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RECEIVED
DC OFFICE OF ZONING
2006 SEP 25 PM 4:02

Nathan I. Finkelstein ***
Laurie B. Horvitz **

★ MD, ★ DC, ◆ GA

Robert J. Goldman ***
Emily D. Gooding ★

September 25, 2006

VIA HAND DELIVERY

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

Re: BZA Appeal No. 17513

- Attorney Appearance
- Authorization of Agent
- Supplemental Filing in Support of Appeal

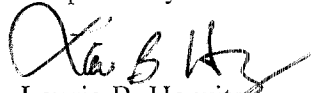
Dear Members of the Board:

On behalf of the Advisory Neighborhood Commission 2E ("ANC 2E"), the Appellant in the above-referenced case, we are hereby entering our appearance as legal counsel for ANC 2E.

We are also filing herewith an original and twenty copies of the following documents:

- (1) Appellant's Supplemental Filing in Support of Appeal; and
- (2) Appellant's Written Authorization for this law firm to act as its agent during this appeal.

Respectfully submitted,


Laurie B. Horvitz

Enclosures

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17513
EXHIBIT NO. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 17513
EXHIBIT NO. 20

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 2E
Representing the communities of Burleith, Georgetown and Hillandale
3265 S Street, N.W., Washington, D.C. 20007
(202) 338-7427 - FAX (202) 338-0279 - anc2e@erols.com

September 22, 2006

Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W. - Room 210 South
Washington, D.C. 20001

Re: Authorization of Agent - BZA Appeal No. 17513

To Whom It May Concern:

The Advisory Neighborhood Commission 2E ("ANC 2E") previously filed an appeal from the decision of DCRA-Zoning Administrator relating to 1242 Potomac Street, N.W., DCRA Permit # 88614. Laurie B. Horvitz, Esquire and the law firm of Finkelstein & Horvitz, P.C. are hereby designated as the authorized agent for ANC 2E in the above-referenced appeal number 17513 for purposes of all related BZA proceedings and all subsequent proceedings regarding the Appeal.

Advisory Neighborhood Commission 2E


Ed Solomon, Chair

CERTIFICATE OF SERVICE

I hereby certify that the foregoing letter and referenced documents, including all exhibits thereto, were served on September 25, 2006, via first class mail, postage prepaid to the following:

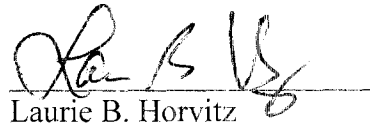
Mary Carolyn Brown, Esq.
Holland & Knight
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
Counsel for Mr. and Mrs. Harry L. Gutman

Bill Crews
Zoning Administrator
D.C. Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002

Office of the General Counsel
D.C. Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 9400
Washington, D.C. 20002

Office of the Attorney General
Land Use, Public Works and Utilities Section
801 North Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Director
D.C. Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002


Laurie B. Horvitz

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

**In re: BZA Appeal No. 17513
 Appeal from Decision of DCRA-Zoning Administrator
 1242 Potomac Street, N.W., DCRA Permit # 88614**

APPELLANT’S SUPPLEMENTAL FILING
IN SUPPORT OF APPEAL

I. Introduction

The Appellant in this matter is the Advisory Neighborhood Commission 2E (hereinafter “ANC 2E”). By and through undersigned counsel, ANC 2E files this supplement in support of appeal number 17513. The appeal relates to construction at 1242 Potomac Street, N.W., Washington, D.C. (“Subject Property”). The owners of that property, Mr. and Mrs. Harry Gutman, were issued a building permit on or about January 20, 2006 (Permit No. 88614, hereinafter the “Permit”). This filing explains certain factual and legal bases for the ANC’s appeal. A hearing on this matter is presently scheduled for October 10, 2006.

Evidently, the Department of Consumer and Regulatory Affairs (“DCRA”) issued the Permit based upon an erroneous classification of the dwelling as a row house. Issuance of the Permit violated the zoning laws and regulations of the District of Columbia relating to maximum lot occupancy and the expansion of nonconforming structures.

II. Summary of Facts

The Subject Property is located within ANC 2E at Square 1219, Lot 45. That neighborhood has an R-3 zoning classification. The lot is approximately 2,888 square feet with 30 feet of street frontage. Prior to renovations, the lot occupancy on the

Subject Property was approximately 48 percent. The site contained a carriage house in the rear of the lot. There was a non-conforming rear yard that measured two feet deep and thirty feet wide. The carriage house was not connected to the principal structure. The main structure was located near Potomac Street and abutted the side lot line on the north, i.e., on the boundary line with 1236 Potomac Street. The walls of the principal structure were not located on the southern side lot line, i.e., abutting 1244 Potomac Street.

The Subject Property had a side yard running from the street to the carriage house in the rear. There were five windows facing the south side of the Property and the side yard permitted pedestrian passage from the street along the southern boundary line of the Subject Property to the carriage house. Evidently, there was a wood “pergola” on the southern side of the dwelling that was situated between a small wooden shed and the principal structure.

Prior to renovations, the Subject Property’s lot occupancy was approximately forty-eight percent (48%). That figure included the principal structure, the carriage house, the shed, and the non-conforming rear yard. Thus, the lot occupancy prior to any renovations already exceeded the permissible lot occupancy for semi-detached dwellings. 11 D.C.M.R. § 403.2.

Initially, the owners of the Subject Property sought to connect the carriage house and the main structure and to remove the shed. See Exhibit 8 (dated February 1, 2005). Those plans were not approved.

Pursuant to revised plans, the renovated building(s) are larger due to a rear addition to the main dwelling. Total lot coverage is approximately 55.4%. That figure

includes the carriage house (615 square feet), the principal structure (901.07 square feet), the shed (24 square feet) and the non-conforming rear yard behind the carriage house (60 square feet). When last visited on September 16, 2006 and September 24, 2006, the “pergola” was not erected on the site. See Photos at Exhibit 1 hereto (depicting pergola on the ground near the carriage house). The old wooden shed has been moved, but was on the site near the side property line.¹ Side windows on the main building still face the southern lot line. Wooden gates permit entrance from the street to the side of the main building on the southern side of the property. There is unobstructed passage along the southern side of the dwelling to the carriage house in the rear. See Photos at Exhibit 1. The south side of the lot is open to the sky and light. Id.

The permitted plans do not call for the addition of any substantial structure along the southern lot line. The side yard will remain unobstructed with the possible exception of the wooden shed and a wholly decorative pergola. The characteristics of the pergola are not evident from the plans. See Exhibits 4 and 5. Other than a cursory notation regarding a pergola, there are no known specifications, photographs or other details relating to the characteristics of the pergola in the plans that have been provided to ANC 2E by DCRA. See Exhibit 5.² Evidently, no dimensions were provided to DCRA of the pergola. See 11 D.C.M.R. § 3202 (requiring an applicant for a building permit to provide such information with its building permit application and plans).

¹ The shed does not appear to include any fire retardant siding suitable for a residential structure.

² The Merriam-Webster OnLine dictionary defines “pergola” as an “arbor” or “trellis”. It is described as “a structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters.” Words that are not defined in the zoning regulations are assigned the meanings given in *Webster’s Unabridged Dictionary*.

Photographs provided by this Appellant herewith establish that the pergola is wholly decorative in character. See Exhibit 1. The trellis would not serve any functional purpose, except to support vegetation. Instead, the pergola would permit light, air and precipitation to penetrate below. It also would allow unobstructed light into the southern windows of the Gutmans' main structure. There is clearly a side yard along the southern lot line of the Subject Property.

Inexplicably, the applicant for the Permit received zoning approval on December 23, 2005, and a permit was issued thereafter. By means of the Permit, DCRA authorized a semi-detached dwelling and accessory structures to occupy more than fifty-five percent (55%) of a lot. No special exception application was filed. See 11 D.C.M.R. § 3104.1. Instead, the Gutmans' architect represented to adjacent neighbors that the "construction will comply with applicable zoning and building code requirements." See letters, dated January 11, 2006 (Exhibit 7). Interestingly, copies of such letters were sent to the Gutmans' present attorneys and a "DC Building Code Official." Two days later, Bello, Bello & Associates, LLC executed a third-party plan review certification ("TPR Certification") which erroneously suggested that the consulting firm had reviewed the building permit application for zoning compliance.³ Within days of the TPR Certification, DCRA wrongfully issued the Permit.

³ See Exhibit 7. Of course, Toye Bello, a principal of Bello, Bello & Associates, LLC, had just left the position as Zoning Administrator. Despite such circumstances, the architect's file relating to this matter shows a letter of transmittal directly to Toye Bello, dated November 29, 2005. Id.

III. Legal Argument

A. The Building Permit Violates the Lot Occupancy and Nonconforming Structure Regulations

The Building Permit violates the zoning laws and regulations of the District of Columbia. More particularly, DCRA has unlawfully authorized expansion of a semi-detached dwelling that already exceeded the maximum permissible lot occupancy for such dwellings. In an R-3 district, a semi-detached dwelling may not exceed a lot occupancy of forty percent (40%) without a special exception. 11 D.C.M.R. § 403.2. The pertinent regulation states: “No structure, including its accessory building, shall occupy its lot in excess of the percentage of lot occupancy set forth in the following table.” In an R-3 district, the table differentiates between row dwellings and “all other structures”. With the exception of row dwellings,⁴ all structures in an R-3 District must comport with the maximum percentage lot occupancy of forty percent (40%). *Id.* Similarly, a semi-detached dwelling in an R-3 district must include a side yard. 11 D.C.M.R. § 405.2.

The calculation of lot occupancy is based upon the “building area” of the property and includes, in part, “the maximum horizontal projected area of a building and its accessory buildings”. 11 D.C.M.R. § 199.1 (definition of “Building area”); (definition of “Percentage of lot occupancy”. In turn, a “building” is defined as a “structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattels...” 11 D.C.M.R. § 199.1 (definition of “Building”).

Based upon these definitions and the particulars of the Subject Property, DCRA erred by classifying the property as a row dwelling. It is clear from the facts in this case

⁴ Churches and public schools are also permitted to exceed the forty percent lot occupancy. *Id.*

that the Subject Property always has included a side yard. The exterior wall of the main dwelling sits approximately ten feet from the lot line on the south. That wall contains multiple windows which enjoy unobstructed light from the side yard. The side yard is comprised of exterior space that is open to the sky. The shed and any other side yard “buildings” on the property are nonconforming because they are located in the side yard. See 11 D.C.M.R. § 2500.2 (requiring most accessory buildings to be located in a rear yard); see also 11 D.C.M.R. § 2503.

Moreover, the Subject Property already had a nonconforming lot occupancy for a semi-detached dwelling. Under such circumstances, the dwelling could not be expanded in a manner that enlarged the nonconformity. See 11 D.C.M.R. § 2002.2 (“It is the intent of this title that nonconformities may not be enlarged upon, expanded, or extended, nor may they be used as a basis for adding other structures or uses prohibited elsewhere in the same district.”)⁵

For these reasons, DCRA violated the zoning regulations when it approved the Permit.

B. Issuance of the Subject Permit Violated the Procedural and Substantive Rights Created by the Special Exception Process

The owners of the Subject Property and DCRA also circumvented and disregarded the procedural and substantive rights of neighbors, the ANC 2E and this Board. The ANC was never provided with the required formal notice of the development plans or an opportunity to challenge a special exception application. Instead, the Permit

⁵ The shed and any other side yard “buildings” on the property were also nonconforming to the extent that they were located in the side yard. See 11 D.C.M.R. § 2500.2 (requiring most accessory buildings to be located in a rear yard); see also 11 D.C.M.R. § 2503.

was issued in contravention of the special exception regulations and laws. See 11 DCMR § 223 and 11 DCMR § 3104.

C. As-of-Right Conversions Should Not be Allowed Under these Circumstances

Appellant further contends that a semi-detached structure cannot, as a matter of right, eliminate or ignore a side yard and thereby exceed the lot occupancy for a one-family semi-detached dwelling. Side yards are required by 11 DCMR § 405.2; see also § 405.3. Section 405.2 states: “In an R-3, R-4, or R-5 District, a one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.” Id. If the owners of the Subject Property wanted to reclassify their dwelling as a row house, they should have been required to obtain a special exception or variance. The Property included nonconforming conditions that could not be increased or extended without such relief.. 11 DCMR §§ 2001.3. See also 11 DCMR § 2002.5.

Assuming *arguendo* that a one-family, semi-detached dwelling could, under some circumstances, transform itself into a row dwelling without a variance or special exception, such circumstances are not present here. Certainly, a “trellis” or “pergola” cannot accomplish such a reclassification. A trellis does not add any living space. It does not create any lot line or party walls. Instead, the trellis in this case is merely a rationale for circumventing existing zoning regulations.

VI. Conclusion

For the foregoing reasons, the Permit should not have been issued by DCRA. The permitted construction violates the zoning regulations, public policy, and the rights of neighbors and the ANC. The owners of the Subject Property should be directed to modify the structure so that it complies with the zoning laws of the District of Columbia.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Laurie B. Horvitz", with a stylized flourish at the end.

Laurie B. Horvitz, Esq.
FINKELSTEIN & HORVITZ, P.C.
7315 Wisconsin Ave., Suite 400 East
Bethesda, Maryland 20814
(301) 951-8400

Counsel for Appellant ANC 2E

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Brief, including all exhibits thereto, were served on September 25, 2006, via first class mail, postage prepaid to the following:

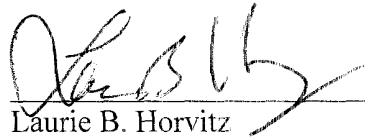
Mary Carolyn Brown, Esq.
Holland & Knight
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
Counsel for Mr. and Mrs. Harry L. Gutman

Bill Crews
Zoning Administrator
D.C. Department of Consumer and Regulatory and Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002

Office of the General Counsel
D.C. Department of Consumer and Regulatory Affairs
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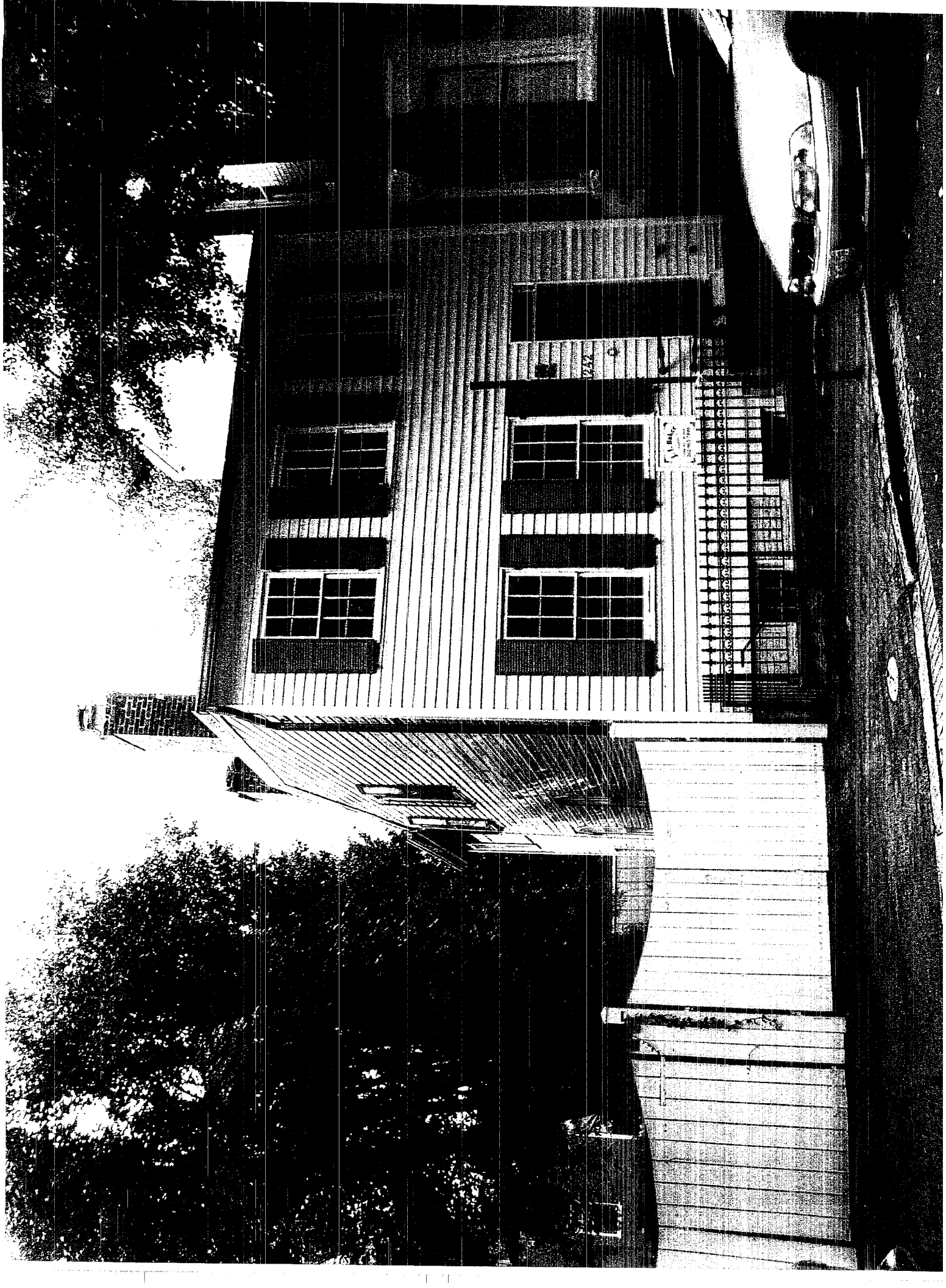
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Washington, D.C. 20002

