult day treatment facility
Not practical by common sense
- (d) Community-based residential facility
Not practical by common sense
- (e) The conversion of a building or other structure to an apartment house
Same use restriction as proposed development
- (f) Flat
Same use restriction as proposed development
- (g) Hospital, sanitarium, or clinic for humans
Not practical by common sense
- (h) Museum
Not practical by common sense
- (i) Private club, lodge, fraternity house, sorority house, or dormitory
Not practical by common sense

330.6 A rooming or boarding house

Same use restriction as proposed development

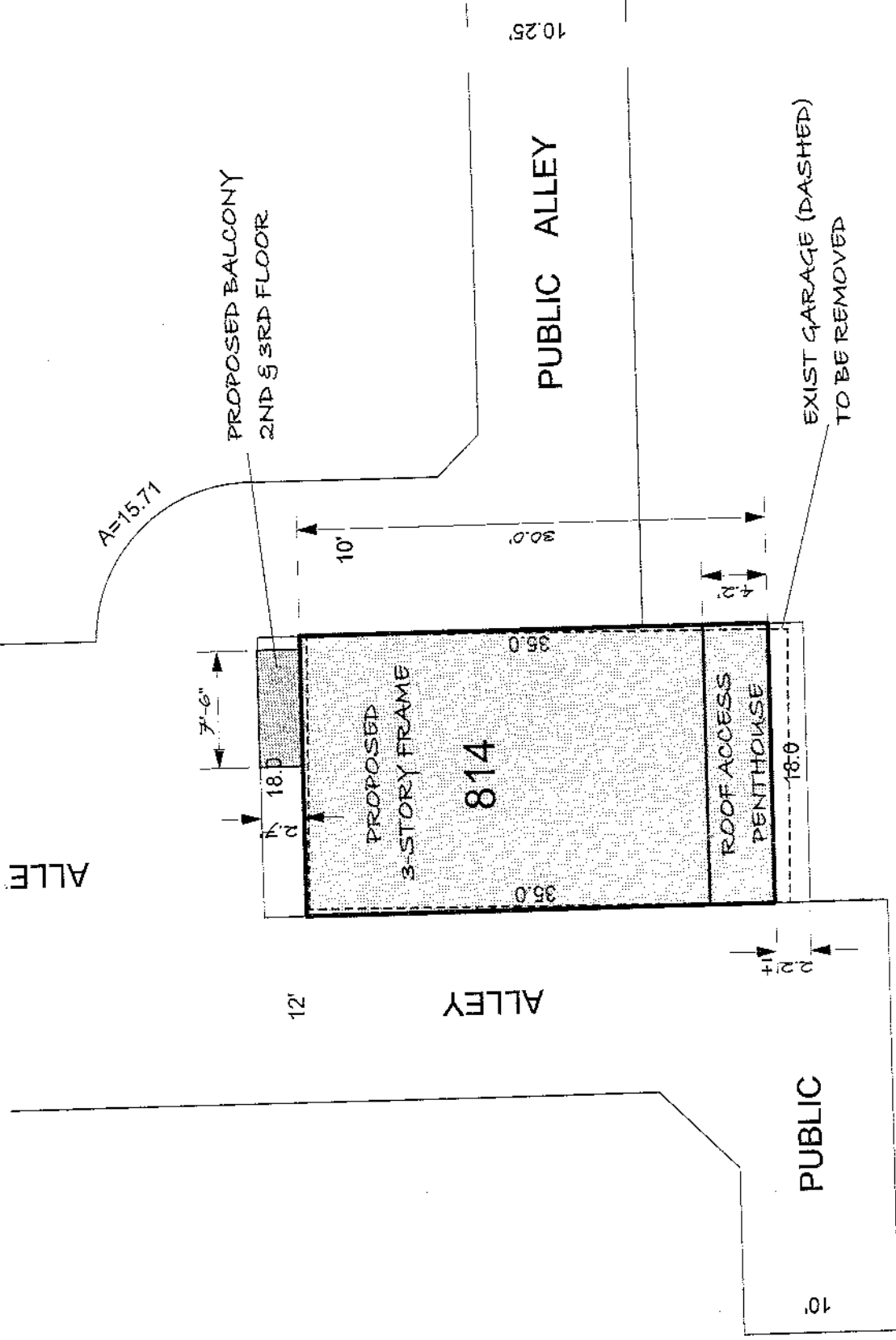
2300.3 An artist studio shall be a permitted in a building located on an alley lot
Addressed in hardship argument

ATTACHMENT 2: ALLEY LOT DWELLINGS



In the diagram above the following alley lots are currently improved with single family dwellings:

- Lot 853
- Lot 109
- Lot 111



DETAILED STATEMENT OF EXISTING AND INTENDED USE

DATE: 05.12.11

TO: **Board of Zoning Adjustment
of the District of Columbia**
c/o Office of Zoning
441 4th Street, N.W.
Suite 210-S, Washington, DC 20001

REGARDING: **Application for Variances and Special Exception for
Proposed New Single Family Dwelling for Brian O'hora**

SUBJECT PROPERTY: 1303 Linden Court N.E. / Lot 0814, Square 1027
Property Zoned R-4/C-2-A
DCRA File Job #B1004249 / DCRA BZA Case #FY-11-22-Z

STATEMENT:

GENERAL

The proposed development of a single family dwelling on the subject property has been referred to the Board of Zoning Adjustment as stipulated in a Memorandum from Matthew Le Grant, Zoning Administrator, dated March 25, 2011 for the following relief: variance from section 2507.2; variance from sections 403.2 and 772.1; variance from sections 404.1 and 774.1; variance from sections 405.1 and 775.2; variance from section 2514.1(d); and special exception pursuant to section 2514.2.

EXISTING USE OF PROPERTY/BUILDING

DCRA has no Certificate of Occupancy on file for the property (refer to letter from the Permit Operations Division). The subject property's existing use is as a rental garage. It is an independently deeded alley lot. Records on file at the DC Surveyor's office suggest that the property has been a private garage since at least July of 1947. Copy of Record attached.

INTENDED USE OF PROPERTY/BUILDING

The intended use of the subject property is as an owner-occupied single family dwelling use, with all the intents and purposes therein. It shall consist of a single car garage, work room, entry and bathroom on the ground level; a bedroom and bathroom on the 2nd level; an open living/dining/kitchen room on the third level; as well as a roof deck with penthouse access.

From: "Faust, Bruce (FEMS)" <Bruce.Faust@dc.gov>
Subject: **RE: DCRA File Job #B1004249 / DCRA BZA Case #FY-11-22-Z**
Date: April 25, 2011 10:00:59 AM EDT
To: 'Thomas Ahmann' <tahmann@ahmannarchitects.com>
Cc: Brian O'hora <briano@resultsthegym.com>

Good Morning,

The Office of the Fire Marshal has no objections given the proposed construction does not further impede or restrict fire department access to the alley.

If you have further questions, please contact me directly.

Bruce D. Faust
Deputy Fire Chief
Fire Marshal
Fire Prevention Division
DC Fire & EMS Department
(202) 727-3298
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From: Thomas Ahmann [mailto:tahmann@ahmannarchitects.com]
Sent: Wednesday, April 13, 2011 11:25 AM
To: Faust, Bruce (FEMS)
Cc: Brian O'hora
Subject: Re: DCRA File Job #B1004249 / DCRA BZA Case #FY-11-22-Z

Thanks Chief Faust.

I have attached PDF files for your review. Note that the property currently has a one story garage which is indicated as a dashed line on the site plan.

Tom Ahmann

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PHOTOGRAPH 1



PHOTOGRAPH 2

