

AGENDA

ANC 6A Economic Development & Zoning Committee
Tuesday, March 27, 2006, 7-9 PM
Capitol Hill Towers (900 G St, NE)
Community Room

This meeting will have an American Sign Language Interpreter present

7:00 pm **Call to order**

7:02 **Community Comments (2 minutes each)**

7:12 **Ongoing Status Reports:**

1. H Street Upzoning Moratorium (Rich Luna) (3 minutes)
2. 200 H (Jeff Fletcher) (3 minutes)
3. Vacant Properties (Heather Scott) (3 minutes)
4. Historic District Creation/Expansion (Drew Ronneberg) (3 minutes)

7:24 **Old Business - None**

7:24 **New Business**

1. BZA 17610 (1404 Constitution Ave NE). The owner is requesting a special exception to Section 403.2 to allow the construction of a basement addition beneath the existing structure at 1404 Constitution Avenue NE. The existing row dwelling is currently a non-conforming structure. (25 minutes)
2. BZA 17611 (314 12th St NE). The owner/applicant is requesting a special exception to allow the construction of a garage, not meeting lot occupancy requirements (Section 403.2 of the DC Zoning Code). The existing row dwelling is currently a non-conforming structure. (25 minutes)
3. Clarification of DCRA requirements for Charter Schools. When Appletree applied for building permits at the 12th St. site, they did not have a Public Charter School Board approved school for that location. This is of concern to the community because charter schools are allowed much more intensive land usage than other uses in residential districts. If a school is not approved, the neighborhood is left with a building that is out of character with the neighborhood and it will not be used as a school. Currently, ANC 6A does not know if DCRA requires charter school developers to show that the proposed use is realistic or that they are in negotiations for an approved school campus. (10 minutes)
4. 1225 Wylie St NE. Illegal construction was reported even after a stop work order was issued at the property. Residents are interested in preventing illegal construction in future cases. (10 minutes)
5. 423 18th St. NE. Discussion of condo warranties. (10 minutes)



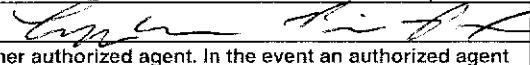
8:34 **Additional Community Comment (time permitting)**

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

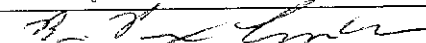
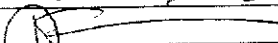
Visit our website at <http://www.anc6a.org/>

Sign up for automated meeting reminders and community listserv at

<http://groups.yahoo.com/group/anc-6a/>

Form 120 — Exhibit 1 (Revised 04/29/02)		Case No. 17610			
 BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA 		APPLICATION Notice: Click Here for Application Form Instructions			
Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area 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(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
1404 Constitution Ave NE	1055	43	R-4	Special Exception	223
Present Use of Property:*	Single Family Dwelling				
Proposed Use of Property:*	Single Family Dwelling				
Owner of Property:*	Leslie Nayman and Brian Paxson			Telephone No.:*	(202)547-1506
Address:*	1404 Constitution Ave NE	City:*	Washington	State:*	DC
				Zip:*	20002
Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:*					
The owner/applicants request a special exception of the DCMR 11 to allow the construction of a basement addition beneath the existing structure at 1404 Constitution Avenue NE. The existing row dwelling is currently non-conforming for lot coverage.					
Estimated Construction Cost:	\$100,000.00	Advisory Neighborhood Commission Single-Member District(s):*			6A04
Date:*	12/12/2006	Signature:			
* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.					
To be notified of hearing and decision: (Owner or Authorized Agent*)					
Name:*	Jennifer Fowler				
Address:*	1742 D Street SE	City:*	Washington	State:*	DC
				Zip:*	20003
Phone No.:*	(202)546-0896	Fax No.:		E-Mail:	jennifer@fowler-architects.com
ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.					

RECEIVED
 DISTRICT OF COLUMBIA
 BOARD OF ZONING ADJUSTMENT
 12/12/2006

Form 135 — Side 1 (Revised 03/15/02)		Case No. _____			
ZONING SELF-CERTIFICATION FORM					
Project Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	ANC(s)/Single Member District(s)*	
1404 Constitution Ave NE	1055	43	R-1-B	6A04	
CERTIFICATION					
The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:					
Relief Sought*	<input type="checkbox"/> §3103.2 - Use Variance	<input type="checkbox"/> §3103.2 - Area Variance	<input checked="" type="checkbox"/> §3104.1-Special Exception		
Pursuant to Subsections			223		
Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:					
<ol style="list-style-type: none"> the agent is duly licensed to practice law or architecture in the District of Columbia; the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and 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 does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, 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 Board of Zoning Adjustment.					
The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.					
Owners Signature 		Owner's Name Leslie Nayman and Brian Paxson			
Agent Signature 		Agent Name Jennifer Fowler			
Date*	12/12/2006	DC Bar No.	or	Architect Registration No. 100403	
OFFICE OF ZONING DETERMINATION (DCMR Title 11 §3113.2)					
Based upon review of the application and self-certification, this application is					
<input type="checkbox"/>	Accepted for filing.				
<input type="checkbox"/>	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.				
<input type="checkbox"/>	Rejected for failure to comply with the provisions of <input type="checkbox"/> DCMR Title 11 §3113.2; or <input type="checkbox"/> DCMR Title 11 Zoning Regulations.				
Explanation					
Signature:			Date		
Jerrily R. Kress, FAIA - Director District of Columbia Office of Zoning			441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001 (202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov		

Form 135 — Side 2

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 Form 135. 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 paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	1089.4 SF	1800 SF	N/A	No Change	N/A
Lot Width (ft. to the tenth)	16.3'	18.0'	N/A	No Change	N/A
Lot Occupancy (building area/lot)	727 SF- 66.7%	N/A	653.6 SF-60%	No Change	73.4 SF- 6.7%
Floor Area Ratio (floor area/lot area)	N/A	N/A	N/A	N/A	N/A
Parking Spaces (number)	N/A	N/A	N/A	N/A	N/A
Loading Berths (number and size)	N/A	N/A	N/A	N/A	N/A
Front Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	22.2'	20.0'	N/A	No Change	N/A
Side Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Court, Open (width by depth)	4.1'	6.0'	N/A	No Change	N/A
Court, Closed (width by depth)	N/A	N/A	N/A	N/A	N/A
Height (ft. to the tenth)	23.0'	N/A	40.0'	No Change	N/A

**Burden of Proof
Special Exception Application**

1404 Constitution Avenue NE

To: **The Office of Zoning**
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: **Leslie Nayman and Brian Paxson**
Owner/Applicants
1404 Constitution Avenue NE
Washington, DC 20002

Date: December 12, 2006

Subject : **BZA Application No. _____ - Nayman/Paxson Addition**
1404 Constitution Avenue NE (Square 1055, Lot 43)

Leslie Nayman and Brian Paxson, owners and residents of 1404 Constitution Avenue NE, hereby apply for a special exception to construct a new basement addition beneath their existing single family row dwelling. The aspects of the proposed project that falls outside the current zoning regulations is as follows:

The proposed basement addition is to a structure that is currently non-conforming with regards to lot occupancy. The existing lot occupancy is 66.7%, which is 6.7% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2); and

The proposed basement addition maintains the existing open court at four foot one inch (4.1) wide, rather than the six (6) foot minimum width of an open court required for a one-family dwelling in an R-4 zone (11 DCMR 406.1).