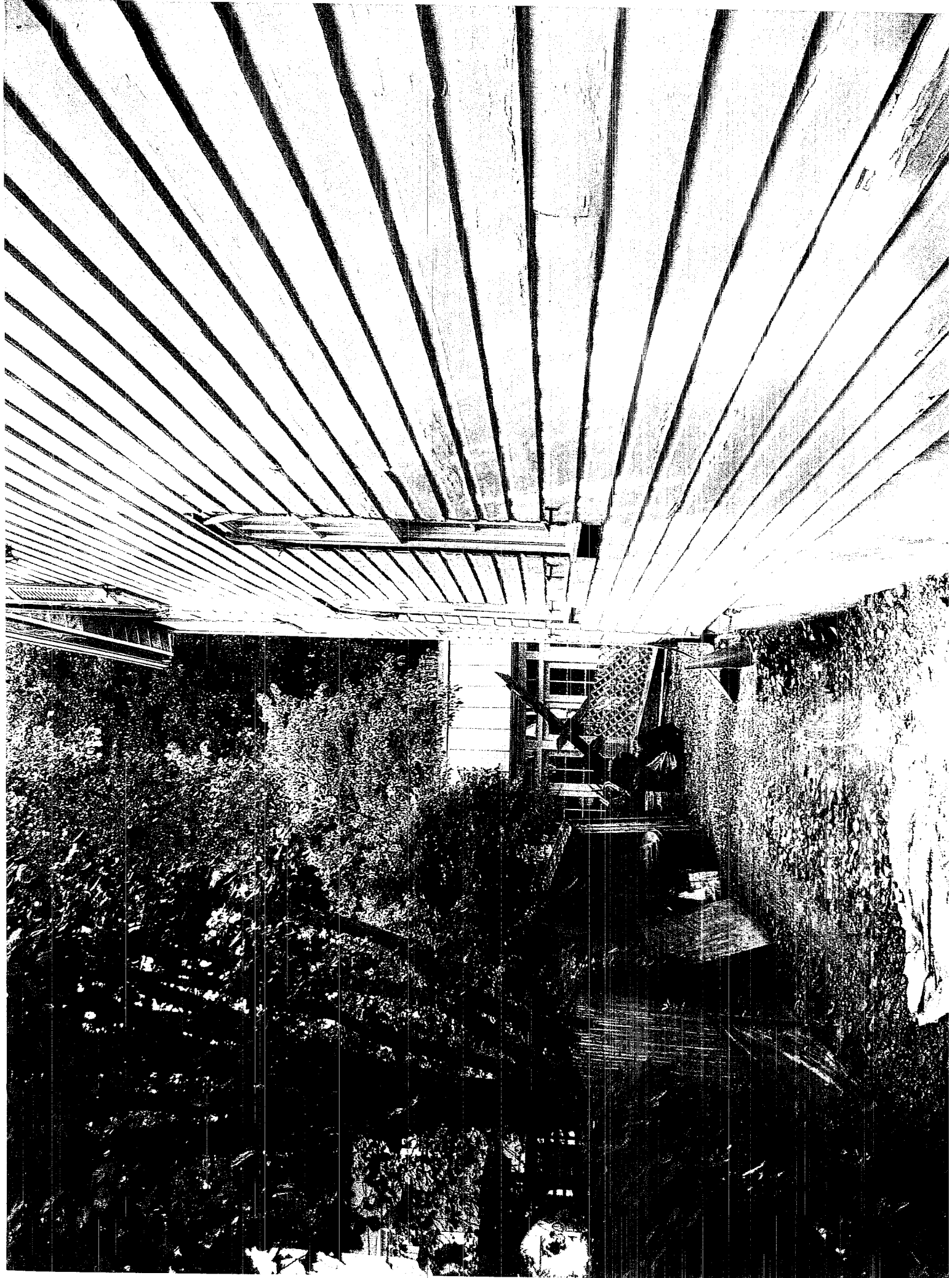

Laurie B. Horvitz

**LIST OF SUPPLEMENTAL EXHIBITS
IN SUPPORT OF BZA APPEAL NO. 17513**

<u>Exhibit Number</u>	<u>Exhibit Description</u>
1	Photos of Subject Property
2	Building Permit
3	Lot and Building Area Calculations
4	Plans for Gutman Residence
5	Plats for Building Permit, dated October 12, 2005 (two versions of same plat and enlarged reproduction)
6	Application for Building Permit and Approval Checklist
7	Environmental Intake Form Contract Agreement Lead Hazard Control Permit Questionnaire and Exemption Form Letter of Transmittal to Bello Bello & Associates Transmittal from Historic Preservation Review Board, filing date Oct. 12, 2005 Transmittal Letter from Commission of Fine Arts, filing date October 14, 2005 Letter from U.S. Commission of Fine Arts, dated Nov. 18, 2005 Letter to Neighbor Gary Heurich, Jan. 11, 2006 Letter to Neighbors Mr. and Mrs. Stephen Cooley, Jan. 11, 2006 Third-Party Plans Review Certification, dated Jan. 13, 2006 Building Permit, dated Jan. 20, 2006 Transmittal Letter from Historic Preservation Review Board, filing date Aug. 19, 2005 Bello, Bello & Associates, LLC - Electrical Review, Dated Nov. 26, 2005 Bello, Bello & Associates, LLC – Struc./Architectural Review, dated Dec. 17, 2005 Bello, Bello & Associates, LLC – Mech./Plumbing Review, dated Dec. 17, 2005

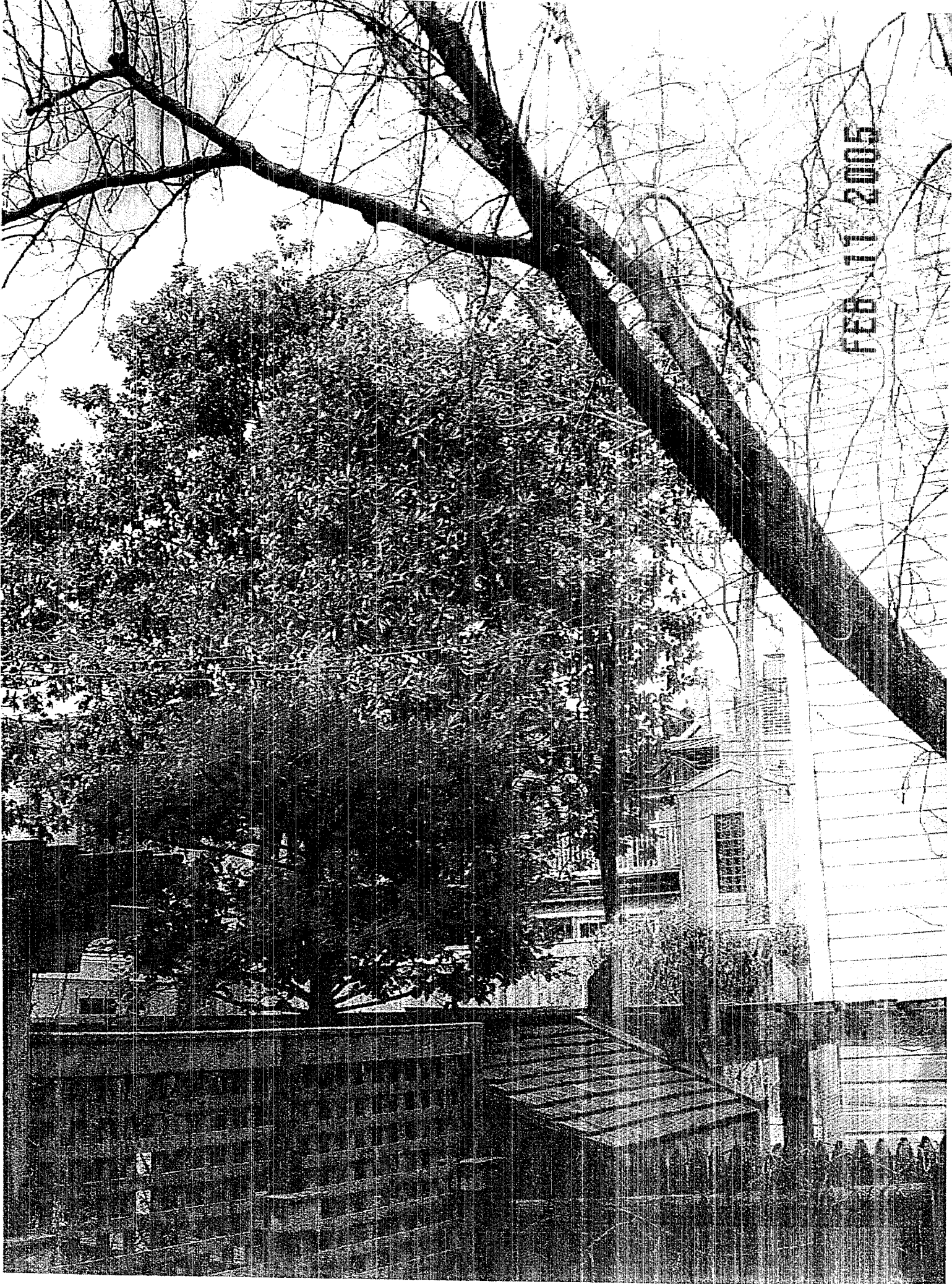
- 8 Plat for Building Permit, dated Feb. 1, 2005**
- 9 E-mails Between Bill Crews, Zoning Administrator, and
Appellant**
- To Bill Crews, dated March 7, 2006
 - To ANC 2E Chair, dated March 8, 2006
 - To Bill Crews, dated April 4, 2006
 - To Bill Crews, dated April 17, 2006
 - To and From Bill Crew, June 13, 2006
and June 14, 2006
- 10 Letter from Toyé Bello to ANC 2E Chair, regarding 35th
Street Property**
- 11 Transcript of BZA Hearing on 35th Street Property,
Nov. 8, 2005**

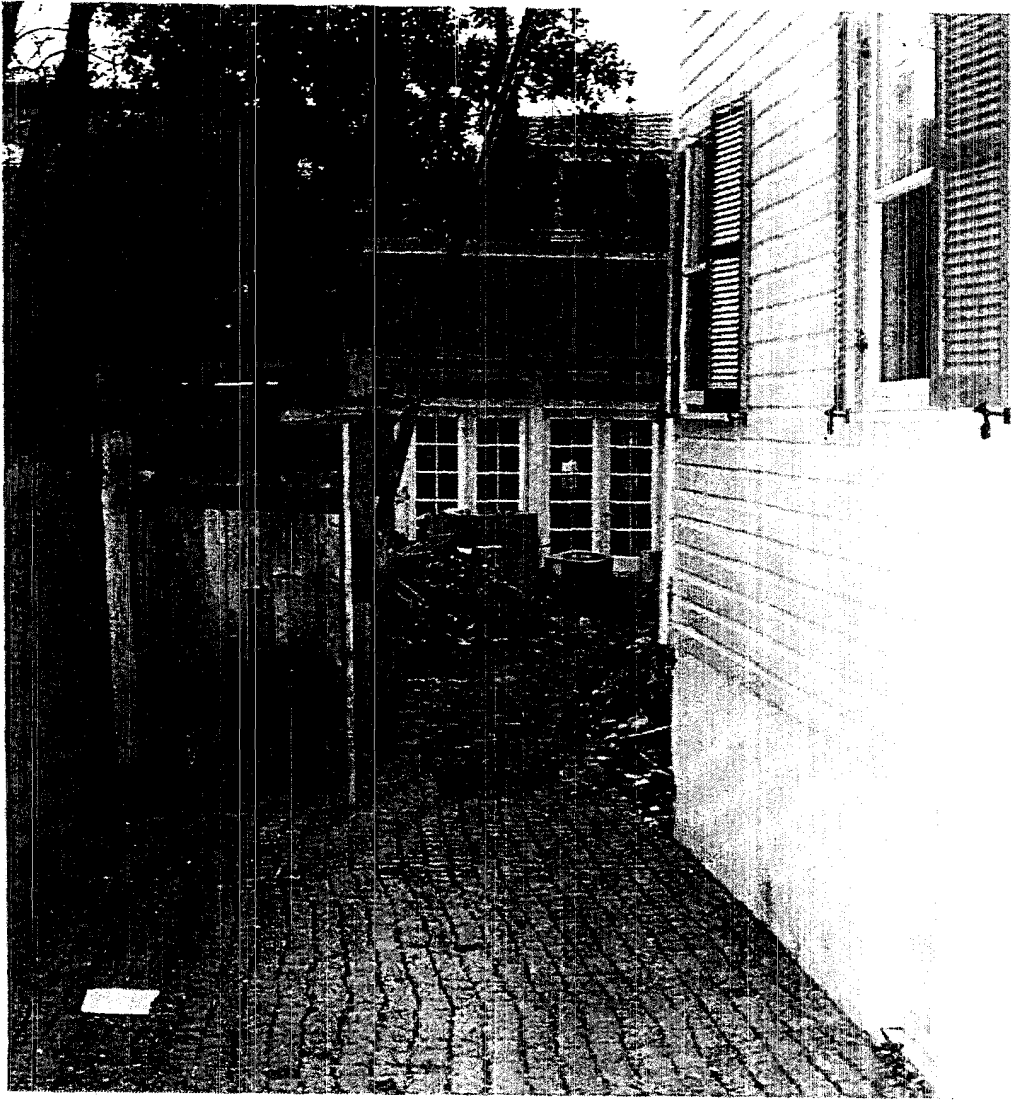






FEB 11 2005





Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

941 North Capitol Street N.E. Room 2100
Washington D.C. 20002

Tel:(202) 442-4470

Fax:(202) 442-4862

Building Permit

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

PERMIT NO. 88614

DATE: 1/20/2006

ADDRESS OF PROJECT: 1242 POTOMAC ST NW		SS L: SQ: 1219 WARD: 2 ZONE: R-3	LOT: 45
DESCRIPTION OF WORK: DEMO EXISTING PRIOR ADDITION AND REBUILD 2 STORY BASEMENT AND ADDITION AT REAR OF HOUSE. RENOVATE INTERIOR.			
PERMIT TYPE: ADDITION/ALTERATION/REPAIR	PLAN: Y	EXISTING USE: RESIDENTIAL ONE/TWO FAMILY	PROPOSED USE: Residential One/Two Family
PERMISSION IS HEREBY GRANTED TO OWNER: Harry and Anne Gutmarr		PERMIT FEE: \$1,200.00	
AGENT NAME: RUSSELL SEARS ASSOCIATES 202-265-0600			
CONDITIONS / RESTRICTIONS: CFA NOTE: APPROVED AS PER SUPPLEMENTAL DRAWINGS RECEIVED 26 OCTOBER 2005.			
TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639:			
DIRECTOR: Dr. Patrick Canavan, Psy. D.		PERMIT CLERK: 	EXPIRATION DATE: 1/20/2007

CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all the work authorized by this permit and to require any change in construction which may be necessary to insure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one (1) year of the date appearing on this permit or this permit is automatically void. If work is not started, any application for partial refund must be made within six months of the date appearing on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.
NOTIFY THE BUILDING INSPECTOR THE DAY THE WORK STARTS. PHONE: (202) 442-4641 941 NORTH CAPITOL ST NE
WASHINGTON DC 20002

A separate permit is required for all Plumbing, Refrigeration, Gas Fitting, and Electrical Work.

