



June 30, 2017

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Department of Consumer and Regulatory Affairs
Office of the Zoning Administrator
1100 4th Street, SW
Washington, DC 20024

**RE: Request for Modification of Plans Approved by the Board of Zoning
Adjustment – 3616 11th Street, NW**

Dear Mr. LeGrant:

On behalf of Graham Smith and Alexis Diao (the "Owners"), please find enclosed a Request for Modification of Plans Approved by the Board of Zoning Adjustment concerning the Owners' property located at 3616 11th Street, NW (the "Property"). In December 2016, the Board of Zoning Adjustment entered a Summary Order in BZA Case No. 19387 granting Owners zoning relief to construct a third-story addition at the Property (the "Order"). A copy of the approved plans submitted to the BZA are attached at Tab A; a copy of the Order is attached at Tab B. Accordingly, the Owners applied for and obtained from DCRA building permit B1603868 to construct the addition.

The Owners request a modification of the approved plans to account for a neighboring property owners' chimney.¹ Specifically, the Owners seek to modify the approved plans in order to maintain a minimum distance of 10 feet between the exterior of Owners' third-story addition and neighboring property owner's chimney. The only change to the approved plans is a cut-out/reduction of 7 feet on the third-story addition.

The proposed modification qualifies for minor flexibility that the Zoning Administrator is authorized to grant pursuant to Subtitle A § 304.10 of the zoning regulations. The proposed modification meets the criteria set forth in Subtitle A § 304.10 as follows:

(a) The modifications do not violate any condition of approval included in the Order;

The Order includes the standard BZA conditions approving an application for zoning relief. The proposed modifications will not violate any of these conditions.

(b) The modification will not increase, expand, or extend any area of relief granted by the Order;

¹ The Owners requested permission to raise the neighboring property owner's chimney, but that request was denied. Raising the chimney would have obviated the need for this modification request.

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Board of Zoning Adjustment
District of Columbia
CASE NO. 19573
EXHIBIT NO. 28

The Order grants special exception relief from the building height requirement (Subtitle E § 303.3) and for the alteration of a rooftop turret (Subtitle E § 206.2). The proposed modification will not increase, expand, or extend either areas of relief. The proposed modification includes an internal 7-foot cut-out that will not affect the building height or the altered turret.

(c) The modification will not create any need for new relief;

The proposed modification reduces the gross floor area on the third-story addition. The proposed modification will not alter any other aspect of the home, and will not require new relief from the BZA.

(d) The modification will not change a principal use from that approved in the Order;

The proposed modification will not change the Property's use as a residential flat.

(e) The modification will not increase the number of stories;

The proposed modification will not add a story to the Property.

(f) The modification will not increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height or penthouse height; provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements;

As noted above, the proposed modification will decrease the building's gross floor area. The proposed modification will not alter the lot occupancy, building height or penthouse height, as the project does not have a penthouse.

(g) The modification will not increase by more than two percent (2%) the number of dwelling units, hotel rooms, or institutional rooms within the approved square footage;

The building will remain a flat, and the proposed modification will not increase the number of dwelling units at the Property.

(h) The modification will not increase or decrease by more than two percent (2%) the number of parking or loading spaces depicted on the approved plans.

The proposed modification will not alter the number of parking or loading spaces at the Property.



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

REQUEST FOR MODIFICATION OF PLANS APPROVED BY THE BOARD OF ZONING ADJUSTMENT
(Pursuant to Zoning Commission Order No. 08-06F, 11 DCMR A-304.10 through A-304.13)

Building Permit Application #: B1603868 (the "Application")

Property Address: 3616 11th Street, NW (the "Property")

Square: 2829 Lot(s): 169

1. Provide the Order Number(s) (e.g., "BZA 12349") for the Board of Zoning Adjustment (the "BZA") that the property is subject to:
BZA Order No.: 19387
2. Do the building permit plans submitted differ in any way (e.g., use, building envelope, façade design, shape, or floorplans) from the plans authorized by the Order(s), including any conditions of the Order(s) and the approved plans?
 Yes. Provide a list of the proposed changes and illustrations comparing the portions of the "approved" plans that are proposed to be varied to the "proposed" plans. This should include highlighting changed features through graphic bubbling.
 No. Skip to the signature line (#7) below to complete the form.
3. Are all proposed changes identified in #2 above solely limited to minor internal floorplan or mechanical changes not involving any standards identified in subsections A-304.10(a)-(h)?
 Yes. Provide a written justification as to why the changes identified in #2 are limited to such minor internal floorplan or mechanical changes. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.
 No. Continue to the next question.
4. Are any of the changes identified in #2 covered by flexibility specifically granted by a condition(s) of the Order(s)?
 Yes, all of the changes. Provide a written justification highlighting the terms of the flexibility granted in the Order and describe how the proposed modifications are allowable pursuant to the flexibility. No written request for ZA minor flexibility is required and skip to the signature line (#7) below to complete the form.
 Yes, some of the changes. Provide a written justification that identifies which of the proposed modifications are allowable pursuant to the flexibility granted in the Order. Continue to the next question to address the remainder of the proposed modifications that are not allowable pursuant to the flexibility.
 No. Continue to the next question.
5. If the flexibility provided in the Order(s) does not cover some or all of the proposed modifications listed in the response to #2 above, or where no flexibility was provided in the Order(s), do the remaining proposed modifications qualify for the minor flexibility that the Zoning Administrator is authorized to grant under Section A-304.10?
 Yes. Provide a written request for ZA minor flexibility as required by Section A-304.10. Make sure that this request addresses each criteria provided in Section A-304.10, including the requirement that the proposed modifications are consistent with the intent of the BZA in approving the relevant Order. Continue to the next question.
 No. Skip to the signature line (#7) below to complete the form and then separately apply to the Zoning Commission for a modification pursuant to A-304.13.

6. In cases where a written request for ZA minor flexibility is submitted, all parties (including the affected ANC(s)) to the applicable BZA case listed in response to #1 must be served with a copy of the request for minor flexibility. Such a copy must include any supporting plan documents, as required by Section A-304.11. Enter the following information, including the email addresses (or mailing address if necessary) that the written request was sent to:

Date of service by Applicant: June 30, 2017 (attach a certificate of service)

ANC 1A : Kent Boese, 1A08@anc.dc.gov

ANC(SMD) _____ :

Parties: Office of Planning, Matt Jesick Matt Jesick Matt.Jesick@dc.gov Matthew.Jesick@dc.gov

7. Signature

Alexander
Property owner (signature)

30 June 2017
Date

alexand9@gmail.com

Property owner or agent email address and phone number

For DCRA internal use only (execute as appropriate).

• The Zoning Administrator (ZA) has received a written request for minor modifications to approved plans related to the Order above which the Applicant attests was served on all necessary parties. The ZA has determined that the proposed modifications are consistent with Section A-304.10. Therefore, the ZA is hereby providing written notice of **APPROVAL**.

Pursuant to A-304.12, the ZA shall send written notification of any modifications approved pursuant to A-304.10 to all parties to the applicable case no later than 7 days after the date of approval.

Matthew L. Hester
Zoning Administrator signature

7-11-17
Date of approval

Date of Service: 7-11-17

cc: All parties identified in #6 above

Attachments: Applicant's written request for ZA minor flexibility and supporting documents

• No written request for ZA minor flexibility is required.

OZA signature

Date of approval

• The ZA **DENIES** the request for minor modifications to approved plans as inconsistent with Section A-304.10.

OZA signature

Date of denial