I. Summary:

- A.** This special exception qualifies under 11 DCMR Section 223 because the lot occupancy for the R-4 does not exceed 70% (11 DCMR 223.3), and the addition will not have a substantially adverse affect on the light, air, use or enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2).
- B.** The proposed basement addition is entirely beneath the existing structure.

II. Bases for Grant of Special Exception

Section 223 provides relief based on satisfying specific criteria under which additions to single-family dwellings may be permitted with a residential district. Those criteria are addressed separately below:

223.1 *An addition to a one-family dwelling or flat in those Residence Districts where a flat is permitted that does not comply with all of the applicable area requirements of sections 401, 403, 404, 405, 406 and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under section 3104, subject to the provisions of this section.*

The basement addition is to an existing single-family residence that is currently not in conformance with Section 403.2 (lot occupancy).

The proposed basement addition will be entirely beneath the existing structure. The existing structure has a lot coverage of 66.7 percent, which will remain the same with the proposed addition. This is 6.7 percentage points over the matter-of-right lot occupancy allowed in the R-4 district, but is below the 70% allowed by Section 223.3 as a special exception.

223.2 *The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected.*

The proposed basement addition will be entirely beneath the existing structure, thus it will have no impact on the light and air of the adjacent properties.

The adjacent neighbors at 1402 and 1406 Constitution Avenue have provided letters in support of the proposed addition.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised*

The proposed basement addition will be entirely beneath the existing structure, thus it will have no impact on the use and enjoyment of the adjacent properties.

The basement addition will include one window at the rear which will look out onto the existing dog leg and new basement areaway. This window will not offer any views beyond the applicants' property.

The basement addition will include one window at the front which will look out onto the front garden. This window will not allow any views of the adjacent properties.

The adjacent neighbors at 1402 and 1406 Constitution Avenue have provided letters in support of the proposed addition.

(c) *The addition, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage*

December 12, 2006

Board of Zoning Adjustment

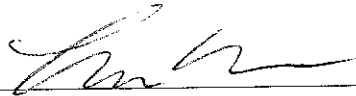
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

Re: BZA Zoning Application No. _____
(Application of Leslie Nayman and Brian Paxson, 1404 Constitution Avenue NE)

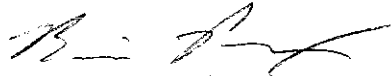
Dear Board of Zoning Adjustment:

We authorize our architect, Jennifer Cox Fowler, A.I.A. to act as our agent regarding the BZA Zoning application for 1404 Constitution Avenue NE.

Sincerely,



Leslie Nayman
Owner/Applicant
1404 Constitution Avenue NE
Washington, DC 20002



Brian Paxson
Owner/Applicant
1404 Constitution Avenue NE
Washington, DC 20002



1404 CONSTITUTION AVENUE NE



VIEW TOWARDS 14TH STREET



VIEW TOWARDS N. CAROLINA



REAR VIEWS OF 1404 CONSTITUTION AVENUE NE



ALLEY VIEW TO THE EAST



ALLEY VIEW TO THE WEST



DEAD-END ALLEY AT 14TH STREET



VIEW FROM DEAD-END ALLEY TO THE EAST



VIEW TO THE NORTH



VIEW OF MAIN ALLEY FROM THE SOUTH END

November 27, 2006

Board of Zoning Adjustment

Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

Re: BZA Zoning Application No. _____
(Application of Leslie Nayman and Brian Paxson, **1404 Constitution Avenue NE**)

Dear Board of Zoning Adjustment:

I am the adjacent property owner at 1402 Constitution Avenue NE. My neighbors Leslie Nayman and Brian Paxson are seeking a special exception of the District of Columbia zoning laws to construct a basement beneath their existing row dwelling. I understand that a special exception is necessary because the existing structure is currently non-conforming. They have shared the drawings of the proposed basement that will be submitted with their application to the BZA.

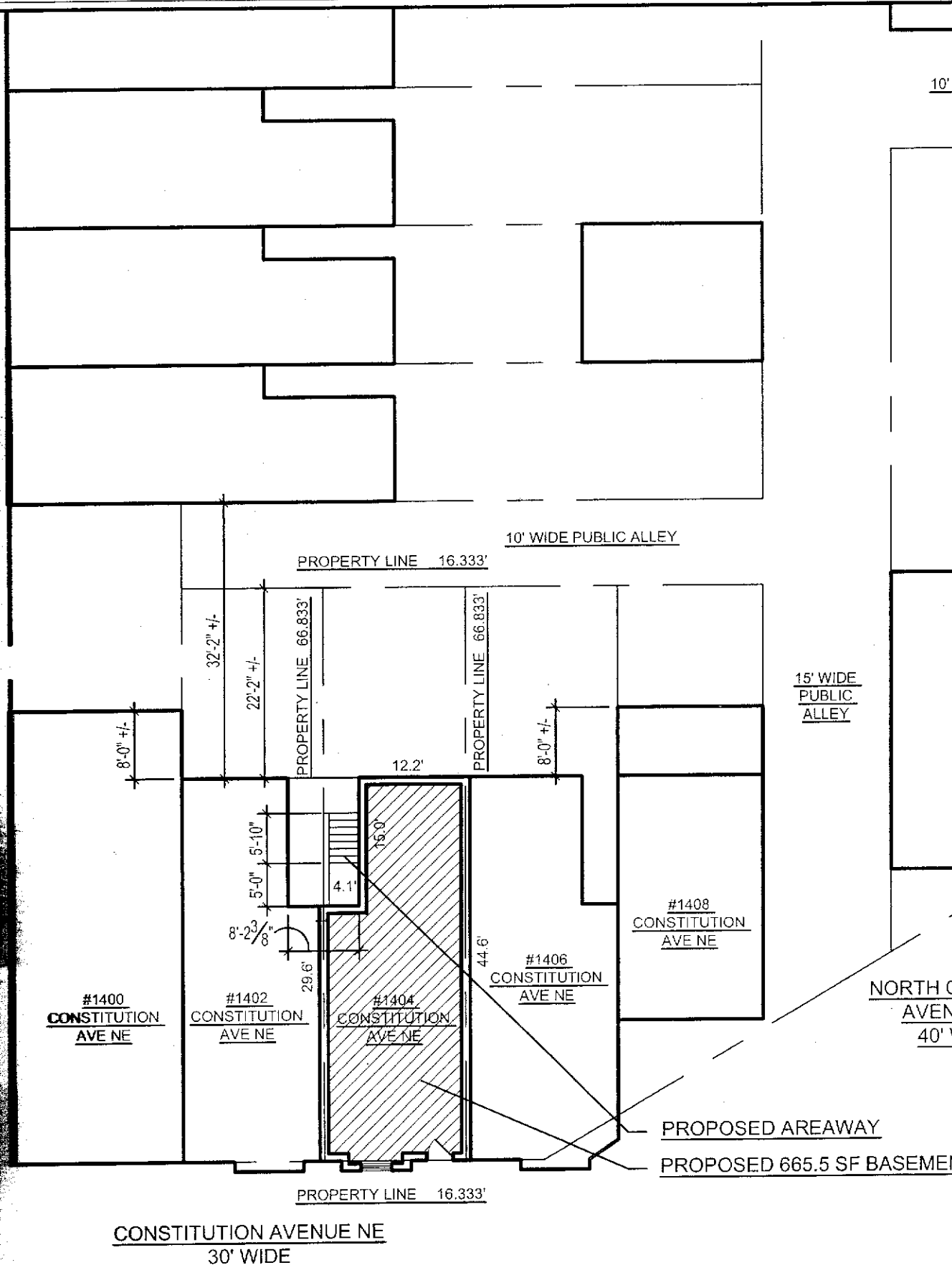
I have reviewed the materials and approve the proposed basement. I recommend that BZA grant the request for a special exception.