Store# 0001 D.C. GOVERNMENT
Reg# 3: 01/20/06 11:45 C1R# 04
Receipt# 233531 Amount \$3,200.85
ER22001215 BUILD STRUCTURE & EDUI

Department of Consumer and Regulatory Affairs

Remittance Source Document

Building and Land Regulation Administration
941 North Capitol Street N.E. Room 210
Washington D.C. 20002
Tel:(202) 442-4470

Report Date: 1/20/2006 10:17

Q-Matic #:: 000

Trn Date: 1/20/2006

PERMIT TYP ADDITION/ALTERATIO

PERMIT NO 88614

Owner: Harry and Anne Gu

DBA Address: 1242 POTOMAC ST NW

\$3,200.85

Total Amount Due: \$3,200.85

**PAYMENT MUST BE MADE IN FULL
REMITTANCE SOURCE DOCUMENT**

**1/20/2006 10:17
Harry and Anne Gu**

A/P #: 88614

DCRA

000125925000000005200

000125925000000005200

District of Columbia Government

1242 Potomac Street NW
Lot 45, Square 1219

Lot and Building Area Calculations

Lot 30.00 x 96.21 (avg) = 2,888 sf

Building 20.50 x 30.00 = 615.00 sf (accessory structure)

$$15.83 \times 19.00 = 300.77 \text{ sf}$$
$$30.00 \times 20.01 = \underline{600.30 \text{ sf}}$$

901.07 sf (principal structure)

$$4.00 \times 6.00 \text{ (est.)} = \underline{24.00 \text{ sf (shed)}}$$

Total Building Area 1,540.00 sf

Other 2.00 x 30.00 = 60.00 sf (non-conforming rear yard behind accessory structure)

Total Lot Coverage 1,600.00 sf

Lot Coverage Percentage = 1,600 sf / 2,888 sf = 55.4 %*

* Allowable Lot Coverage for Semi-detached Row House = 40.0%

Variance **15.4%**

NOTES

- General Contractor to perform all work in accordance with local and national building codes.
- General Contractor to familiarize himself with existing conditions, and to contact the Architect with any discrepancies and await directive prior to performing work.
- General Contractor to require subcontractors/installers to inspect areas to receive work and conditions under which work is to be performed.
- Subcontractor to report any unsatisfactory conditions to Contractor.
- General Contractor to be responsible for supervision, coordination, and scheduling of work of each subcontractor/installer. Protect to proceed in a timely, workmanlike manner.
- General Contractor to maintain site free from accumulation of trash and building materials waste.
- General Contractor to patch and repair any damaged existing finishes to original conditions.
- General Contractor to obtain all necessary wall checks and inspections.
- All materials, equipment, and finishes to be installed as per manufacturers' specifications.
- General Contractor to coordinate all bathroom fixtures/fixtures specifications and dimensions with countertops and cabinetry.
- All partitions to receive one coat of primer and two coats of flat latex paint. Ceilings to receive one coat of primer and two coats of interior flat paint. Paint to receive one coat of primer and two coats of latex semi-gloss. Colors to be selected by architect.
- General Contractor to include all required connections to match/elect/plumb fixtures, including power, water, drains, valves, etc., as to provide for complete functional installation.
- General Contractor to relocate existing pipes, conduits, ducts, drains, etc. so as to not conflict with the design intent, finish, etc.
- General Contractor to coordinate with utility companies all work included in the contract documents and procure any required permits prior to commencing work.
- General Contractor to review with designer location and elevation of all decorative light fixtures prior to installation.
- All tile work to be installed as per The Tile Council of America's specifications.
- All vinylwork to be as per the American Woodwork Institute's specifications.
- Electrical outlets to be 12" o.c. max.
- All electrical outlet cover plates to be metal, white. Gullies to be white.
- Any substitutions to be submitted to and approved by architect.
- General Contractor to verify capacity of existing electrical panel upgrade if necessary.
- All partitions to be 1/2" gwb on side of 2 x 4 wood stud @ 24" o.c. unless noted otherwise.
- New roof to be copper standing seam, 20" o.c.
- New windows to be Marvin Wood Ultimate double hungs. Screens to be white. Hardware to be white.
- Exterior French doors to be Marvin Wood Inswing.
- All door hardware to be selected.
- All toilet fixtures and toilets to be selected.
- Roll of exterior steel and balcony to be forged steel by King Architectural Metals, as follows:
 Polished 13-4022-000 5/8" square bar
 Steel 12-80-AR
 Roll 13-47028-000 1" square bar
 End Roll 13-47022-000 1 1/2" x 1/2" square bar
 Round Roll 93-603

STRUCTURAL NOTES

- Design LL: Roof: 30 psf
Floor: 40 psf
Wind: 15 psf (90 mph)
Design DR: Roof Assembly: 10 psf
Roof Rafter Assembly: 10 psf
Roof Truss Assembly: 15 psf
Steel Wall Assembly: 10 psf
- Soil Design Value Required: 2000 psf for footings founded on undisturbed soil. Design soil bearing shall be field verified.
- Foundation: Bottoms of all footings shall extend a minimum one foot into undisturbed soil, and where subject to frost action, at least thirty inches below finish grade. Footing elevations shall be as required to suit soil conditions. All foundations shall be approved by building inspector and/or civil engineer prior to pouring concrete.
- Concrete: All concrete construction shall conform to ACC Code 315-83 and 3000 psi concrete, latest edition. All concrete exposed to weather shall be air-entrained with 6% air. Provide 8 x 8 w/4 x 4 welded wire fabric reinforcing at all concrete. All concrete shall be poured weight.
- Concrete Reinforcement: Reinforcing bars and mesh shall have a minimum concrete cover as follows: Concrete poured against earth: 3". Formed concrete exposed to weather or in contact with earth: 2" for bars larger than 3/8", 1 1/2" for 3/8" and smaller. Bars on ground to have reinforcing at mid-depth unless noted otherwise.
- Reinforcing Steel: All reinforcing steel shall conform to ASTM-A615, Grade 60, welded wire mesh to conform to ASTM-A185. Fabricate and provide standard supporting accessories in accordance with ACI Manual of Standard Practices for Detailing Reinforced Concrete Structures ACI 315-80 and CRSI standards. Provide placing accessories in accordance with ACI recommendations.
- Slab on Grade: Slab where otherwise noted shall be 4" thick concrete reinforced with 8 x 8 w/4 x 4 welded wire fabric. Lap mesh 6" in each direction. Piercing, up, etc. shall conform to WPI standards. For all exterior slabs on grade, at least one coat of 6% air-entrained cement or 6% of equivalent air-entraining agent shall be used. Provide control joints at 20' o.c. each way in all exterior slabs on grade. Four of interior slabs on grade in exterior panels with joints as shown on plan. Provide 15" centerline expansion joints filled with compressive material where slabs contact vertical surfaces. Interior slabs shall be laid on a layer of 6 mil polyethylene over a 4" layer of washed gravel, unless noted otherwise. Fill under slab on grade shall be in 8" layers and each layer shall be compacted to 98% maximum density. See soils report for compaction fill requirement. Provide insulation under perimeter of slab on grade with 2" rigid insulation board, extend to minimum 24" from inside face of foundation wall.
- Backfill: Foundation wall must have reached their design strength and must be braced during backfilling. Where backfill is required on both sides, backfill both sides simultaneously, all backfill shall be clean granular material. See wall section for drainage and waterproofing methods.
- Structural Steel: Structural steel shall conform to the requirements of the 8th edition of the AISC Manual of Steel Construction. Steel shall conform to ASTM A36. Unless noted, all shop connections are to be welded and all field connections to be made with A325 high strength bolts. Welding shall be in accordance with the American Welding Society Code and be performed by welders qualified in accordance with the AWS procedures for welder qualifications. Submit shop drawings for approval prior to fabrication.
- Wood Framing: All wood construction shall conform to the requirements and specifications of American Institute of Timber Construction (AITC) Construction Manual, latest edition.
 All framing lumber shall be 2 x 10, 2 x 12, 10% (including top plates, headers, joists, studs, rafters, and posts) or equal. All lumber in contact with concrete shall be moisture-treated preservative treated. The relevant treated lumber is unacceptable. Framing lumber shall be 6 x 1200 psi minimum. Cuts or holes bored through studs shall not exceed 1/3 its width. It shall be reinforced to be equal in load carrying capacity to a stud with cut or holes not exceeding 1/3 its width. Evaluation of stud repairs will be done on individual basis based on the field load carrying capacity of the affected stud. Top plate repairs must be staggered at minimum 4' o.c. and occur over studs. Where cutting of top plate more than 1/3 its width is necessary, a metal tie not less than 3/8" x 24" thickness and 1/4" width shall be fastened to the plate across and to each side of the opening with not less than four 1/4" bolts. All plywood used structurally shall meet the performance standards for the type, grade and species of plywood, and shall be identified by an approved testing agency. Sheathing fastening method to conform with BOCA Code.
 All wood framing in contact with concrete or masonry and at exterior areas shall be pressure treated.
 Conventional floor joists shall have biddings at a minimum of 8" o.c. Cut and notch holes size and location shall conform with the recommendation of building inspector.
 Prefabricated floor joists (solid web) shall have biddings at a minimum of 8" o.c. Cut and notch are not permitted unless substantiated by manufacturer's recommendation. Installation, loading, and web reinforcement shall conform with the County-approved shop drawing.
 Prefabricated floor joists (open web) shall have biddings at a minimum of 8" o.c. Cut and notch are not permitted unless substantiated by manufacturer's recommendation. Installation, loading, and web reinforcement shall conform with the County-approved shop drawing. On site storage of all prefabricated wood trusses shall be on level grade, protected from moisture, and shall conform with the manufacturer's recommendation.
 Submit three copies of shop drawings for approval prior to fabrication and erection of prefabricated trusses. Prefabricated trusses shall be centered over stud whenever respective spacing coincides and metal strap anchor to be used at each interval. No cuts or holes permitted in any part of truss, unless otherwise indicated and approved by truss designer. On site storage of all prefabricated wood trusses shall be on level grade, protected from moisture, and shall conform with the manufacturer's recommendation.
 Submit three copies of shop drawings for approval prior to fabrication and erection of prefabricated trusses. Prefabricated trusses shall be centered over stud whenever respective spacing coincides and metal strap anchor to be used at each interval. No cuts or holes permitted in any part of truss, unless otherwise indicated and approved by truss designer. On site storage of all prefabricated wood trusses shall be on level grade, protected from moisture, and shall conform with the manufacturer's recommendation.
- Wind Bracing: Exterior sheathing to be 5/8" plywood at every 24" o.c. minimum of wall length, 48" width minimum, and at each corner, to 48" width minimum from corner. Fasteners on 1/2" to 1 1/2" 10-24 smooth shank 8 D threaded nails at 8" o.c. along the edges and at 12" o.c. intermediate.
- Basement Walls: Design lateral earth pressure (equivalent fluid pressure) is 45 psf.
- Lintel: At wood wall, use 2 x 12 for up to 4'-0" opening, 2 x 12 LVL for 4'-0" opening. Provide minimum 2 studs each end with minimum 2" bearing.

Applicable Code: International Residential Code 2003.

REMOVE EXIST. PRIME ADDITION

3) GROUND FLOOR PLAN - DEMOLITION
SCALE: 1/4" = 1'-0"

REMOVE EXIST. PRIME ADDITION

2) FIRST FLOOR PLAN - DEMOLITION
SCALE: 1/4" = 1'-0"

REMOVE/REPLACE EXIST. WINDOWS

Dello, Bello & Associates, LLC
Residential Architectural Firm

1000 2nd St. NW
Washington, D.C. 20001

THIRD PARTY PLAN REVIEW CERTIFICATION

These plans and respective applications have been reviewed for compliance with the 2003 DC Construction Code and for the best of our knowledge and belief, the plans comply with the applicable provisions of the code. Consequently, the reviewer of the application for the following description as recommended for approval.

Professional in Charge

Date: 1-12-06

- ☒ Mechanical
- ☒ Plumbing
- ☒ Electrical
- ☒ Fire Protection
- ☒ Structural / Architectural
- ☐ Elevators



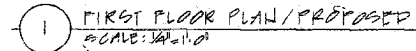
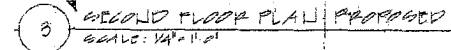
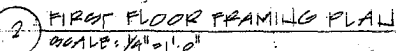
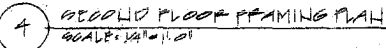
1) BASEMENT PLAN - DEMOLITION
SCALE: 1/4" = 1'-0"

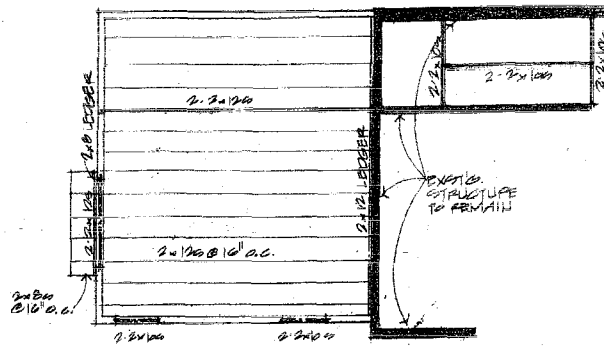
REMOVE EXIST. WINDOW

RUSSELL SEARS AND ASSOCIATES
ARCHITECTURE • INTERIORS • PLANNING
2627 CONNECTICUT AVENUE, NW, WASHINGTON, DC 20008

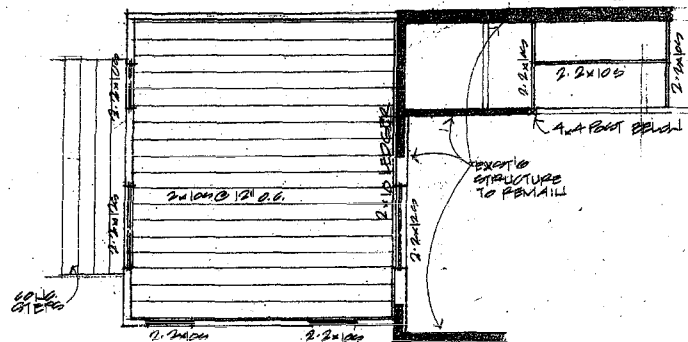
Date: 1/12/06
Issue: 001/CONCEPT
1/12/06 002/PERMIT (1/12/06)

GUTMAN RESIDEN
1242 Potomac Street NW WDC

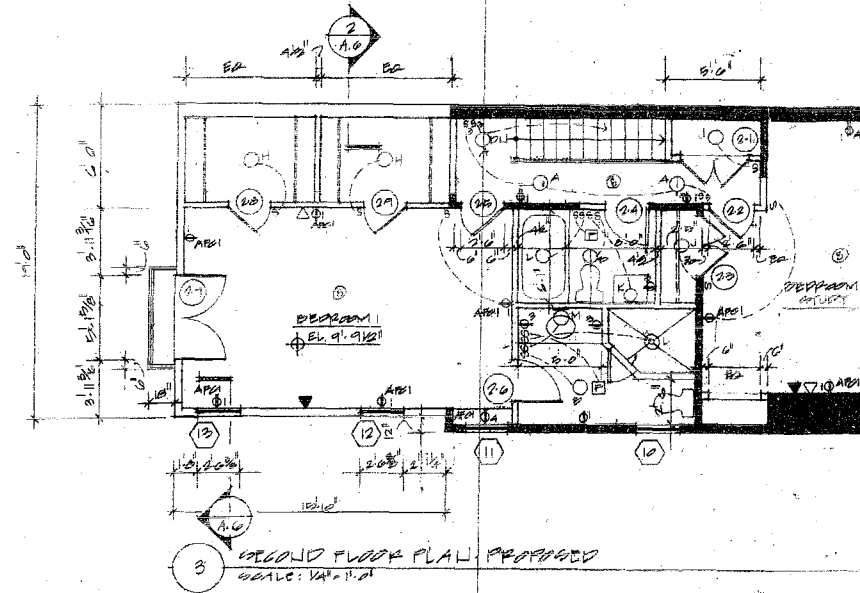




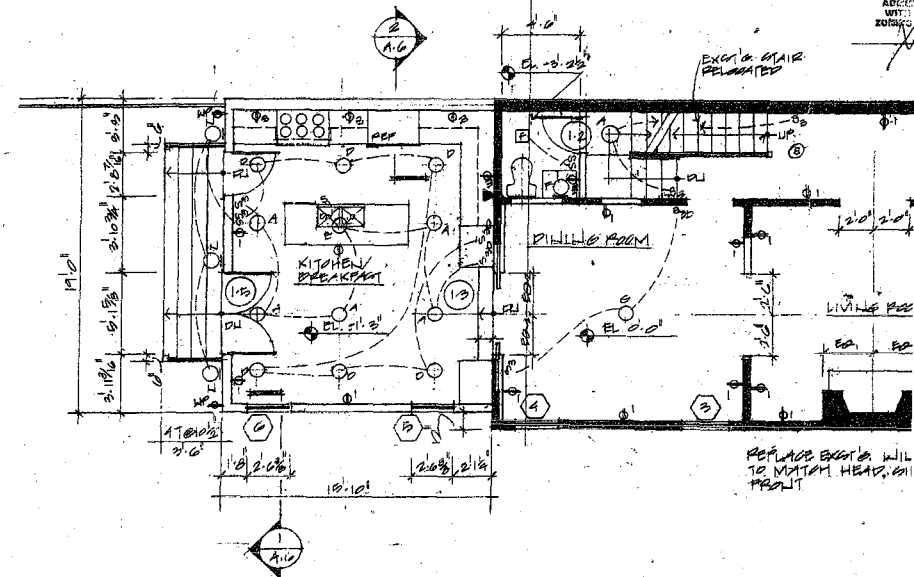
4 SECOND FLOOR FRAMING PLAN
SCALE: 1/4" = 1'-0"



2 FIRST FLOOR FRAMING PLAN
SCALE: 1/4" = 1'-0"



3 SECOND FLOOR PLAN PROPOSED
SCALE: 1/4" = 1'-0"



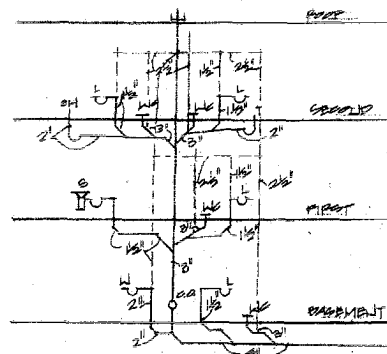
1 FIRST FLOOR PLAN / PROPOSED
SCALE: 1/4" = 1'-0"