Sincerely,



Jennie Kopelson, owner

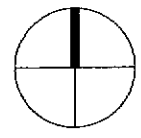
1402 Constitution Avenue NE
Washington, DC 20002



1
C2

SITE PLAN

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



ALLEY

REVISIONS

DATE COMMENTS

#	DATE	COMMENTS

NAYMAN / PAXSON RESIDENCE
 1404 Constitution Ave NE Washington, DC 20002

	EXISTING	PROPOSED	MAXIMUM
LOT COVERAGE	727 SF	727 SF	653.64 SF
(PERCENTAGE)	66.7%	66.7%	60.0%
REAR YARD	22.2'	NO CHANGE	20.0' MINIMUM
SIDE YARD	N/A	N/A	N/A
OPEN COURT	4.1'	4.1'	6.0' MIN
HEIGHT	23'	23'	40'
STORIES	2	2 + B	3
F.A.R.	N/A	N/A	NONE PRESCRIBED
SQUARE FOOTAGE			
BASEMENT	0 SF	665.5 SF	
FIRST FLOOR	665.5 SF	665.5 SF	
SECOND FLOOR	665.5 SF	665.5 SF	

JENNIFER COX FOWLER, AIA

1742 D STREET SE
 WASHINGTON, DC 20003
 (202) 646-0896

SEAL:

VERSION: BZA

DATE: 12-15-06

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

SITE PLAN

C-2

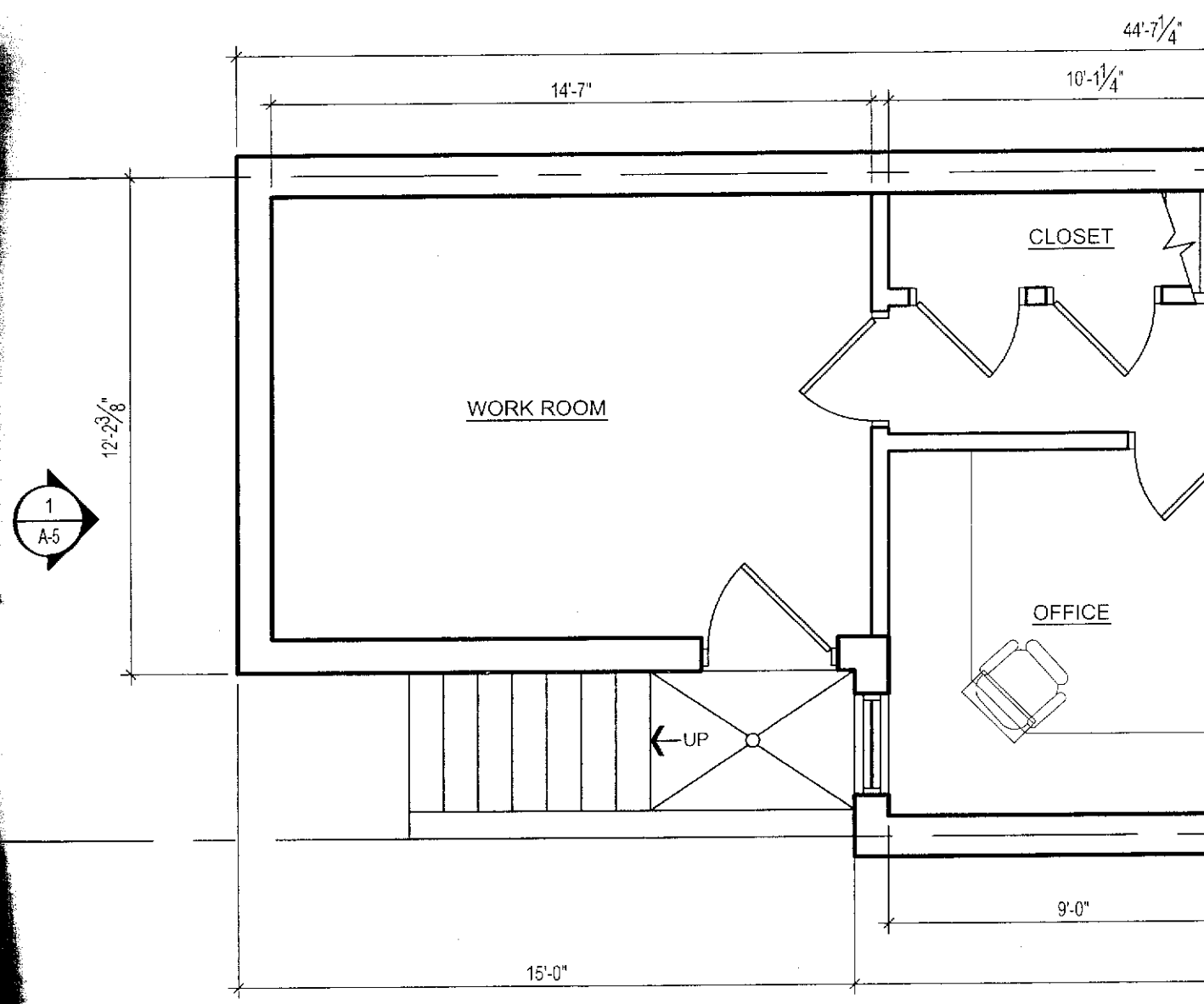
OWNERS:
 LESLIE NAYMAN AND BRIAN PAXSON
 1404 CONSTITUTION AVENUE NE
 WASHINGTON, DC 20002

FIRE ALARM: NO
 SPRINKLERS: NO

PROJECT DESCRIPTION:

NEW 665.5 SF BASEMENT UNDER
 EXISTING HOUSE

LOT: 43
 SQUARE: 1055
 LOT AREA: 1089.4 SF
 ZONE: R-4
 USE GROUP: R-2
 CONSTRUCTION TYPE: 3B
 TWO STORY ROW DWELLING
 SINGLE FAMILY DWELLING



BASEMENT PLAN

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

REVISIONS

DATE COMMENTS

#	DATE	COMMENTS

NAYMAN / PAXSON RESIDENCE

1404 Constitution Ave NE Washington, DC 20002

JENNIFER COX FOWLER, AIA

1742 D STREET SE
WASHINGTON, DC 20003
(202) 546-0896

SEAL:

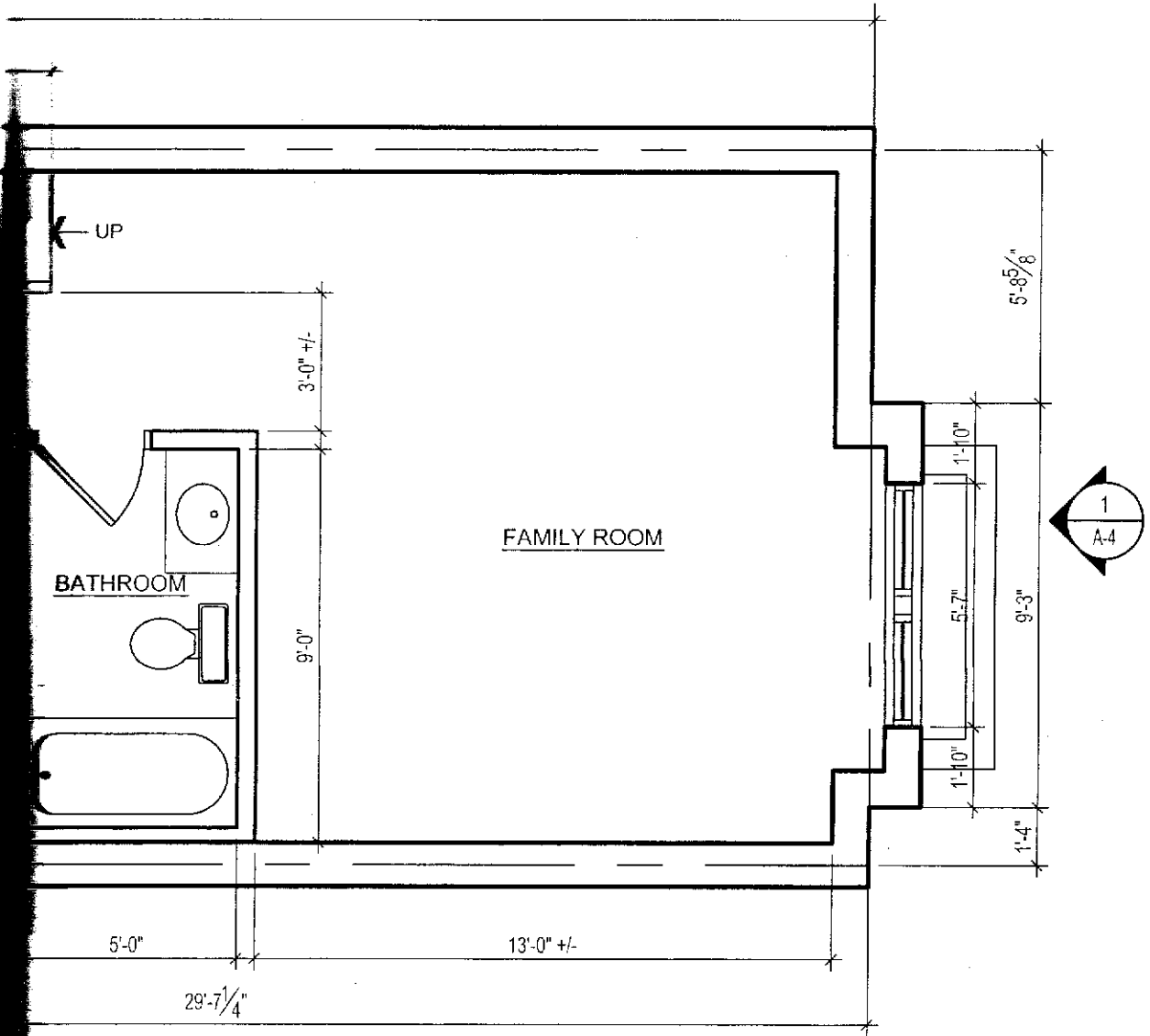
VERSION: BZA

DATE: 12-15-06

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

BASEMENT PLAN

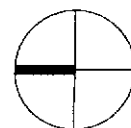
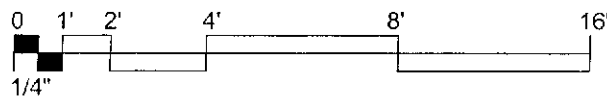
A-1



LEGEND:

 EXISTING PARTITION TO REMAIN

 NEW PARTITION



PROPERTY LINE

PROPERTY LINE

REVISIONS

DATE COMMENTS

EXISTING PARAPET

EXISTING WINDOWS

EXISTING HOUSE

EXISTING WINDOWS

EXISTING DOOR

EXISTING GRADE

JACK ARCH

PROPOSED DOUBLE HUNG WINDOWS BELOW GRADE

PROPOSED WINDOW WELL

PROPOSED BASEMENT FLOOR LEVEL

3'-4"

4'-6"

NAYMAN / PAXSON RESIDENCE
1404 Constitution Ave NE Washington, DC 20002

JENNIFER COX FOWLER, AIA

1742 D STREET SE
WASHINGTON, DC 20003
(202) 546-0856

SEAL:

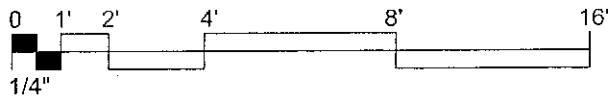
VERSION: BZA

DATE: 12-15-06

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

EXTERIOR ELEVATION

A-4



TION



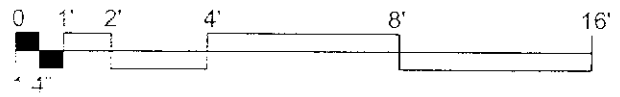
PROPERTY LINES

EXISTING ADJACENT HOUSE

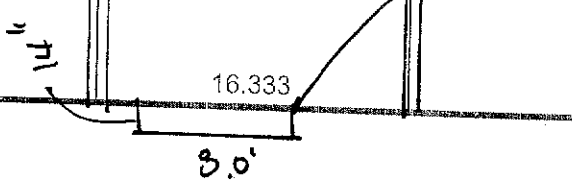
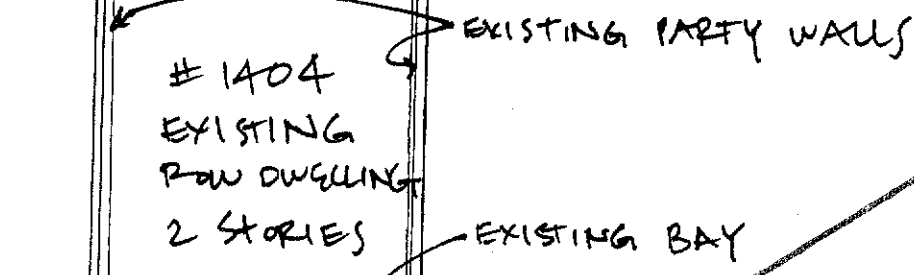
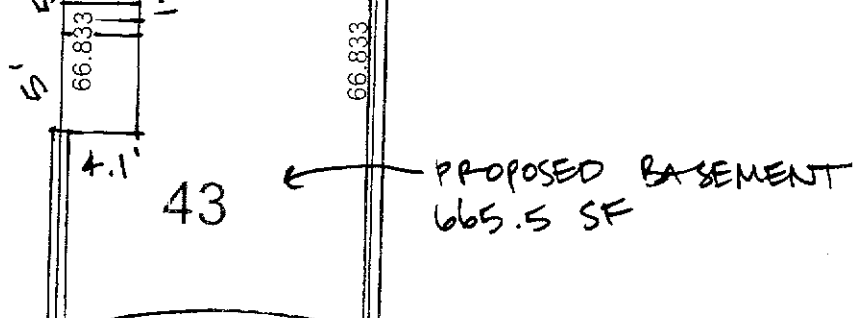
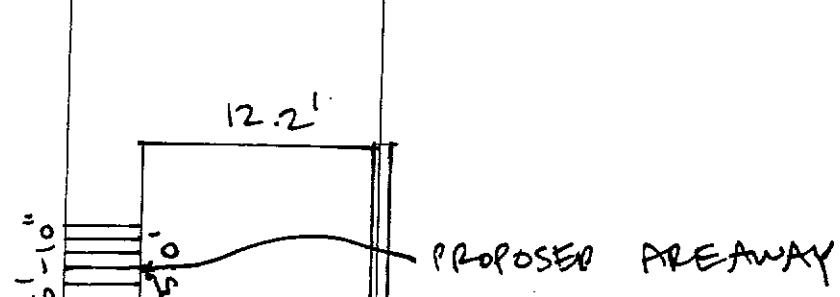
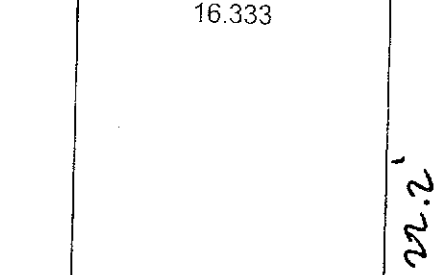
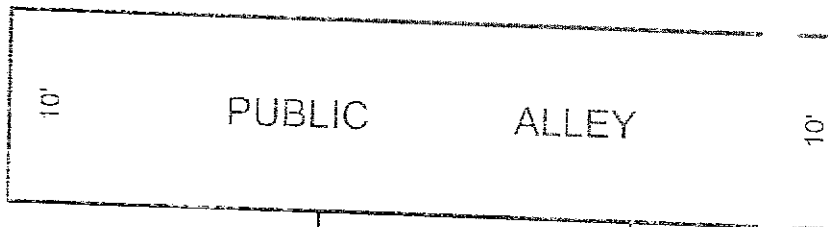
EXISTING GRADE
 PROPOSED WINDOW BEYOND
 PROPOSED STEPS TO BASEMENT

13 RISERS @ 7.5" = 8'-2"

REAR ELEVATION
 SCALE 1/4"=1'-0"



REV
 DATE
 10-18
 ETE



CONSTITUTION AVENUE

NORTH CAROLINA AVENUE

Form 120 -- Exhibit 1
(Revised 04/29/02)

Case No.

17611

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: [Click Here for Application Form Instructions](#)

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area 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:

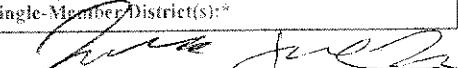
Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
314 12th Street NE	986	53	R-4	Special Exception	223

Present Use of Property:*	Single Family Dwelling				
Proposed Use of Property:*	Single Family Dwelling				
Owner of Property:*	Jon and Julie Mitchiner			Telephone No.:*	(202)478-3938
Address:*	314 12th Street NE	City:*	washington	State:*	DC
				Zip:*	20002

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

Hearing Notice:*

The owner/applicants request a special exception to allow the construction of a garage, not meeting lot occupancy requirements (section 403). The existing row dwelling is currently a conforming structure.

Estimated Construction Cost:	\$40,000.00	Advisory Neighborhood Commission Single-Member District(s):*	6A05
Date:*	12/21/2006	Signature:	

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

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

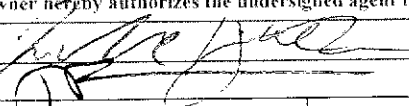
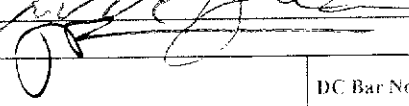
Name:*	Jennifer Fowler				
Address:*	1742 D Street SE	City:*	Washington	State:*	DC
				Zip:*	20003
Phone No.:*	(202)546-0896	Fax No.:		E-Mail:	jennifer@fowler-architects.com

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

E.C. 12/21/06

DC OFFICIALS

G. J. J.

Form 135 — Side 1 (Revised 03/15/02)		Case No.			
ZONING SELF-CERTIFICATION FORM					
Project Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	ANC(s)/Single Member District(s)*	
314 12th Street NE	986	53	R-4	ANC 6A05	
CERTIFICATION					
The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:					
Relief Sought*	<input type="checkbox"/> §3103.2 - Use Variance	<input type="checkbox"/> §3103.2 - Area Variance	<input checked="" type="checkbox"/> §3104.1-Special Exception		
Pursuant to Subsections				223	
Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:					
<ol style="list-style-type: none"> 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 does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, 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 Board of Zoning Adjustment.					
The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.					
Owners Signature			Owner's Name	Jon and Julie Mitchiner	
Agent Signature			Agent Name	Jennifer Fowler	
Date*	12/21/2006	DC Bar No.		or	Architect Registration No. 100403
OFFICE OF ZONING DETERMINATION (DCMR Title 11 §3113.2)					
Based upon review of the application and self-certification, this application is					
<input type="checkbox"/>	Accepted for filing.				
<input type="checkbox"/>	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.				
<input type="checkbox"/>	Rejected for failure to comply with the provisions of				
	<input type="checkbox"/> DCMR Title 11 §3113.2; or <input type="checkbox"/> DCMR Title 11 Zoning Regulations.				
	Explanation				
Signature:				Date	
Jerrily R. Kress, FAIA - Director District of Columbia Office of Zoning			441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001 (202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov		