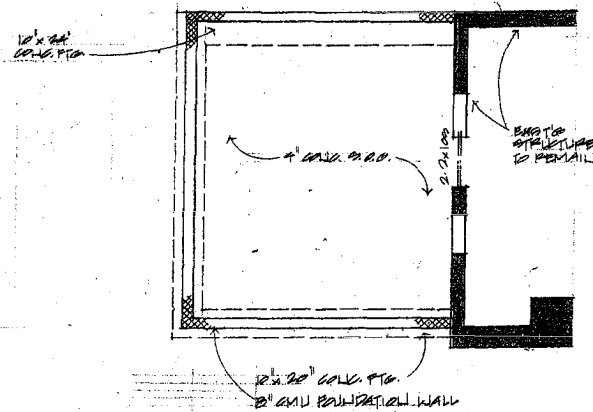
RUSSELL SEARS AND ASSOCIATES
ARCHITECTURE • INTERIORS •
2627 CONNECTICUT AVENUE, NW. WASHINGTON, DC 20008

Date	Issue
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07/01/00	002/002
07/01/00	003/003
07/01/00	004/004
07/01/00	005/005
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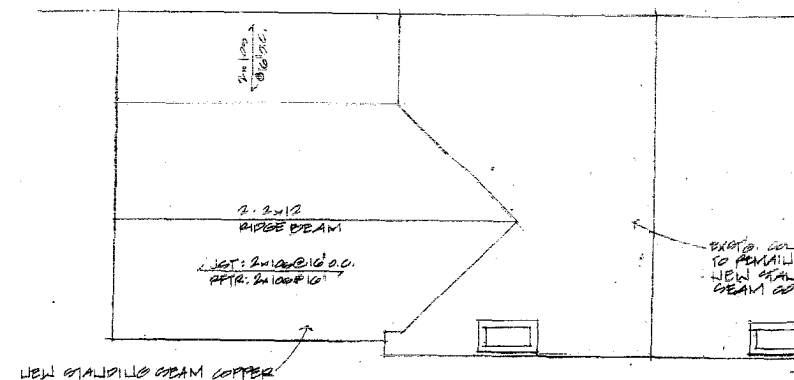
GUTMAN RESIDENCE
1242 Potomac Street NW WDC



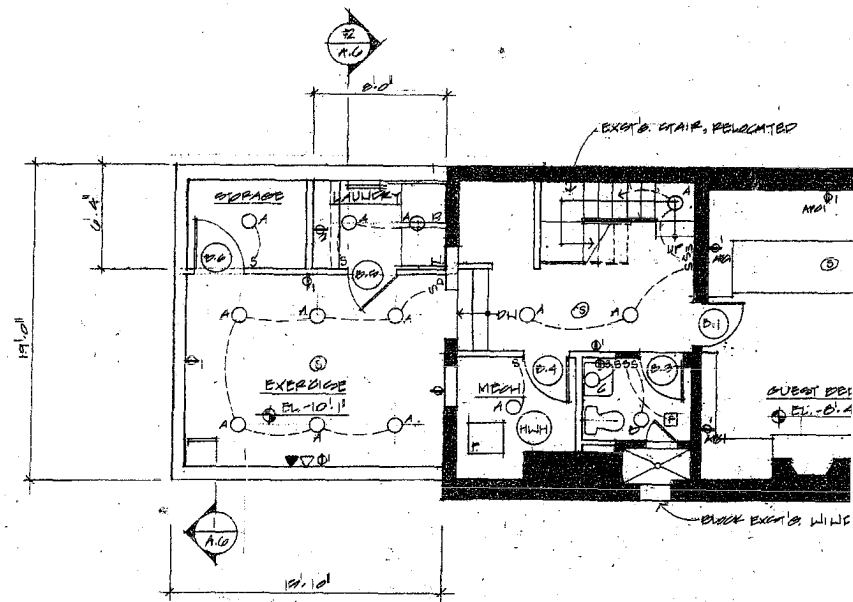
4 PLUMBING FLOOR DIAGRAM
U.T.G.



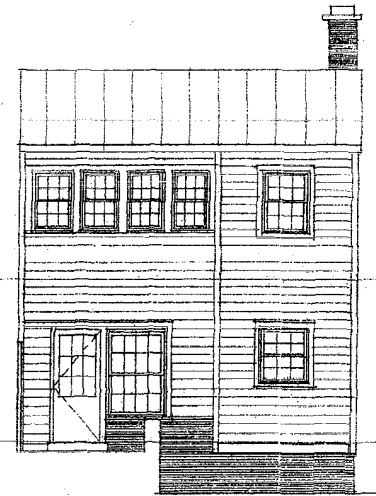
2 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



3 ROOF PLAN
SCALE: 1/4" = 1'-0"



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



3 WEST ELEVATION (EXIST'G)
SCALE: 1/4" = 1'-0"

EXIST'G ROOF TO BE
REPLACED IN-KIND

ROOFING WILL BE UP TO
PERMITS

EXIST'G WOOD SHED
TO REMAIN

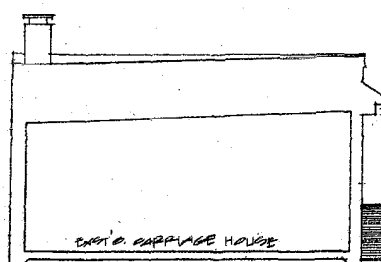
EXIST'G RETAINING WALL
STAIRS SHALL TO BE
REPAIRED/REPLACED
IN-KIND

EXIST'G PATH TO

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

POOR ADDITION
TO BE REMOVED

ORIGINAL STRUCTURE
TO REMAIN

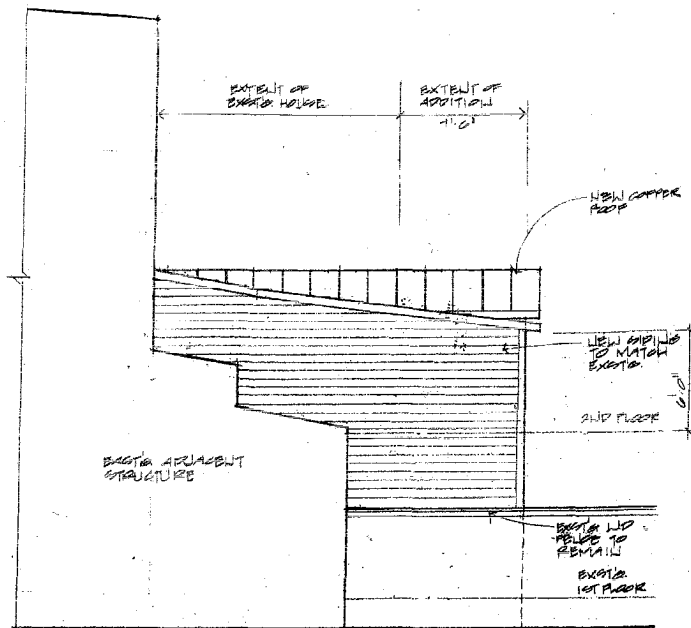


1 SOUTH ELEVATION (EXIST'G)
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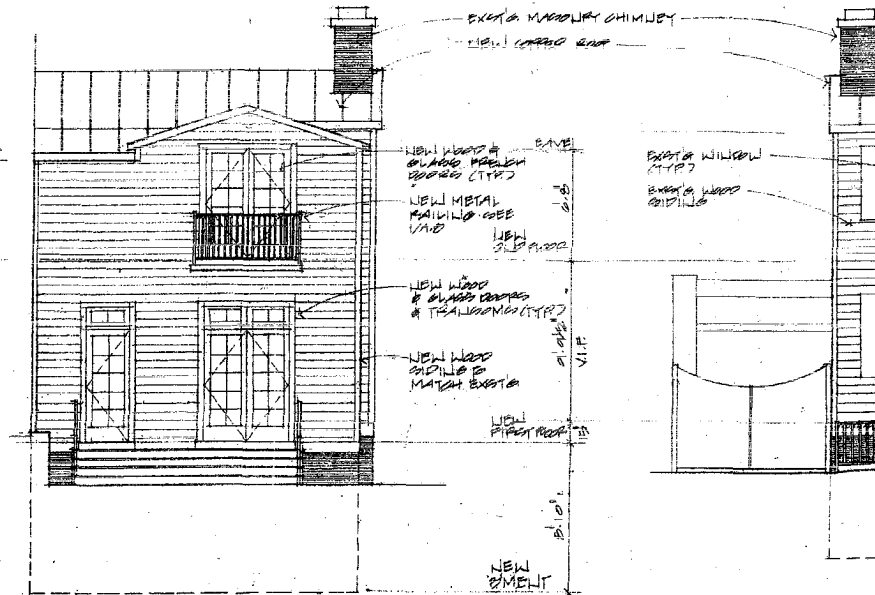
EXIST'G WOOD FENCE

EXIST'G MASONRY
RETAINING WALL

EXIST'G GARAGE HOUSE

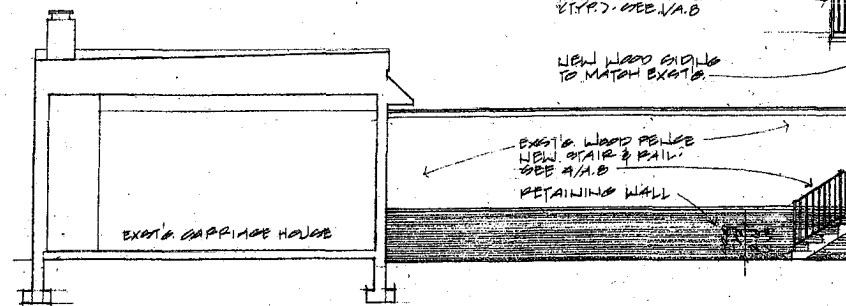


4 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

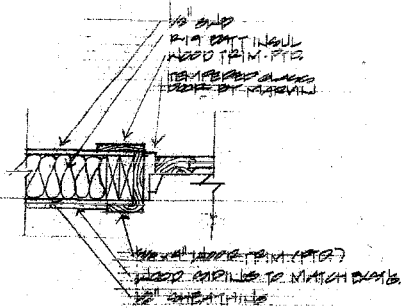


3 WEST ELEVATION
SCALE: 1/4" = 1'-0"

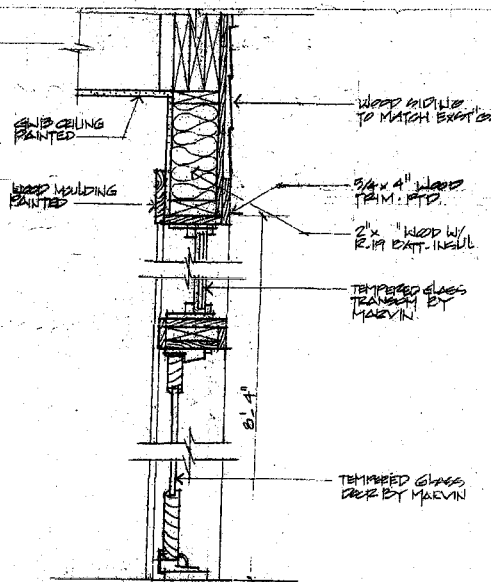
2 EAST ELEVATION
SCALE: 1/4" = 1'-0"



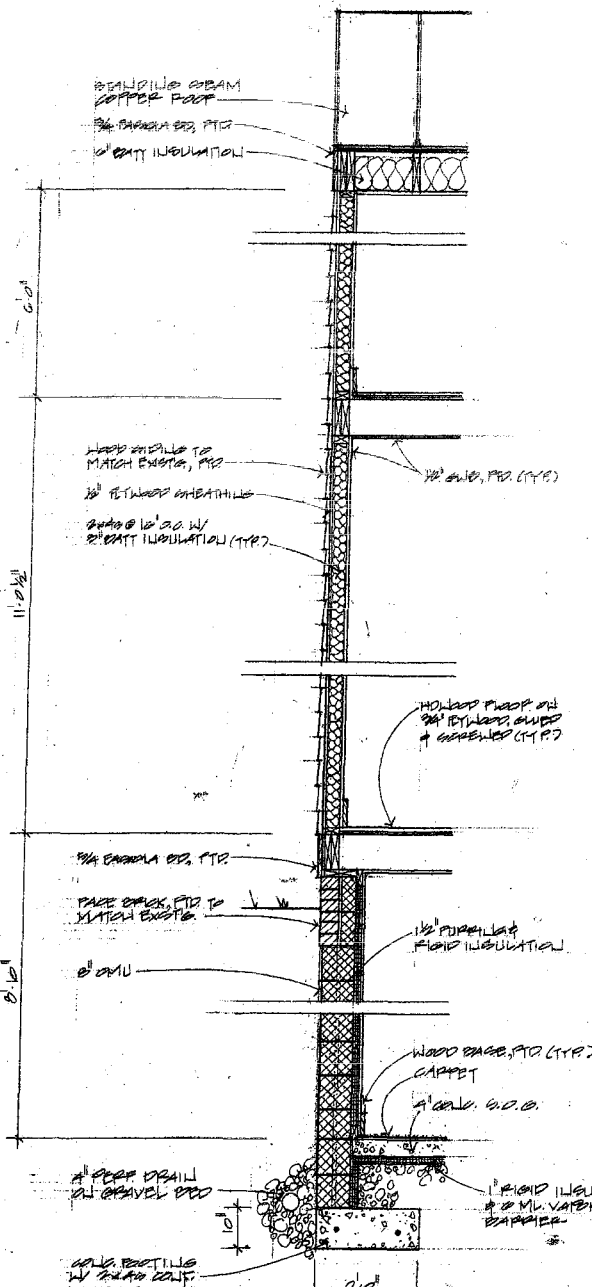
1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



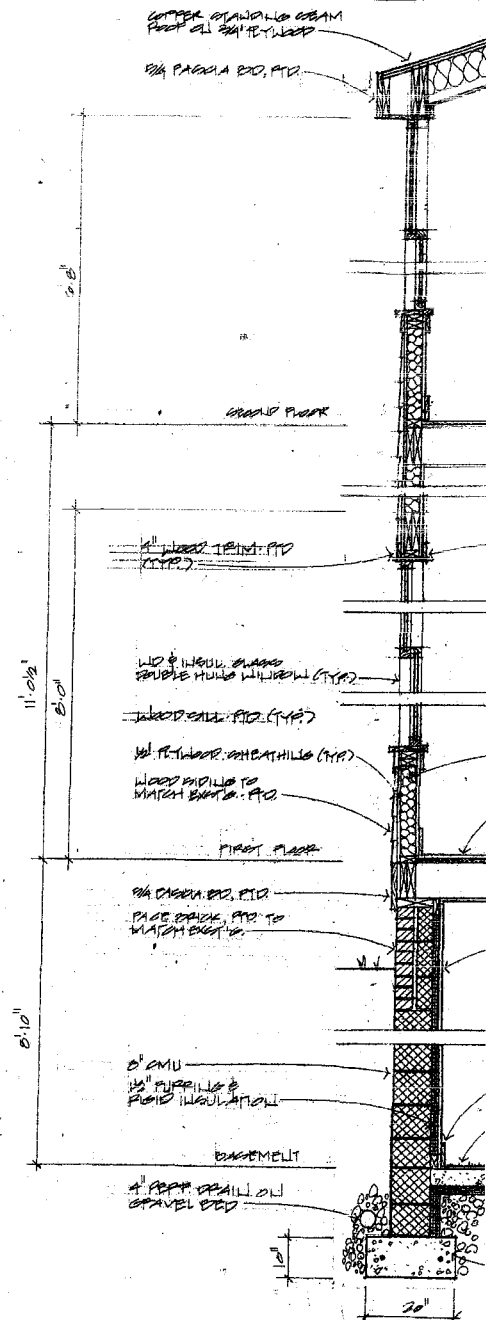
4 DOOR JAMB
SCALE: 1/2" = 1'-0"



3 DOOR HEAD/TRANSOM
DETAILS
SCALE: 1/2" = 1'-0"



2 WALL SECTION
SCALE: 3/4" = 1'-0"



1 WALL SECTION
SCALE: 3/4" = 1'-0"

[illegible]

Feature No.	Type and location	No. of Fuel	Manufacturer Model No.	Remarks
A	Repacked (Independent)			
B	Washed screen (Independent)			
C	Wash screen (Independent)			
D	Repacked wash screen (Independent)			
E	Perforated (Independent)			
F	Wash screen (Independent)			
G	Perforated (Independent)			
H	Grinding (Independent)			
I	Grinding (Independent)			
J	Wash screen (Independent)			
K	Shower (Independent)			
M	Wash screen (Independent)			

[illegible]

No.	Location	Size	Type	Remarks	Notes
B-1	Guest bedroom	2'-6" x 6'-6"	B		
B-2	Bedroom (front)	existing to remain	A		
B-3	Trailer room	2'-6" x 6'-6"	A		
B-4	Mechanical	2'-6" x 6'-6"	B		
B-5	Lounge	2'-6" x 2'-6"	B		
B-6	Storage	2'-6" x 6'-6"	B		
1-1	Catalogue room				existing to remain, reusing obsolete moving
1-2	Printer room	2'-6" x 6'-6"	A		
1-3	Dining room/kitchen	Dbl. 2'-6" x 6'-6"	F	French pocket	
1-4	Bedroom (rear)	2'-6" x 6'-6"	F	French, 10 life	With topsoil
1-5	Bedroom (rear)	Dbl. 2'-6" x 6'-6"	D	French, 10 life	With topsoil
2-1	Open stair	Dbl. 2'-6" x 6'-6"	F		
2-2	Bedroom 2	Dbl. 2'-6" x 6'-6"	F		Enclosed
2-3	Bedroom 2 closet	Dbl. 2'-6" x 6'-6"	F		
2-4	Hall bedroom		A		Enclosed
2-5	Bedroom 1		F		Enclosed
2-6	Master Bath	2'-6" x 6'-6"	D		
2-7	Bedroom rear	Dbl. 2'-6" x 6'-6"	F	French, 10 light	With topsoil
2-8	Bedroom 1 closet	2'-6" x 6'-6"	B		
2-9	Bedroom 1 closet	2'-6" x 6'-6"	B		