Form 135 — Side 2

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 Form 135. 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 paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	2150.33 SF	1800 SF	N/A	No Change	N/A
Lot Width (ft. to the tenth)	18.07'	18.0'	N/A	No Change	N/A
Lot Occupancy (building area/lot)	1138.4 SF-52.9%	N/A	1290.2SF-60%	1499.8 SF-69.7%	9.7%
Floor Area Ratio (floor area/lot area)	N/A	N/A	N/A	N/A	N/A
Parking Spaces (number)	1	N/A	N/A	1	N/A
Loading Berths (number and size)	N/A	N/A	N/A	N/A	N/A
Front Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Rear Yard (ft. to the tenth)	56.0'	20.0'	N/A	No Change	N/A
Side Yard (ft. to the tenth)	N/A	N/A	N/A	N/A	N/A
Court, Open (width by depth)	N/A	N/A	N/A	N/A	N/A
Court, Closed (width by depth)	N/A	N/A	N/A	N/A	N/A
Height (ft. to the tenth)	30.0'	N/A	40.0'	No Change	N/A

**Burden of Proof
Special Exception Application**

314 12th Street NE

To: **The Office of Zoning**
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: **Jon and Julie Mitchiner**
Owner/Applicants
314 12th Street NE
Washington, DC 20002

Date: December 21, 2006

Subject : **BZA Application No. _____ - Mitchiner Garage**
314 12th Street NE (Square 986, Lot 53)

Jon and Julie Mitchiner, owners and residents of 314 12th Street NE, apply for a special exception to build a one-story garage in the rear of their existing row house. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

The proposed construction raises the lot occupancy from 52.9% to 69.7%, which is 9.7% over the allowed lot occupancy for a row-house in the R-4 Zoning District (11 DCMR 403.2) and 16.8% over the existing lot occupancy.

I. Summary

- A. Special exception qualifies under 11 DCMR Section 223 because the lot occupancy for the R-4 does not exceed 70% (11 DCMR 223.3) and the garage will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2 and 11 DCMR 2500.9).
- B. The proposed garage is a replacement of an original garage that was previously demolished. The new garage will be in the exact footprint of the original garage.
- C. The proposed garage will improve both the aesthetics and the functionality of space. It will be similar in size and style to the existing garages on the block and in the vicinity.
- D. The proposed garage, along with the existing dwelling approximates the current lot coverage of the adjacent properties.

11. Bases for Grant of Special Exception

Section 223 provides relief based on satisfying specific criteria under which additions to single-family dwellings may be permitted with a residential district. Those criteria are addressed separately below:

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the applicable area requirements of §§ 401, 403, 404, 405, 406 and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The one-story garage is to be an accessory structure to a permitted single-family residence that is currently in conformance with Section 403.2 (lot occupancy). The proposed garage will be on the rear (western) portion of the lot. The existing house has a lot occupancy of 52.9% which will be increased to 69.7% with the proposed garage. This is a 9.7% increase over the matter-of-right lot occupancy allowed in the R-4 district, 16.8% over the current footprint of the residence, but it is below the 70% allowed by Section 223.3 as a special exception.

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;***

Impact on 312 12th Street NE

The project will have virtually no impact on light and air availability of the neighboring property directly to the south (312 12th Street, NE), because:

- a) The proposed garage is directly north of 314 12th St., NE. As such, the shadow of the proposed garage will fall minimally onto 312 12th Street NE.
- b) The garage existing at the rear of 312 12th St., NE, already casts a shadow over that property's backyard. This shadow eclipses any shadow the proposed new garage may cast.
- c) The new garage will abut an existing garage of similar dimensions at the rear of 312 12th St., NE, which currently has no windows on the side that will abut the garage.

Impact on 316 12th St., NE

The project will have virtually no impact on light and air availability of the neighboring property directly to the north (316 12th St., NE), because:

- a) The new garage will abut an existing garage of the same dimensions at the rear of 316 12th St., NE, which currently has no windows on the side that will abut the garage.
- b) The garage existing at the rear of 316 12th St., NE, already casts a shadow over that property's backyard. This shadow eclipses any shadow the proposed new garage may cast.

Impact on Neighbors Directly West

- a.) Directly west of the proposed garage is an existing garage. The distance from the proposed garage to the existing garage across the alley is 30 feet.
- b.) To the south-west is an apartment building, and north-west are homes and an alley. It is roughly 86 feet to the rear of the nearest house or apartment to the west. As a result of the distance, the proposed garage will not have an impact on the light or the availability of air of those neighbors.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised:

The proposed project will not significantly alter the privacy and enjoyment of neighbors to the north, south or west.

Neighbor to the South (312 12th St., NE)

Similarly, the project will not impact the privacy or enjoyment of the southern neighbor's property, because:

- a.) The proposed garage will abut an existing garage of similar dimensions at the rear of 312 12th St., NE. There will be no windows along the south property line.
- b.) The proposed garage will have French doors facing the garden at 314 12th Street. Because of the privacy fences, these doors will not offer views of the garden of 312 12th Street.
- c.) The French doors will offer views of the rear of the dwelling at 312 12th Street. As the garage is not habitable space, the impact on privacy will be minimal. The amount of visibility will not be more than the existing condition allows.

Neighbor to the North (316 12th St., NE)

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors to the north, because:

- d.) The proposed garage will abut an existing garage of exact dimensions at the rear of 316 12th St., NE. There will be no windows along the north property line.
- e.) The proposed garage will have French doors facing the garden at 316 12th Street. Because of the privacy fences, these doors will not offer views of the garden of 316 12th Street.
- f.) The French doors will offer views of the rear of the dwelling at 316 12th Street. As the garage is not habitable space, the impact on privacy will be minimal. The amount of visibility will not be more than the existing condition allows.

Neighbors to the West

The project will not impact the privacy of the southern neighbor's property, because:

- a.) Directly west of the proposed garage is an existing garage. The distance from the proposed garage to the existing garage across the alley is 30 feet.
- b.) To the south-west is an apartment building, and north-west are homes and an alley. It is roughly 86 feet to the rear of the nearest house or apartment to the west. As a result of the distance, the proposed garage will not have an impact on the privacy or enjoyment of those neighbors.

Conclusion

In conclusion, the proposed replacement will not impact on the privacy and enjoyment of neighbors' property.

(c) the replacement, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage

The garage will be built in the same style as other garages in the alley and in the neighborhood, and to a similar scale. It will be made of brick in a similar style to the home on the property and the other garages in the alley and it will have a roof that matches the style of the other garages in the alley.

The garage will not be visible from the front of the house.

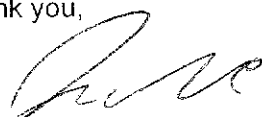
(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

Along with this application, we have included the following items:


- a) Photos of the existing house and surroundings;
- b) Plan and elevation drawings of proposed garage, including a site plan showing the relationship of the proposed garage to adjacent buildings.
- c) Official Plat from the DC Office of the Surveyor.