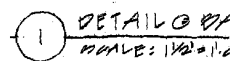
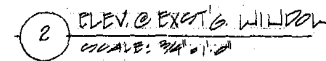
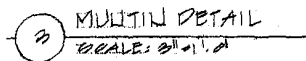
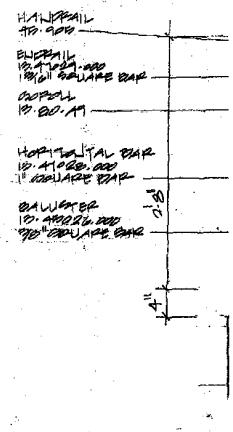
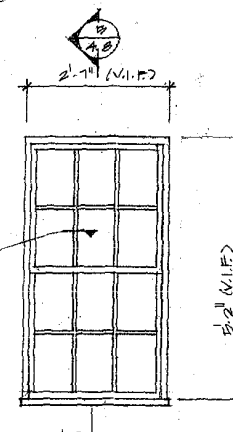
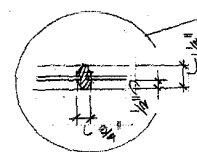
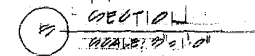
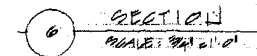
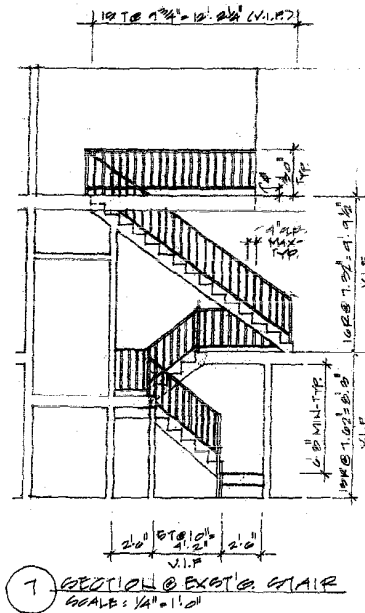
A.	3 ea. hinges silencers door stops as required privacy lock lever handles both sides	E	3 ea. hinges silencers door stops as required entrance/exit/panic lock lever handles
B.	3 ea. hinges silencers door stops as required passage set lever handles both sides	F	3 ea. hinges silencers door stops as required lever handles ball catches
C.	thumb pull, both sides edge pull at jambs		
D.	3 ea. hinges silencers door stops as required entrance/exit/panic lock with thumbturn lever handles both sides one door/ two lever handles both sides other door throw bolts top and bottom		

WINDOW SCHEDULE			
No.	Type	Model No.	Remarks / Manufacturer's Des. No.
1	Double hung, wood-pd.	n/a	Exterior to remain
2	Double hung, wood-pd.	n/a	Exterior to remain
3	Double hung, wood-pd.	Custom, to match existing lintel	Double hung, wood-pd. to match existing lintel floor level windows.
4	Double hung, wood-pd.	Custom, to match existing lintel	Double hung, wood-pd. to match existing lintel floor level windows.
5	Double hung, wood-pd.	Marvin Wood Ultimec WUD1 2430	Double hung, flat coating, insulating glass, simulated divided light, 7/8" muntins with internal sash bars.
6	Double hung, wood-pd.	Marvin Wood Ultimec WUD1 2430	Double hung, flat coating, insulating glass, simulated divided light, 7/8" muntins with internal sash bars.
7	Double hung, wood-pd.	n/a	Exterior to remain
8	Double hung, wood-pd.	n/a	Exterior to remain
9	Double hung, wood-pd.	n/a	Exterior to remain
10	Double hung, wood-pd.	n/a	Exterior to remain
11	Double hung, wood-pd.	n/a	Exterior to remain
12	Double hung, wood-pd.	Marvin Wood Ultimec WUD1 2422	Double hung, flat coating, insulating glass, simulated divided light, 7/8" muntins with internal sash bars.
13	Double hung, wood-pd.	Marvin Wood Ultimec WUD1 2422	Double hung, flat coating, insulating glass, simulated divided light, 7/8" muntins with internal sash bars.



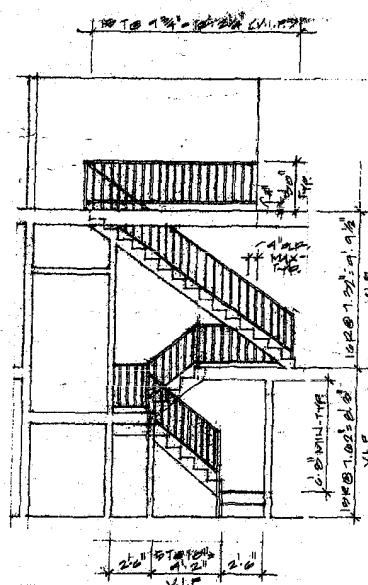
#	Date	Issue
	10/12/00	REP/PERMIT (10/20)

GUTMAN RESIDE
1242 Potomac Street NW WD

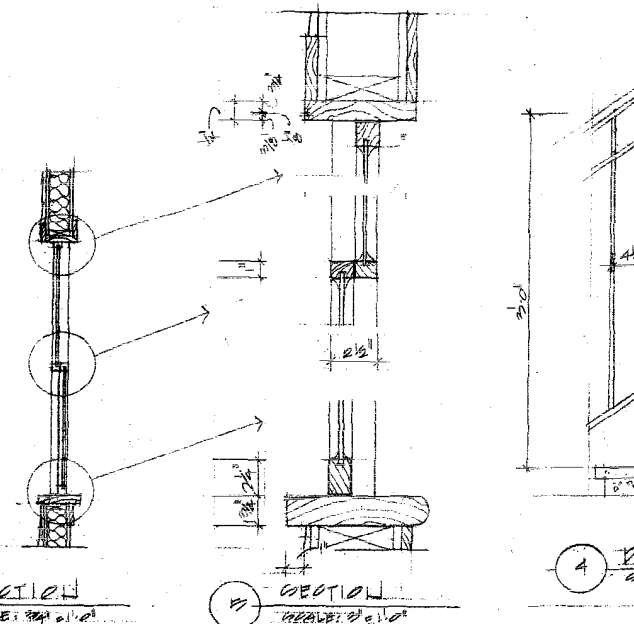
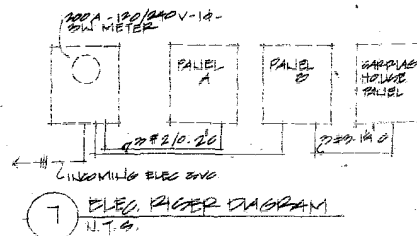


Form 1 (R2) Jan 1989 VI									
No.	Item	Qty	Unit	Value	Rate	Qty	Unit	Value	Rate
1	Cambridge Novel Subzone	100	2	200				10000	
2								10000	
3	Steam Engine	20	2	240				10000	
4	Hot Rec. Addition Item	12	1	180				10000	
5	Hot Rec. Addition Item	20	1	120				10000	
6	Second Hot Addition Item	10	1	100				10000	
7	Second Hot Addition Item	10	1	100				10000	
8	Second Hot Addition Item	10	1	100				10000	
9	Second Hot Addition Item	10	1	100				10000	
10	Second Hot Addition Item	10	1	100				10000	
11	Second Hot Addition Item	10	1	100				10000	
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50	Second Hot Addition Item	10	1	100				10000	

Note: Corrugated house panel is added to sample

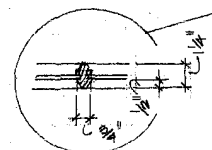


8. ~~RECEIVED~~ ~~EXH. C. G. A. R.~~
GOALS: 1/10, 1/10

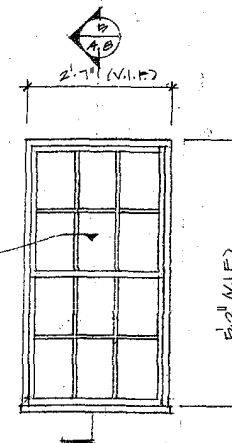


SECTION

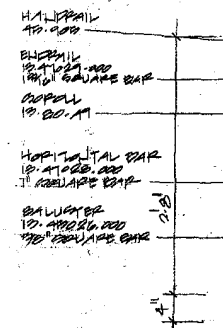
SECTION



MULTIN DETAIL



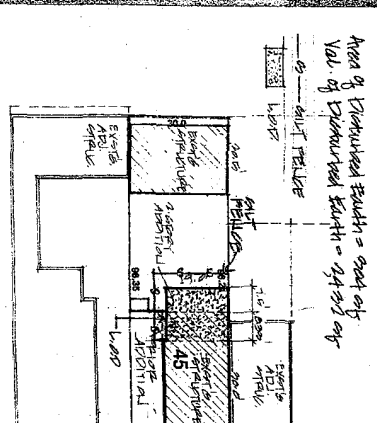
FILEV. @ EXST'S. WINDOW



DETAILS

NO. OF EXPOSURES	NO. OF EXPOSURES	NO. OF EXPOSURES
1	1	1

U. I. EXPOSURE OF EXPOSURE	EXPOSURE OF EXPOSURE	EXPOSURE OF EXPOSURE
1	1	1



SITE PLAN
 SCALE: 1"=20'

**DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR**

Washington, D.C., February 10, 2005

Plat for Building Permit of SQUARE 1219 LOT 45

Scale: 1 Inch = 20 feet

Recorded in Book 198 Page 16

Receipt No. 17270

Furnished to: AMY SANDERSON

[Signature]
Surveyor, D.C.

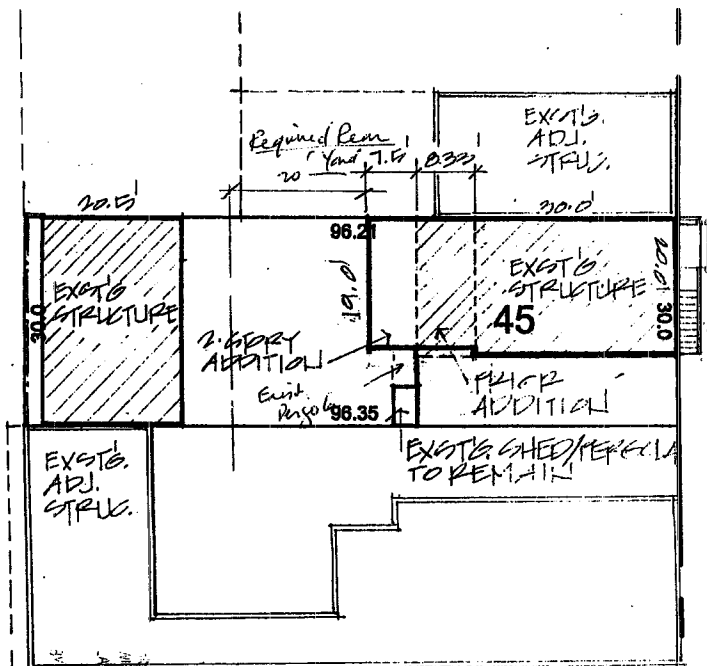
By: L.E.S. *[Signature]*

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

Date: 10/12/05

[Signature]
(Signature of owner or his authorized agent)

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



POTOMAC STREET, N.W.

APPROVED
Commission of [unclear]

DCRA / OFFICE OF THE SURVEYOR
ADMINISTRATIVE
WITH [unclear]

[Signature] 12/23/05

OCT 14 2005

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., February 10, 2005

Plat for Building Permit of SQUARE 1219 LOT 45

Scale: 1 inch = 20 feet

Recorded in Book 198 Page 16

Receipt No. 17270

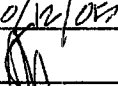
Furnished to: AMY SANDERSON

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

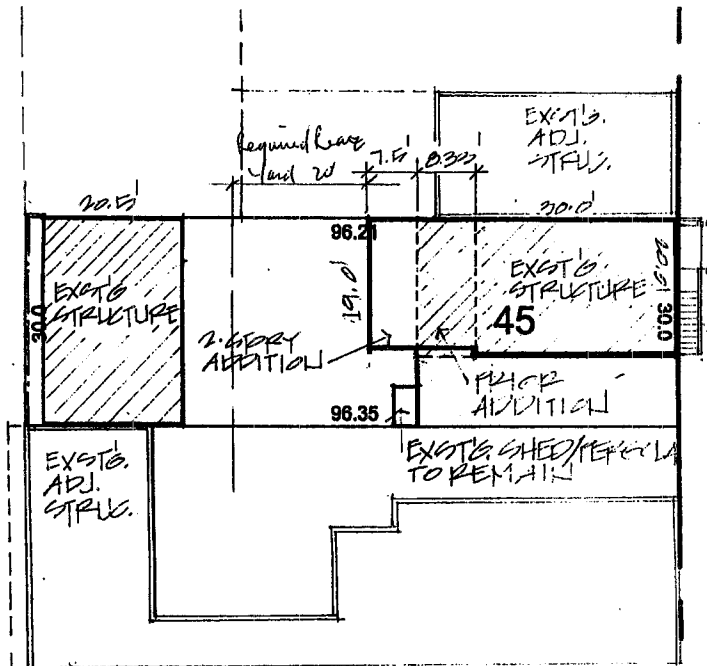

Surveyor, D.C.

Date: 10/12/05

By: L.E.S. 


(Signature of owner or his authorized agent)

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



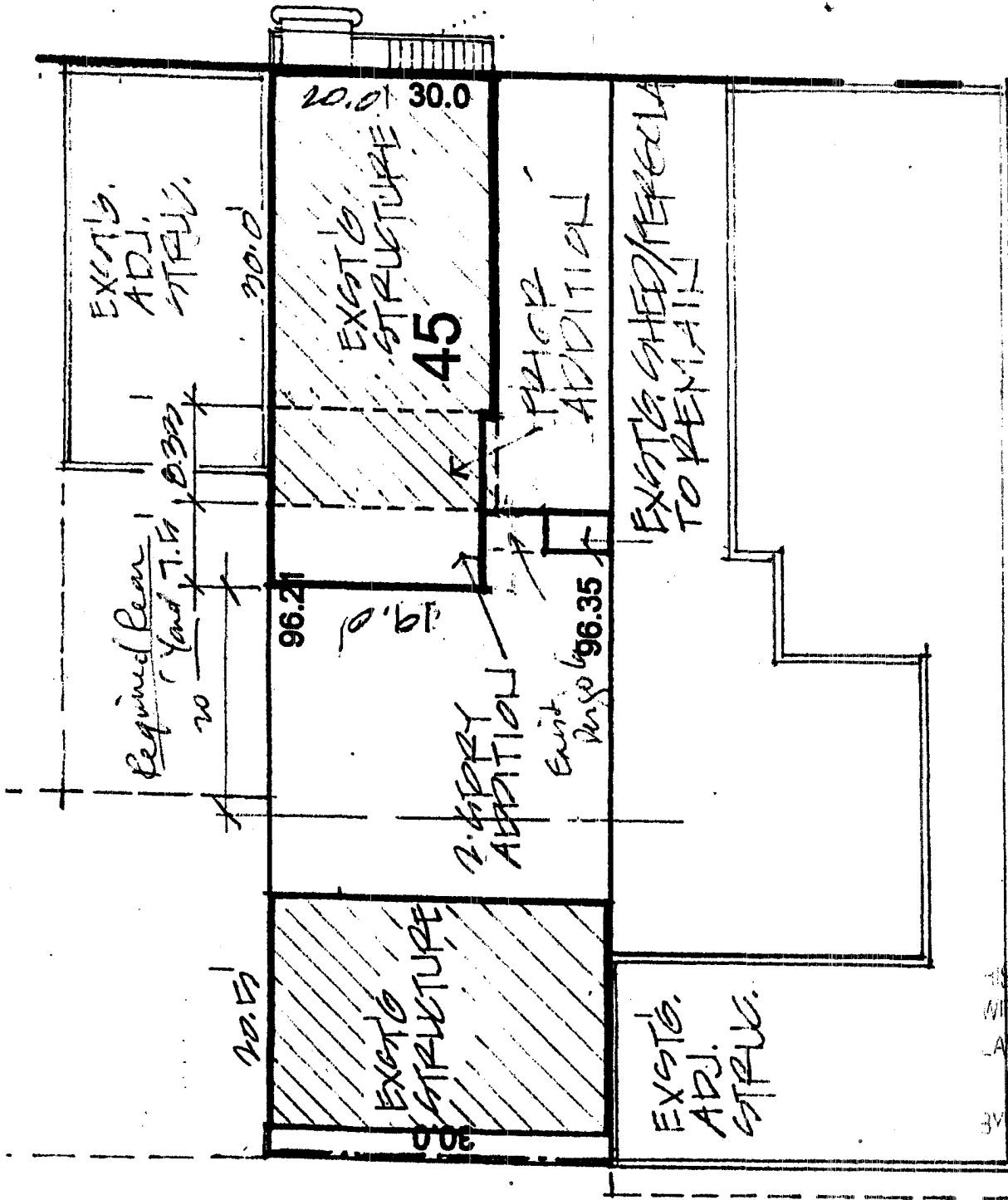
POTOMAC STREET, N.W.

DCRA / OFFICE OF THE ZONING
ADMINISTRATOR
WIT

 12/23/05
MAIL ROOM

APPRO
Commission of
OCT 17 2005
COMMISSIONER

POTOMAC STREET, N.W.



DCRA / OFFICE OF THE ZONING ADMINISTRATOR WITH

DCRA
364-HISTORIC PRESERVATION CLEARANCE
WITH MAYOR'S AGENT APPROVAL
LAW 2-144

BY HPD:

SIGNATURE/DATE

APPE

12/14/21 12/14/21

11/11/21

H.P.A. No: 06-008	S.L. No:	Ward No:	Receipt No:	Date: 10/11/05	By: 0006-007
-----------------------------	----------	----------	-------------	--------------------------	------------------------

★★★ GOVERNMENT
OF THE DISTRICT
OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER
Tel 202-442-4589 Fax 202-442-4862

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY
(PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

BLRA-33
(Rev. 2/04)

CLEARANCE TO FILE
By _____ Date _____

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION **#000**

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1 Address of Proposed Work: 1242 Potomac Ct. NW		Suite No.	2 Lot 400	3 Square 1249	4 Application Date 11/11/05
5 Owner of Building or Property Harry & Anne Gutman		6 Address (include Zip Code) 1242 Potomac Ct NW		7 Phone 202 267 0600	
8 Agent for Owner: (if applicable) Rudolph G. G. & Anne		9 Address (include Zip Code) 1242 Potomac Ave NW		10 Phone 202 267 0600	
11. Type of Proposed Work (check all applicable boxes)					
☐ New Building ☒ Addition 1 ☒ Alteration and Repair 1 ☐ Raze Building 1 ☐ Retaining Wall ☐ Fence ☐ Shed ☐ Awning ☐ Garage ☐ Sign ☐ Projection ☐ Other (Specify) _____					
12. Description of Proposed Work Demo existing prior addition & rebuild 2. story addition at rear of house. Renovate interior.					
13 Existing Use(s) of Building or Property single family residential		14 Ex. No of Stories of Bldg 2+0	15 Ex No of Dwelling Units 1	Official Use Only Miscellaneous FEE \$ _____	
16 Proposed Use(s) of Building or Property single family residential		17 Prop No of Stories of Bldg 2+0	18 Prop. No of Dwelling Units 1	By: _____	Date: _____
19 Starting Date 10/1/05	20 Completion Date of work 4/1/06	21 Method of Removing Construction Debris ☒ Pick-up Truck ☐ Dumpster ☐ Other (specify) _____		22 Does the proposed work involve disturbing the earth or razing a building? ☒ Yes, answer q. 23 ☐ No, SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft? ☒ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25	24. Soil Erosion Control Methods see drawings	25. Area of Offsite Drainage 0 sq. ft	26. No of Footings or Columns see drawings	27 Size of Footings or Columns	

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION D)

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
Complete Section C if the proposed work is razing a building. (Page 2)
Complete Section D if the proposed work is a retaining wall. (Page 2)
Complete Section E if the proposed work is a fence. (Page 3)
Complete Section F if the proposed work is a shed/garage. (Page 3)
Complete Section G if the proposed work is an awning. (Page 3)
Complete Section H if the proposed work is a sign. (Page 3)

OFFICIAL USE ONLY					
	R	P	H	A	
M					
P					
E					W ☐ Yes ☐ No
F					PLANS
S					☐ No ☐ Sm ☐ Lg

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name: <u>RICHARD CROOK & ASSOC.</u>		29. D.C. Lic. No.:		30. Architect's Address: (include Zip Code) <u>2617 CONN. AVENUE 20008</u>		31. Phone: <u>257-10600</u>	
32. Engineer's Name:		33. D.C. Lic. No.:		34. Engineer's Address: (include Zip Code)		35. Phone	
36. Building Contractor's Name:		36A. D.C. Lic. No.		37. Contractor's Address		38. Phone:	
39. Type of Construction ☒ Masonry ☐ Steel ☒ Wood ☐ Other ☐ Concrete		40. Fire Suppression: ☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☒ None ☐ Other		41. Booster Pump ☐ New ☐ Existing ☒ None		42. Total Lot Area <u>2000</u> sq. ft.	
				43. Breakdown of Lot Area (= 100 %)			
				a. building		<u>74</u> %	
				b. paved area		<u>10</u> %	
				c. greenery		<u>16</u> %	
44. Present Gross Floor Area of Bldg. <u>1791</u> sq. ft.		45. Proposed Gross Floor Area of Bldg. <u>1573</u> sq. ft.		46. Floors involved in this permit ☒ All ☐ Floors		47. Projection beyond building line? ☐ Yes, Answer q. 48-52 ☒ No. SKIP q. 48-52	
48. Number and type of projection:		49. Distance of projection:		50. Width of projection:		51. Width of building frontage ft.	
						52. Signature of Owner (projection only):	
53. Water or Sewer Excavation? ☐ Yes ☒ No		54. Driveway Construction? ☐ Yes ☒ No		55. Sheeting/Shoring Necessary? ☐ Yes ☒ No		56. Elevators Involved? ☐ Yes, answer q. 57 ☒ No	
				57. No and type of elevator		58. Plans Certified by Engineer? ☐ Yes, cert. attached ☐ No	

59. Estimated Cost of Work		OFFICIAL USE ONLY							
(a) New/Add.: \$ <u>200,000</u>		Alter/Repair FEE		New Const. FEE		Filing Fee		TOTAL PERMIT FEE	
(b) Alt/Repair \$ <u>147,000</u>		\$ <u>2970</u>		\$ <u>230</u> ⁸⁵		\$		\$ <u>3200</u> ⁸⁵	
Total \$ <u>347,000</u>		By: <u>[Signature]</u>		Date: <u>1/18</u>		By: <u>[Signature]</u>		Date: <u>1/18/06</u>	
60. Volume of New Bldg. or Addition <u>7695</u> cubic ft.		By: <u>[Signature]</u>		Date: <u>1/18</u>		By: <u>[Signature]</u>		Date: <u>1/18/06</u>	

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:		62. Contractor's Address: (include Zip Code)		63. Phone:	
64. Insurance Company		65. Policy or Cert. Number		66. Expiration Date	
67. Raze Method		68. Building Material		69. Raze Entire Building? ☐ Yes ☐ No	
70. Building Condemned? ☐ Yes ☐ No		70A. Building Vacant? ☐ Yes ☐ No		71. Public Space Vault? ☐ Yes ☐ No	
72. Disconnect Water and/or Sewer? ☐ Yes ☐ No		73. Size of Water Connection in.		74. Plumber's Name:	
75. D.C. Lic. No.		76. Length ft.		77. Width ft.	
78. Height ft.		79. Volume ft.		80. Party Wall? ☐ Yes ☐ No	
81. Asbestos in the Building? ☐ No ☐ Yes, location		82. Raze Contractor Signature		OFFICIAL USE ONLY	
83. Owner's Signature		FEE		By: Date:	
		\$			

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93) The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations.

84. Cost of Work \$		85. Material:		86. Height		87. Color		88. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *	
89. Signature of Adjoining Owner:		90. Phone: Home Work		91. Address of Adjoining Owner:		92. Lot:		93. Square:	
						OFFICIAL USE ONLY		FEE By: Date:	
						\$			

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

(T) APPLICANT'S SIGNATURE

Signature of Agent [Signature] Address 00 2 17. NK Date 1/8/06

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):**A. PERMIT CONTROL**

- ☒ 1. Fine Arts by: Jeff Kautsky Date: 2/1/05
☐ 2. Historic by: Jeff Kautsky Date: 11/23/02
☐ 3. Cap. Gateway by: _____ Date: _____
☐ 4. NCPD: _____ Date: _____
☐ 5. W.H./Obs. Precinct by: _____ Date: _____
☐ 6. Flood Control by: _____ Date: _____
☐ 7. WMATA by: _____ Date: _____
☐ 8. Condem. by: _____ Date: _____
☐ 9. Rental Accom. by: _____ Date: _____
☐ 10. Chinatown Distr. by: _____ Date: _____
☐ 11. Utility Clearance by: _____ Date: _____
☐ 12. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
☐ 2. DDOT - Permit and Records Division
 Access to Parking Street ☐ Street ☐ Alley
 Cleared by: _____ Date: _____
☐ 3. DDOT - Consumer Engineer
 Cleared by: _____ Date: _____
☐ 4. ERA - Erosion Control
 Cleared by: _____ Date: _____

Restrictions of the Permit: CFA NOTE: Approved as per supplemental drawings received 26 October 2005.

Jeff Kautsky

**TO REPORT WASTE, FRAUD,
OR ABUSE BY ANY D.C. GOVERNMENT
OFFICIAL, CALL THE D.C. INSPECTOR
GENERAL AT 1-800-521-1639**

C. PLANS AND APPLICATION-APPROVAL

- ☒ 1. Information Counter by: Jeff Kautsky Date: 1/29/05
☐ 2. Information Center by: _____ Date: _____
☐ (a) ABRA by: _____ Date: _____
☐ (b) Noise Control by: _____ Date: _____
☐ (c) Industrial Safety by: _____ Date: _____
☐ (d) Vector Control by: _____ Date: _____
☐ (e) D.C. Animal by: _____ Date: _____
☐ (f) Police Dept. by: _____ Date: _____
☒ 3. Zoning by: Jeff Kautsky Date: 12/23/05
 Zoning Update by: _____ Date: _____
 Zoning Overlay approval by: _____ Date: _____
☐ 4. DDOT - Permit and Records Division/Deposit #
 Sidewalk Deposit \$ _____ Driveway Deposit \$ _____
 by _____ Date: _____
☐ 5. Water/Sewer Design Branch
 Consumer Eng. by: _____ Date: _____
☐ 6. Environmental Regulation Administration
☐ Environmental Policy Review
 Control No. _____ by _____ Date: _____
☐ Erosion Control by: _____ Date: _____
☐ Storm Water Mgmt. by: _____ Date: _____
 Plan No. _____
☐ Air Quality by: _____ Date: _____
☐ Underground Storage by: _____ Date: _____
☐ 7. Mechanical Eng. Review by: _____ Date: _____
☐ 8. Plumbing Eng. Review by: _____ Date: _____
☐ 9. Electrical Eng. Review by: _____ Date: _____
☐ 10. Health Plan Review
☐ (a) Food Plan Review by: _____ Date: _____
☐ (b) Medical X-Ray Plan Rev. by: _____ Date: _____
☐ 11. Fire Protection Plan Review
 by: _____ Date: _____
☐ 12. D.C. Fire Dept. (Fire Prevention Plan Review Section)
 by: _____ Date: _____
☐ 13. Elevator Plan Rev. Sec. by: _____ Date: _____
☐ 14. Plumbing Insp. Rev. by: _____ Date: _____
☐ 15. Construction Insp. Branch (Field Check)
 by: _____ Date: _____
☐ 16. Historic Pres. Div. by: _____ Date: _____
☐ 17. EISF: _____ Date: _____
☐ 18. Structural Eng. by: Adi Date: 1/18/06
☐ 19. Permit and Certificate Issuance Counter
 by: _____ Date: _____
☐ 20. QC By: Jeff Kautsky Date: 1/19/06

ZONING

C of O Number _____ Date _____
 Existing Use(s) _____
 Proposed Use _____

STO (Rebuild at Rear 2+Bus.)
this main
Add.

☐ New Bldg.
☐ File in room 2124

DDOT - PUBLIC SPACE

Street Name: _____
 Street Width: _____
 Road Width: _____
 Sidewalk Width: _____
 Parking: _____
 Restrictions: _____

Job No.

BZA Case No.

PUD Order No.

LEAD HAZARD CONTROL PERMIT QUESTIONNAIRE AND EXEMPTION FORM

Project Address: 1242 Potomac St NW

Name of Owner(s): Harry & Anne Entwistle Name of Contractor: _____

Phone Number: 214-201-0000 Square #: 1219 Lot #: 415 Ward #: 1

Project Start Date: 10/1/05 Project End Date: 4/1/06

Government -

Federal ☐
District ☐

Institutional -

Hospital	☐
Museum	☐
School/Child Development	☐

1. Is the project planned in response to a child being identified as lead poisoned? YES ☐ NO ☐
2. Is the project designed to eliminate or reduce lead-based paint hazards in a pre-1978 building or structure? YES ☐ NO ☐

If you answer "YES", contact the Lead Division at 51 N Street, N.E., 3rd Floor (202) 535-2637 for a lead-based paint control permit application and notification form, unless an exemption listed below applies. If you answer "NO", a permit is not required, but you are required to answer the following questions:

SCOPE OF PROJECT	YES	NO	COMMENTS
1. Is the project disturbing deteriorated lead based paint on surfaces totaling more than 2 square feet per room, or 20 square feet on exterior surfaces, or 10% of a building component with a small surface (such as a small painted window frame) involving the following:		☒	
A. Removal and replacement of lead-based paint components, e.g. windows, doors and baseboards?		☒	
B. Onsite stripping and removal of lead-based paint?		☒	
C. Partial demolition or gutting of building?		☒	
2. Does the project involve the removal and covering of lead-contaminated soil?		☒	

EXEMPTIONS

Please indicate the applicable exemption from the following list:

- ☐ Individuals who perform lead-based paint activities at residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family; unless any child under the age of 8 years resides, is expected to reside in, or regularly visits such housing.
- ☐ Housing for the elderly or persons with disabilities; unless any child under the age of 8 years resides, is expected to reside in, or regularly visits such housing.
- ☐ Any (0)-bedroom unit, such as an efficiency apartment.

AFFIDAVIT

I declare that the information provided is accurate, true and complete to the best of my knowledge and belief, and/or I have the authority to represent the owner of the property to answer this application and sign on behalf of the company and/or persons listed as owners. I understand that if such information contained in this application is false, I am subject to the penalty provisions of D.C. Law 11-221. Any fraud or misrepresentation on an application shall be grounds for automatic rejection and/or civil administrative penalties. I understand that failure to provide full disclosure of any of the requested or required information may result in rejection of this application for approval.

SIGNATURE
 Amy T. Henderson
 PRINT NAME

DATE 5/11/05

For Official Government Use Only

PERMIT REQUIRED YES ☐ NO ☐ Reviewed By _____ Date _____

**ENVIRONMENTAL HEALTH ADMINISTRATION
CONSTRUCTION PERMIT APPLICATION - SUPPLEMENTAL FORM - ENVIRONMENTAL QUESTIONNAIRE**

PROJECT ADDRESS: 1242 Boston Ave NW LOT: 45 SQUARE: 1219
PROJECT DESCRIPTION: Residential addition/renovation

Note: please answer all 12 questions in this questionnaire, by checking either column "Yes" or "No" for each question. If you answer "Yes" to any of the questions, you should contact the corresponding office(s) indicated in column "contact person/office" as soon as possible. Until this application is reviewed and approved by the concerned office(s), the permit will not be issued.

SCOPE OF PROJECT	YES	NO	CONTACT PERSON/OFFICE	OFFICE USE (Initial/Date)
Will the proposed use involve the construction of a facility for the handling, transfer, storage, disposal or treatment of solid waste, medical waste, or recyclable materials?		☒	(202) 535-2269, EIS Coordinator, EHA	
2. Will the work to be performed involve the assessment or clean-up of soils associated with the release of materials from an underground storage tank (UST)?		☒	(202) 535-2525, Underground Storage Tank Division, EHA (202) 535-2250, Air Quality Division, EHA	
3. Will the work to be performed involve the assessment or clean-up of groundwater associated with the release of materials from an underground storage tank (UST)?		☒	(202) 535-2525, Underground Storage Tank Division, EHA (202) 535-2190, Water Quality Division, EHA (202) 535-2250 Air Quality Division, EHA	
4. Will the proposed project involve the installation or drilling of wells other than for the purposes stated in questions 3 and 4?		☒	(202) 535-2190, Water Quality Division, EHA	
5. Will the proposed project involve the generation, treatment, storage, disposal or transportation of chemicals or other substances which may be considered hazardous?		☒	(202) 535-2290, Hazardous Waste Division, EHA	
6. Will the proposed project involve construction that will disturb the sediment in rivers, streams or wetlands?			(202) 535-2190, Water Quality Division, EHA	
7. Will the work to be performed involve the installation, removal, abandonment, or repair of an underground storage tank (UST) system?		☒	(202) 535-2525, Underground Storage Tank Division, EHA	
8. Will the proposed project result in the discharge into the air of gases, dust, or the creation of any objectionable odors?		☒	(202) 535-2250, Air Quality Division, EHA	
9. Will the proposed project involve the removal, handling, transportation, disposal, or encapsulation of asbestos? **Please bring with you a copy of your asbestos survey, ten-day notification form, and asbestos abatement permit fee		☒	(202) 535-2250, Air Quality Division, EHA	
10. Was the building built before 1978? (Lead paint may be present)	☒		If you answer "Yes" to this question, please answer the questions and follow the instructions on the "Lead Hazard Control Questionnaire" to determine if you need a permit to conduct a Lead Abatement Project	

AFFIDAVIT

I hereby certify that I have the authority of the owner of the property to make this application. I declare that the answers to the above questions in this Questionnaire are complete and correct to the best of my knowledge.