If you require any further clarification or have any questions regarding the application, Jon Mitchiner, Julie Mitchiner, and authorized agent Jennifer Fowler, A.I.A. are available at any time to discuss them with you.

Thank you,



Jon Mitchiner
Owner/Applicant
314 12th Street NE
Washington, DC 20002



Julie Mitchiner
Owner/Applicant
314 12th Street NE
Washington, DC 20002

October 15, 2006

Board of Zoning Adjustment

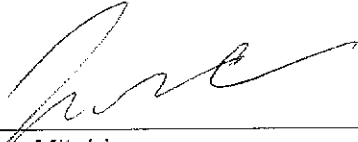
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

Re: BZA Zoning Application No. _____
(Application of Jon and Julie Mitchiner, 314 12th Street NE)

Dear Board of Zoning Adjustment:

We authorize our architect, Jennifer Cox Fowler, A.I.A. to act as our agent regarding the BZA Zoning application for 314 12th Street NE.

Sincerely,



Jon Mitchiner
Owner/Applicant
314 12th Street NE
Washington, DC 20002



Julie Mitchiner
Owner/Applicant
314 12th Street NE
Washington, DC 20002



312 12th STREET NE



REAR VIEW OF 312 12th STREET NE



VIEW TO THE NORTH



VIEW TO THE SOUTH



VIEW OF PROPOSED GARAGE SITE FROM ALLEY
(WHERE VAN IS PARKED)