Signature

Name (print)

ARMY T. CAMPBELL

Address

2027 Connecticut Ave NW

Date

5/14/03

Phone

202 261 0600

OFFICE USE ONLY

COMMENTS AND PERMIT RESTRICTIONS:

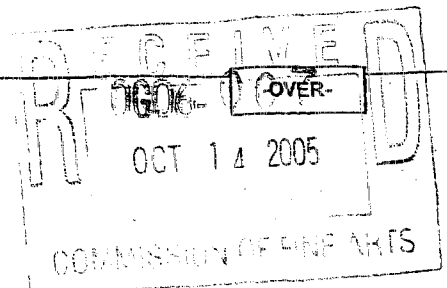
DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS
Building and Land Regulation Administration

ENVIRONMENTAL INTAKE FORM

Project Name: <u>1242 Potomac St NW</u>	Project Address: <u>1242 Potomac St NW</u>	Lot: <u>455</u>	Square: <u>1219</u>
Filed Job Application # (if applicable):	Project Description:		

Owner: HARRY & ANNE EUTMAN Date: _____
 Owner's address and phone #: 1242 Potomac Street NW WDC 20007
 Authorized agent: RICHARD CRENSHAW & ASSOC.
 Address and Phone # of authorized agent: 2027 CONN. AVE NW WDC 20008 202 2000 0000

Scope of the Project	Yes	No	Instructions
1. Is this a solid waste facility?		☒	If yes, see EIS Coordinator
2. Does the owner of this site own adjacent or abutting property?		☒	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
3. Does the owner of this site plan to acquire property that is adjacent to or abutting this site within the next three years?		☒	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
4. Is additional activity planned by the applicant for this site or any site within the same square during the next three years that requires a permit?		☒	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
5. Is this a residential project within the R-1 through R-5-A zoning districts?	☒		If yes, skip to signature line.
6. Is this project a single-family residence that is not in conjunction with the building of two or more units?			If yes, skip to signature line.
7. Is this project an accessory structure such as a garage, patio, swimming pool or fence?			If yes, skip to signature line.
8. Is the project solely an interior renovation with no change in the use or capacity of the structure being renovated?			If yes, skip to signature line.
9. Is the project located in an Economic Development Zone, as defined in DC Code 5-1401 et seq (DC Law 7-177)?			If yes, skip to signature line.
10. Is the project located within the Central Employment Area as defined in DC Zoning Regulations? (Title 11DCMR)			If yes, skip to signature line.
11. Does the project involve only the operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features and involve negligible or no expansion of use beyond that previously existing?			If yes, skip to signature line.
12. Has an Environmental Impact Statement (EIS) been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), or a determination made that no EIS is needed, or has the functional equivalent of an EIS been prepared?			If yes, submit documentation to EIS Coordinator, DCRA.



CONTRACT AGREEMENT

Name of Contractor/Owner Harry & Anne Gutman Contractor's License No. _____

Address of Contractor/ Owner 1242 Potomac Ct NW WDC 20007 Date: _____

ADDRESS OF PROPOSED WORK <u>1242 Potomac Ct NW</u>		LOT: <u>45</u>
OWNER OF BUILDING OR BUSINESS:		SQUARE: <u>1219</u>
DESCRIPTION OF PROPOSED WORK: <u>Demo. exst'g. prior addition & rebuild 2. story + basement addition @ rear of house. Renovate interior</u>		PHONE No: <u>202 255-0600</u>
COST ESTIMATE		
CONSTRUCTION e.g drywall, ceilings, framing, carpentry etc	\$ <u>160,000 -</u>	
ELECTRICAL	\$ <u>40,000 -</u>	
MECHANICAL	\$ <u>25,000 -</u>	
PLUMBING	\$ <u>40,000 -</u>	
FIRE PROTECTION e.g sprinkler system, fire alarm system, generator etc.	\$	
DEMOLITION	\$ <u>10,000 -</u>	
MISC/OTHER (please specify)	\$	
TOTAL	\$ <u>275,000 -</u>	
The labor and material costs of counter tops, kitchen cabinets, floor coverings, tile work, caulking, patching and plaster repair, painting other than fire retardant paint, gutters and downspouts, not more than 160 square feet of gypsum board shall not be included in the cost estimate for permitting purposes. The entire list can be seen in the 1999 D.C Building Supplement Chapter 1 Section 107.3.		
The foregoing terms, specifications and conditions are satisfactory and hereby agreed to. You are authorized to work as specified and payment will be made in the amount as outlined. Upon signing this agreement, the owner represents and warrants that he or she is the owner or the authorized agent of the owner of the aforesaid premises and that he or she has read this agreement.		
CONTRACTOR _____		Date: _____
Signature & print		
OWNER OF BUILDING/BUSINESS _____		Date: <u>5/11/07</u>
Signature & print		
Upon signing this document, the owner and contractor declare that the cost of construction as specified above for the referenced project is true and correct to the best of their knowledge		

Please fill out this agreement form in accordance with D.C Construction Code Supplement 1999, Chapter 1 Section 112.15

LETTER OF TRANSMITTAL

Email: searsarchitects@erols.com
 PH. (202) 265-0600 FAX (202) 265-7528

DATE	11/29/05	JOB NO.
ATTENTION	Toye	
RE:	1242 Potomac St NW	

TO Bello Bello & Associates
900 Second St NE Suite 6
Washington DC 20002

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via messenger the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Submission 8/19/05
1			Transmittal
1			Copy of P&A order

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

Toye ~ looks like Dian only signed
transmittal, but here's the
package I gave her.

I'll wait to hear from you.

Thanks

COPY TO _____

SIGNED: _____

Amir

125

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BUILDING AND LAND REGULATION ADMINISTRATION



RECEIVED BY

Date

Staff

Filing Date

TRANSMITTAL LETTER - HISTORIC PRESERVATION REVIEW BOARD

TO: Mayor's Agent for D.C. Law 2-144, the Historic Landmark and Historic District Protection Act of 1978; Public Law 808, 81st Congress, the Old Georgetown Act; Public Law 231, 71st Congress, the Shipstead-Luce Act, for those applications also subject to review pursuant to D.C. Law 2-144.

The Accompanying application HPA No. 06-008 and OG No. 06-007 is referred for considerations and appropriate action in accordance with the provisions of D.C. Law 2-144 and, if applicable, Public Laws 808 and 231.

The application has also been referred to the Commission of Fine Arts in accordance with D.C. Law 2-144 and () The Old Georgetown Act and/or () The Shipstead-Luce Act.

PREMISES

LOT

SQUARE

1242 Potomac St, NW 45 1219

Complies with the
D.C. Zoning
Regulations

The submitted documents were checked
for general compliance of the exterior
features with the D.C. Construction
Codes: No objections to filing with
HPRB. This clearance does not
constitute an approval for building
permit.

Cleared to file with HPRB
by Permit Information
Branch

Not Available
for Zoning Division

AL
for Structural Section

Quas

10/13/05

The accompanying application is returned by the Mayor's Agent with action as noted pursuant to D.C. Law 2-144 and, if applicable, Public Law 231 and Public Law 808.

Action:

Issue permit

Mayor's Agent

Date

11/23/05

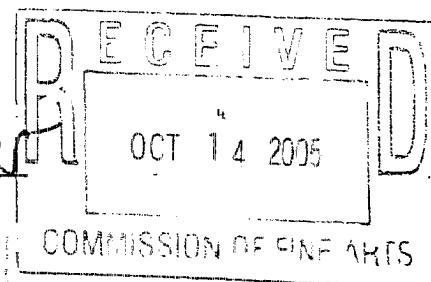
GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

Received By

Date: 11-22-05

Staff

Filing Date 10-12-05



TRANSMITTAL LETTER - COMMISSION OF FINE ARTS

TO: The Commission of Fine Arts

This application is for:

☐ Concept

☒ Final

The accompanying application HPA No. 06-008 and CG No. 06-007
Is referred for consideration and appropriate action in accordance with the provisions of D.C Law 2-144, the
Historic Landmark and Historic District Protection Act of 1978 and in accordance with the following Act(s):

- ☒ The Old Georgetown Act, Public Law 808, 81st Congress
☐ The Shipstead-Luce Act, Public Law 231, 71st Congress

PREMISE ADDRESS	LOT	SQUARE
<u>1242 P St NW</u>	<u>45</u>	<u>1219</u>

Complies with the following
D.C Zoning Requirements.

- ☐ FAR
☐ Use
☐ Lot Occupancy
☐ Set Back Requirements
☐ Height

N/A
Zoning Division

The submitted documents were
checked for general compliance
of the exterior features with the
D.C Construction Codes: No
objections to filing with CFA.
This clearance does not
constitute an approval for
building permit.

10/13/05
Structural Section

Cleared to file with CFA by the
Permit Service Center.

[Signature]
Permit Service Center

TO: Mayor's Agent for D.C Law 2-144, Public Law 808 and Public Law 231, for those applications also subject
to D.C Law 2-144.

The Commission of Fine Arts returns the accompanying application with the recommendations as noted.

Recommendation: Please see attached letter dated 18 November 2005.

[Signature]

[Signature], Commission of Fine Arts.

Date 18 Nov 05

U.S. COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
401 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

18 November 2005

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C. Law 2-144

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted:

O.G. 06-007 (HPA 06-008)

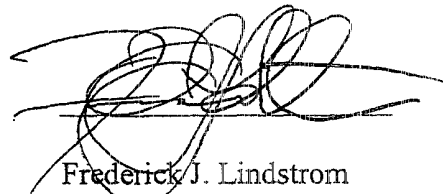
1242 Potomac Street, NW (Lot 45 - Square 1219)

Harry and Anne Gutman - Residence

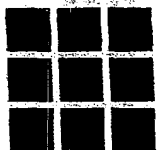
Remove rear addition and re-construct two-story rear addition with basement, alterations to side window openings

Permit

RECOMMENDATION: No objection to issuance of permit for proposed two-story rear addition as shown in supplemental drawings received and dated 26 October 2005. Working drawings conform to approved concept. See previous Recommendation (O.G. 05-182). Note is made that permit application is pending final zoning review. Any modifications to the approved design as a result of further review in the permit process must be submitted to the Commission for approval.



Frederick J. Lindstrom
Assistant Secretary



**RUSSELL SEARS
& ASSOCIATES**
ARCHITECTS

11 January 2006

Mr. Gary Heurich
1244 Potomac Street NW
Washington, DC 20007

Dear Mr. Heurich,

Pursuant to section 3307.2 of the District of Columbia Building Code (the "Code"), I am providing notification that construction will commence on an addition to the property at 1242 Potomac Street NW ten days from the date hereof.

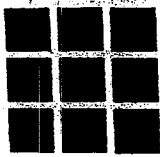
Pursuant to section 3307.1 of the Code your property will be protected from any damage during the construction period.

All construction will comply with applicable zoning and building code requirements.

Yours sincerely,

Amy T. Sanderson
Architect

Cc: DC Building Code Official
Ms. Carolyn Brown, Holland & Knight, LLP
Mr. Hank & Mrs. Anne Gutman



**RUSSELL SEARS
& ASSOCIATES**
ARCHITECTS

11 January 2006

Mr. and Mrs. Stephen Cooley
1236 Potomac Street NW
Washington, DC 20007

Dear Mr. and Mrs. Cooley

Pursuant to section 3307.2 of the District of Columbia Building Code (the "Code"), I am providing notification that construction will commence on an addition to the property at 1242 Potomac Street NW ten days from the date hereof.

Pursuant to section 3307.1 of the Code your property will be protected from any damage during the construction period.

All construction will comply with applicable zoning and building code requirements.

Yours sincerely,

Amy T. Sanderson
Architect

Cc: DC Building Code Official
Ms. Carolyn Brown, Holland & Knight, LLP
Mr. Hank & Mrs. Anne Gutman



Bello, Bello & Associates, LLC

Zoning, Land Use & Development Consultants

THIRD-PARTY PLANS REVIEW CERTIFICATION

UNDER THE District Of Columbia BUILDING AND LAND REGULATION ADMINISTRATION THIRD-PARTY PLANS REVIEW PROGRAM

Project Address: 1242 Potomac Street, NW

Project Name: Permit for Alteration, Repair and Addition

I, Yaw Orteng-Agipong, P.E., professional-in-charge of third party plans review activities of Bello, Bello & Associates (BB&A), hereby certify and attest under oath that:

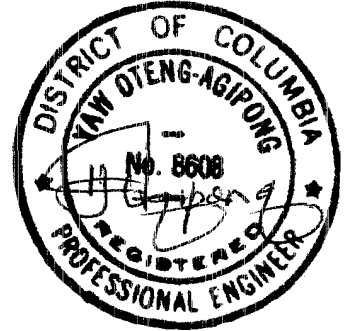
- 1) The application and the plans submitted by Amy Sanderson (applicant) for a building permit for interior renovation only at 1242 Potomac Street, NW have been reviewed by BB&A, under my direct supervision, for conformance with the applicable requirements of the 1999 District of Columbia Construction Codes. This permit will not affect any mechanical systems or outstanding zoning comments.
- 2) BB&A's review included the following multi-level disciplines:

Mechanical
Structural/Architectural
Electrical
Plumbing
Zoning



In reliance thereof, the corrected permit plans are recommended for "approval."

Certified under my seal and signature on January 13, 2006



DISCLAIMER

The scope of Bello, Bello & Associates third-party plans review certification is strictly limited to the code and/or regulatory compliance plans review performed by Bello, Bello & Associates (BB&A) on behalf of DCRA, an activity that was established under the Building and Land Regulation Administration Third-Party Plans Review Program. BB&A's review of the permit plans for this project should not be construed as a due diligence review of the engineering design of any of the systems depicted on the plans, which were reviewed only for compliance with the minimum requirements of the codes and regulations enforced by BLRA. BB&A's third-party plans review certification is not to be construed as certification of any portion of the design of the project, or as certification of compliance with ADA, FHAA, OSHA or any other federal law or regulation, and does not relieve the registered designer(s) of record and other parties of their responsibilities for the design or construction of the project.

Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

941 North Capitol Street N.E. Room 2100

Washington D.C. 20002

Tel:(202) 442-4470

Fax:(202) 442-4862

B

Building Permit

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

PERMIT NO. 88614

DATE: 1/20/2006

ADDRESS OF PROJECT: 1242 POTOMAC ST NW		S S L: SQ: 1219 SX: LOT: 45 WARD: 2 ZONE: R-3	
DESCRIPTION OF WORK: DEMO EXISTING PRIOR ADDITION AND REBUILD 2 STORY BASEMENT AND ADDITION AT REAR OF HOUSE. RENOVATE INTERIOR.			
PERMIT TYPE: ADDITION/ALTERATION/REPA	PLANS (Y/N): Y	EXISTING USE: RESIDENTIAL ONE/TWO FAMILY	PROPOSED USE: Residential One/Two Family
PERMISSION IS HEREBY GRANTED TO OWNER: Harry and Anne Gutmarr		PERMIT FEE: \$3,200.85	
AGENT NAME: RUSSELL SEARS ASSOCIATES 202-265-0600			
CONDITIONS / RESTRICTIONS: CFA NOTE: APPROVED AS PER SUPPLEMENTAL DRAWINGS RECEIVED 26 OCTOBER 2005.			
TO REPORT WASTE, FRAUD OR ABUSE BY ANY D.C. GOVERNMENT OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639:			
DIRECTOR: Dr. Patrick Canavan, Psy. D.		PERMIT CLERK: 	EXPIRATION DATE: 1/20/2007

CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all the work authorized by this permit and to require any change in construction which may be necessary to insure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one (1) year of the date appearing on this permit or this permit is automatically void. If work is not started, any application for partial refund must be made within six months of the date appearing on this permit.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.

NOTIFY THE BUILDING INSPECTOR THE DAY THE WORK STARTS. PHONE: (202)442-4641 941 NORTH CAPITOL ST NE WASHINGTON DC 20002

A separate permit is required for all Plumbing, Refrigeration, Gas Fitting, and Electrical Work.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

BUILDING AND LAND REGULATION ADMINISTRATION



RECEIVED BY

Date 1/1

Filing Date

8/19/05

Staff _____

TRANSMITTAL LETTER - HISTORIC PRESERVATION REVIEW BOARD

TO: Mayor's Agent for D.C. Law 2-144, the Historic Landmark and Historic District Protection Act of 1978; Public Law 808, 81st Congress, the Old Georgetown Act; Public Law 231, 71st Congress, the Shipstead-Luce Act, for those applications also subject to review pursuant to D.C. Law 2-144.

The Accompanying application HPA No. _____ and _____ No. _____ is referred for considerations and appropriate action in accordance with the provisions of D.C. Law 2-144 and, if applicable, Public Laws 808 and 231.

The application has also been referred to the Commission of Fine Arts in accordance with D.C. Law 2-144 and () The Old Georgetown Act and/or () The Shipstead-Luce Act.

PREMISES

LOT

SQUARE

1242 Potomac ~~AVE~~ ST NW. 45 1219

Complies with the
D.C. Zoning
Regulations

The submitted documents were checked
for general compliance of the exterior
features with the D.C. Construction
Codes: No objections to filing with
HPRB. This clearance does not
constitute an approval for building
permit.

Cleared to file with HPRB
by Permit Information
Branch

Concept

R-3 8/20/05

for Zoning Division

[Signature]

for Structural Section

8/20/05

The accompanying application is returned by the Mayor's Agent with action as noted pursuant to D.C. Law 2-144 and, if applicable, Public Law 231 and Public Law 808.