GARAGE AT 312 12TH STREET NE



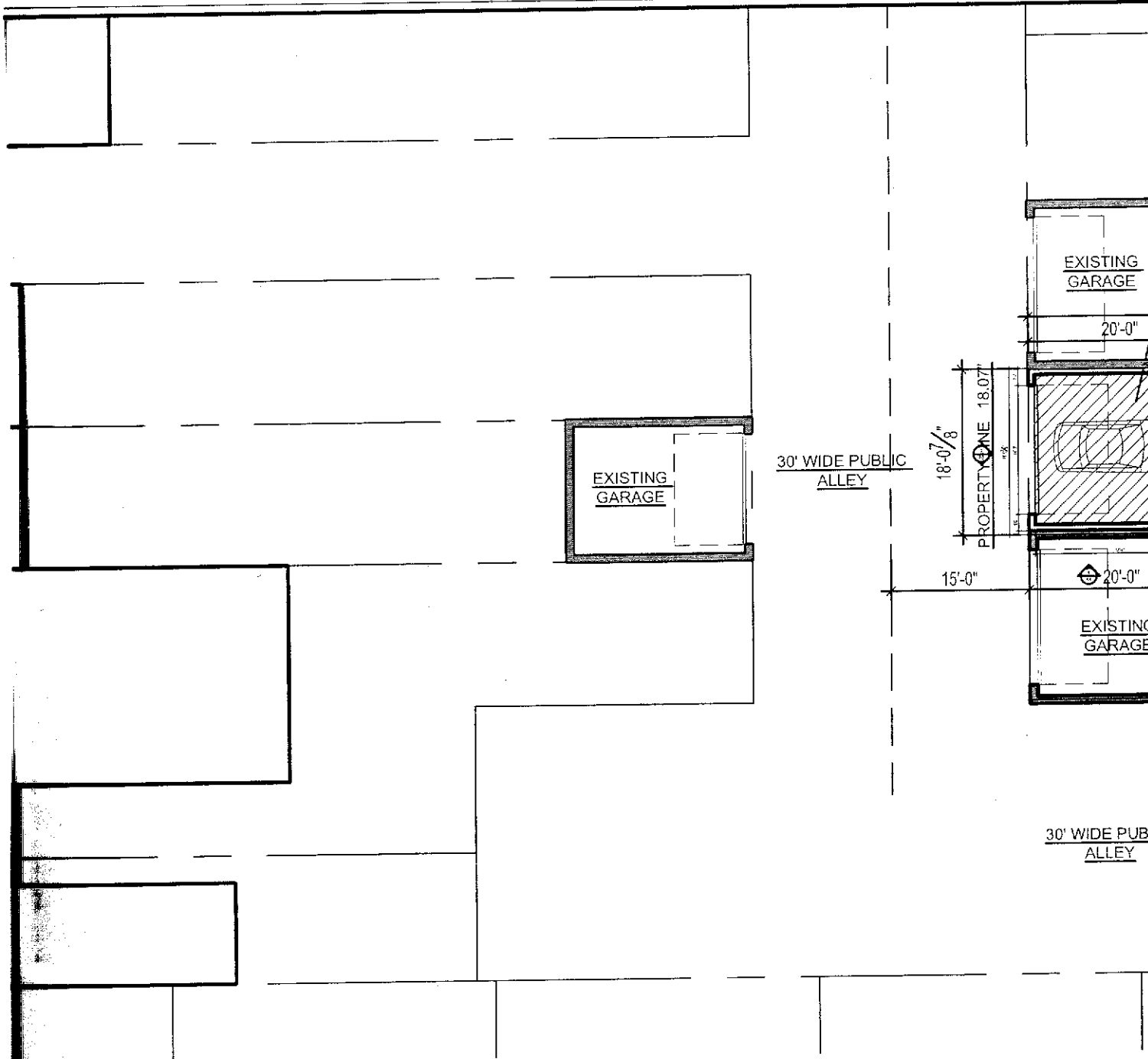
GARAGE AT 316 12TH STREET NE



GARAGE DIRECTLY TO WEST

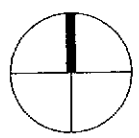


DEAD END ALLEY TO THE SOUTH



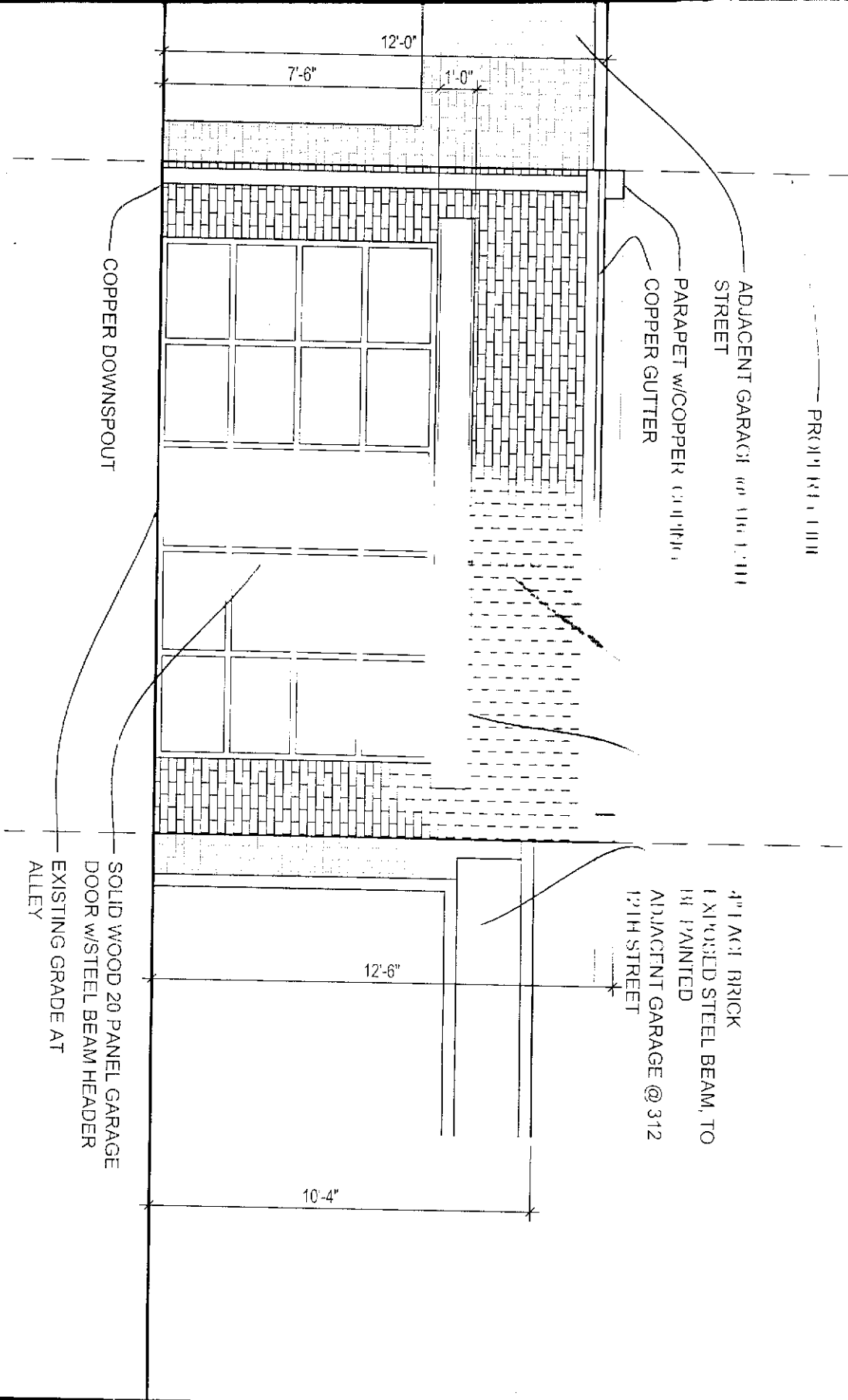
1
C2

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



WEST ELEVATION

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



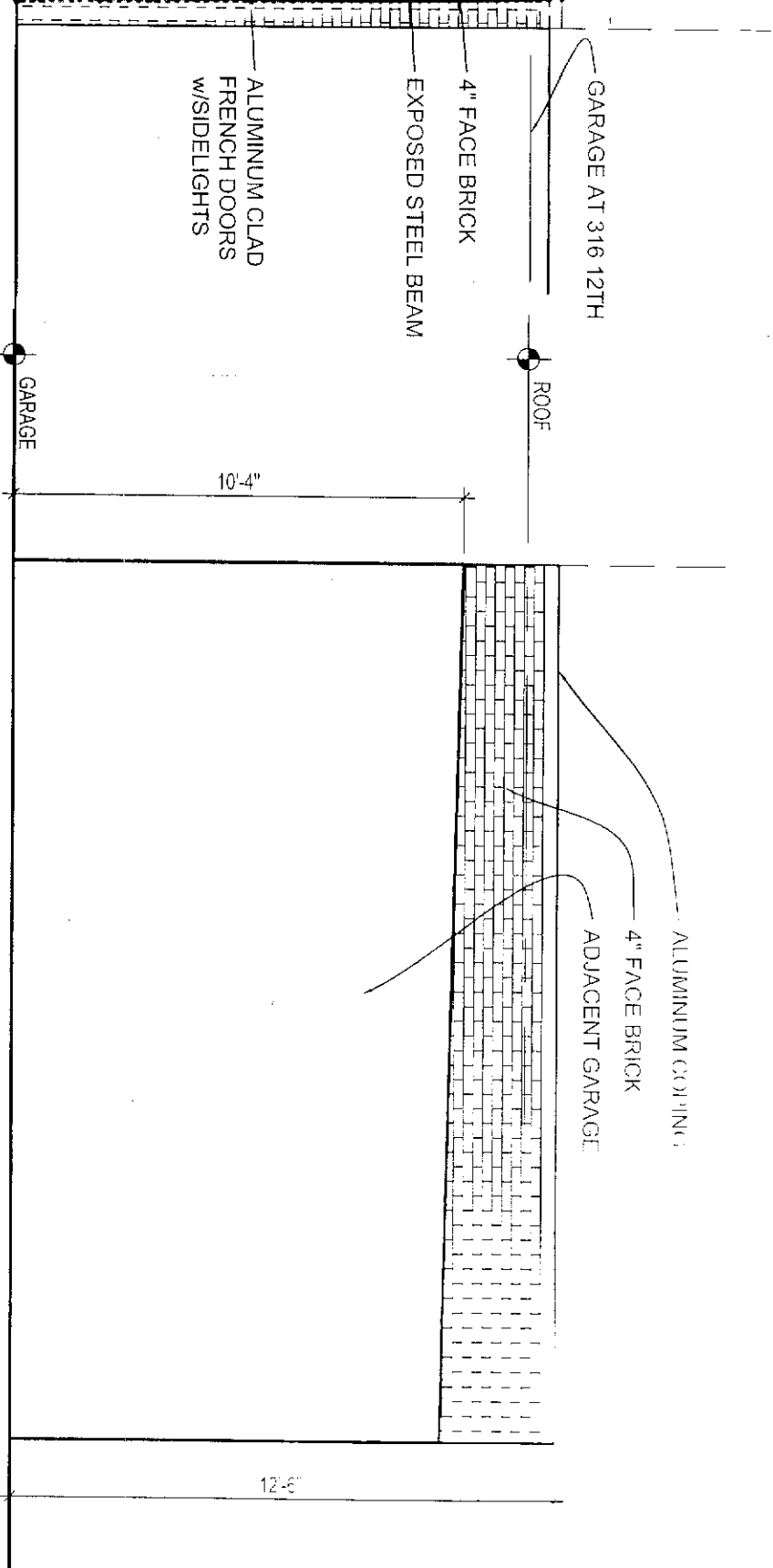
MITCHINER GARAGE

314 12th Street NE Washington, DC 20002

JENNIFER COX FOWLER, AIA

1747 15TH STREET
WASHINGTON, DC 20003
(202) 546-0002

14-01



1
A-4

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

MITCHINER GARAGE

314 12th Street NE Washington DC 20002

JENNIFER COX FOWLER, AIA
7413 STEELES
WASHINGTON DC 20003
202.544.0898

SCALE:

12TH STREET