Action:

Mayor's Agent

Date

White=PPD

Canary = HPD

Pink = Record



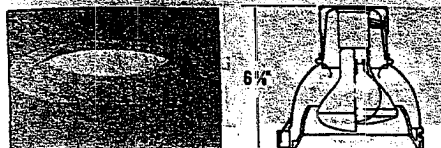
Bello, Bello & Associates, LLC

Zoning, Land Use & Development Consultants

DATE: 11/26/05	REVIEWER: Sirak Belayneh, PE	JOB NO.05-45
REVIEW: ☒ 1ST ☐ 2ND ☐ 3RD	PROJECT NAME: RENOVATION AND REPAIR 1242 POTOMAC ST NW Washington, DC 20008	REVIEW DISCIPLINE: ☐ Struc. / Architectural ☐ Mech./ Plumbing ☒ Electrical ☐ Elevator ☐ Fire ☐ Zoning
Item No. A2/a3	Comment:	Code:
✓ 1	Provide panel schedule location and size of main overcurrent device <i>see A.8</i>	NEC 220/ or 220-35
✓ 2	Provide riser diagram and grounding <i>see 7/A.8</i>	NEC 215-5
✓ 3	Grade-level receptacles required front and rear <i>see 1/A.2</i>	NEC 210.52E
✓ 4	Place receptacles spaced as per code <i>see plans 1/A.3</i>	NEC 210.52(A)
✓ 5	Provide receptacles for hallways >10' <i>see plans</i>	NEC 210.52H
✓ 6	Provide lighting fixture schedule. <i>see A.7</i>	NEC 410
OK ✓ 7	All bedroom receptacles AFCI. <i>see plans A2/A3</i>	NEC 210.12B
✓ 8	Check lighting fixture for permitted zones in the bathtub	NEC 410.4(D)

*see A.7
out sheet enclosed.*

6 3/4" Basic White Reflector ☆



Frame-In Kit	Lamping IC	Lamping Non-IC
	BR30 PAR30	BR30 PAR30
1104IC	85W 75W	85W 75W
1104ICR	85W 75W	85W 75W

Reflector

1170M1 Gloss White

6 3/4" Basic White Reflector ☆

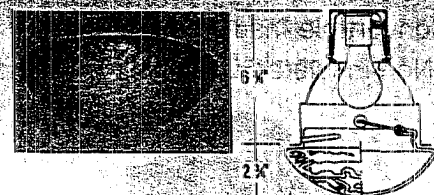


Frame-In Kit	Lamping IC	Lamping Non-IC
	A19 BR40 PAR30	A19 BR40 PAR30
1104IC	52W 85W 75W	75W 120W 150W
1104ICR	52W 85W 75W	75W 120W 150W

Reflector

1171 Gloss White

6 3/4" Cratere Dome Wet Location ☆☆☆

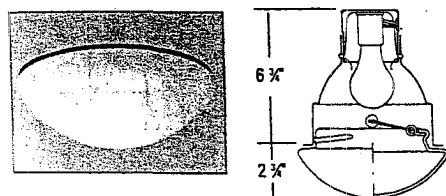


Frame-In Kit	Lamping IC	Lamping Non-IC
	A19	A19
1104IC	40W	75W
1104ICR	40W	75W

Reflector

1124 Cratere Glass

6 3/4" Opal Dome Wet Location ☆☆☆

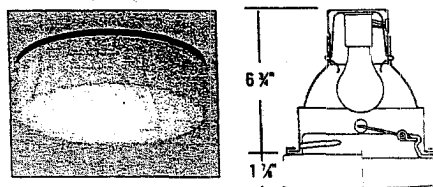


Frame-In Kit	Lamping IC	Lamping Non-IC
	A19	A19
1104IC	N/A	60W
1104ICR	N/A	60W

Reflector

1134 Opal Glass

6 3/4" Opal Disk Wet Location ☆☆☆

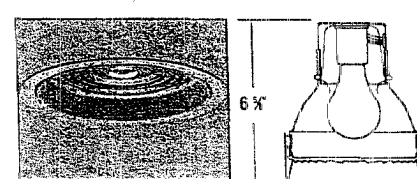


Frame-In Kit	Lamping IC	Lamping Non-IC
	A19	A19
1104IC	40W	75W
1104ICR	40W	75W

Reflector

1121 Opal Glass

6 3/4" Fresnel Lenslite Wet Location ☆☆☆

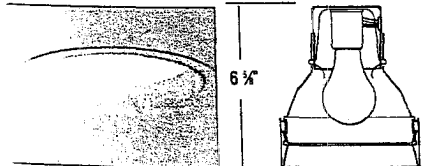


Frame-In Kit	Lamping IC	Lamping Non-IC
	A19	A19
1104IC	N/A	60W
1104ICR	N/A	60W

Reflector

1126 Fresnel Lens

6 3/4" White Diffuser Wet Location ☆☆

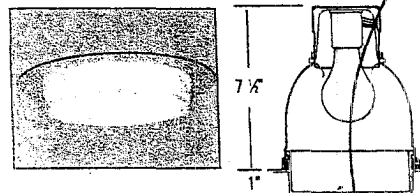


Frame-In Kit	Lamping IC	Lamping Non-IC
	A19	A19
1104IC	N/A	60W
1104ICR	N/A	60W

Reflector

1128 White Diffuser

6 3/4" Opalex Dropped Wet Location ☆☆

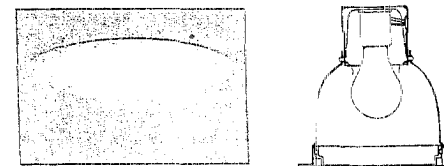


Frame-In Kit	Lamping IC	Lamping Non-IC
	A19	A19
1104IC	N/A	40W
1104ICR	N/A	40W

Reflector

1178SH Lexan

6 3/4" Opalex Flush Wet Location ☆



Frame-In Kit	Lamping IC	Lamping Non-IC
	A19	A19
1104IC	N/A	40W
1104ICR	N/A	40W

Reflector

1177SH Lexan

DISTRICT OF COLUMBIA GOVERNMENT OFFICE OF THE SURVEYOR

Washington, D.C., October 24, 2003

Plat for Building Permit of SQUARE 1219 SITE PER SUB

Scale: 1 inch = 20 feet

Receipt No. 07578

Furnished to: AMY SANDERSON


 Surveyor, D.C.

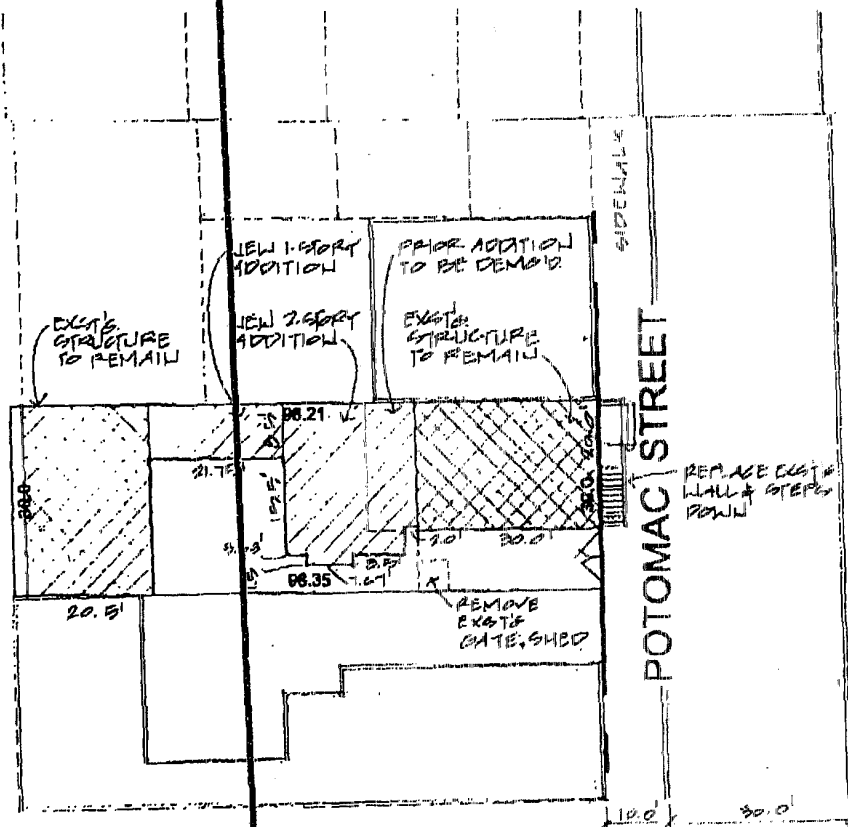
By: L.M.A.

I hereby certify that all existing improvements shown herein, are completely dimensioned, and are correctly plotted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plans as shown herein is correct, and dimensioned accurately to the same scale as the property lines shown on this plat; that by reason of the proposed improvements to be installed as shown herein the slope of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned herein. It is further agreed that the alteration of the accessible parking area with respect to the Highway Department approved curb and gully grade will not result in a hole of grade along curbline or driveway at any point on private property in excess of 25% for single-family dwellings or lots, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 2/1/05


 Signature of owner or his authorized agent

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



PROJECT DATA

Zone: R-3
 Use: SF Residential

	Allowed	Existing	Proposed
Footprint Area:		1,381 sf	1,918 sf
Lot Area:	3,010 sf	2,888 sf	2,888 sf
Lot Occupancy:	40/0%	48%	66.5%
Number of Stories:	3	2 + 8	2 + 8
Building Height:	40'	24'	24'
Side Yard:	8'	10'	N/A
Rear Yard:	20'	35.26'	2.15'

Exhibit 3

From: DCTUXEDO@aol.com
To: Bill.Crews@dc.gov
Cc: anc2e@erols.com ; sgrant@dccouncil.washington.dc.us
Sent: Tuesday, March 07, 2006 11:22 AM
Subject: Request for permit info

Bill Crews
Zoning Administrator for the District of Columbia
Department of Consumer and Regulatory Affairs
941 N. Capitol St. NE Suite 2000
Washington, DC 20002
202.442.4576 Office
202.442.4871 Fax
bill.crews@dc.gov

Bill

It has been about a month since I requested a copy of the permit application for the work being done at 1242 Potomac. Any success in finding the application? This issue is whether a trellis was used as the basis for granting a permit for a semidetached house currently over the 40% building allowance. The permit #88614 was issued on January 20, 2006. I want to keep our ANC option viable in case we wish to appeal the permit.

I'm thanking you in advance for a quick response.
Ed Solomon
Chair
ANC2E
202-333-5762

From: Crews, Bill (DCRA)
To: DCTUXEDO@aol.com ; Crews, Bill (DCRA)
Cc: anc2e@erols.com ; sgrant@dccouncil.washington.dc.us
Sent: Wednesday, March 08, 2006 8:43 PM
Subject: RE: Request for permit info

Ed,

Sorry for the delay, but we have found the permit file. Based upon the plat drawings, it appears that they are replying on an existing shed/pergola.

I am also checking on another issue with the application. After I check this out, I'll give you a call.

Best regards,

Bill Crews

Zoning Administrator for the District of Columbia
Department of Consumer and Regulatory Affairs
941 N. Capitol St. NE Suite 2000
Washington, DC 20002
202.442.4576 Office
202.442.4871 Fax
bill.crews@dc.gov

The Office of the Zoning Administrator is looking for additional zoning review technicians. If you or someone you know might be interested, please review the job description posting reference #3217 on the District Office of Personnel website www.dcop.dc.gov and contact the Zoning Administrator

From: DCTUXEDO@aol.com
To: Bill.Crews@dc.gov
Cc: anc2e@erols.com
Sent: Tuesday, April 04, 2006 12:14 PM
Subject: Followup to meeting with our ANC

Bill

Thanks for meeting with our ANC Commissioners and community leaders. The feedback that I received was very positive.

I took your advise and placed the appeal issue of the permit for 1242 Potomac on our ANC2E General Meeting Agenda. The meeting is tonight, April 4 at 6:30.

Is there any new info concerning your internal process to a stop work order? The permit info you submitted to me doesn't address the trellis issue. We also didn't receive a copy of the plans which may have addressed this issue.

Thanks for any update to this property at 1242 Potomac.

Again, I appreciate the time afforded our group and look forward to future meetings.

Thanks
Ed Solomon
Chair
ANC2E

From: DCTUXEDO@aol.com

To: Bill.Crews@dc.gov

Cc: DCTUXEDO@aol.com ; anc2e@erols.com ; john.lever@verizon.net ; bfc9@georgetown.edu ; bill.starrels@wamu.net ; Pmooreanc2e06@aol.com ; BillskelseyANC@aol.com ; Commish@cadwalader.us ; ZARTMANBJ@aol.com ; sgrant@dccouncil.washington.dc.us ; cag-president@cagtown.org

Sent: Monday, April 17, 2006 11:25 AM

Subject: ANC2E request for Update on 3256 N St. and 1242 Potomac

Zoning Administrator for the District of Columbia

Consumer and Regulatory Affairs

2000

202.442.4576 Office

202.442.4871 Fax

Department of

941 N. Capitol St. NE Suite

Washington, DC 20002

bill.crews@dc.gov

Bill

Would you please update me on the response to your letter from the owner of 3256 N St. regarding multi family status. The issue being continual occupancy as a multi family property. The owner must supply documentation to you by April 7 that indeed this property deserves this classification. If proper documentation is not received, the property reverts back to a single family status.

Also, what is the status on the permit for the property at 1242 Potomac St. (Gutman Residence.) Although ANC2E is in the process of filing an appeal to this permit, this appeal may be moot if the permit is withdrawn by DCRA. At our meeting you advised our community leaders that the basis of a trellis to justify this permit would not stand.

I'm thanking you in advance to a timely reply.

Ed Solomon

Chair

ANC2E

From: DCTUXEDO@aol.com

To: Bill.Crews@dc.gov

Cc: cag-president@cagtown.org ; anc2e@erols.com ; john.lever@verizon.net ; bfc9@georgetown.edu ; bill.starrels@wamu.net ; BillskelseyANC@aol.com ; Commish@cadwalader.us ; ZARTMANBJ@aol.com ; rixey@erols.com ; lenore.rubino@gmail.com ; Eric.Rogers@dc.gov

Sent: Wednesday, June 14, 2006 11:29 AM

Subject: Re: Zoning issues for Georgetown/Burleith - ANC2E

Bill

Item #3 Stancioff order was posted on Tuesday June 13, 2006. BZA order # 17310. In light of this order, the Gutman property at 1242 Potomac would be in violation of Zoning for a semi-detached house. You may recall from our meeting in your office, DCRA would revoke their permit if their permit was based on a trellis to convert their residence to a row house.

Thanks for the update on 3256 N St. and the other items.

Ed Solomon
Chair
ANC2E

In a message dated 6/13/2006 10:34:04 PM Eastern Standard Time, Bill.Crews@dc.gov writes:

Commissioners,

I apologize for the delay. I'll need a couple more days to track down some progress on the two trellis properties

3256 N. St. NW has not responded and I have requested our attorneys to prepare a revocation of the certificate of occupancy.

Best regards,

Bill Crews

Zoning Administrator for the District of Columbia

Department of Consumer and Regulatory Affairs

941 N. Capitol St. NE Suite 2000

Washington, DC 20002

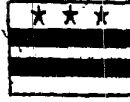
202.442.4576 Office

202.442.4871 Fax

bill.crews@dc.gov

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Office of the Zoning Administrator



March 21, 2005

Commissioner Ed Solomon
Commissioner, SM01
Advisory Neighborhood Commission 2E
3265 S Street, NW
Washington, DC 20007

Re: 1812 -- 35th Street, NW

Dear Commissioner Solomon:

This letter responds to your letter of March 7, 2005, in the matter of the referenced address above. Your letter sought an explanation for the current status of on-going construction at subject premises, in light of a scheduled appeal of the building permit before the Board of Zoning Adjustment (BZA). You also sought explanation for an attached Plan Correction List which indicated that BZA relief was necessary to construct up to forty four percent (44%) lot occupancy within the R-3 zone district, within which subject property lies.

For chronological reasons, let me first address the issue of the plan correction list. The Plan Correction List form is an internal plan review tool designed for the express purpose of communicating to an applicant, review comments associated with first line review of a filed application and associated plans. Hence, plan review comments therein do not necessarily establish the final basis for approval or denial of an application. An applicant may respond to the comments in a Plan Correction List by amending filed plans in order to bring a proposal into compliance or otherwise. If plans are or cannot be revised into compliance, only then is an application denied and referred to the BZA. This practice is underscored by the second comment in the Plan Correction List attached to your letter, which instructs the applicant to "reroute decision to Zoning for action."

In the instant case, the applicant revised the plans to eliminate the existing side yard, ostensibly by introduction of a trellis structure. The elimination of the side yard informed the basis for the determination that subject property metamorphosed into a single family row dwelling from its previous semi-detached designation. The effect of this change in designation was to permit a greater percentage of lot occupancy.

As you may be aware, whereas the R-3 zone district limits semi-detached single family dwellings to a maximum forty percent (40%) lot occupancy, row dwellings may occupy up to sixty percent (60%) maximum lot occupancy (See Section 403.2;11 DCMR).

It is in the context of this background that I, subsequent to Ms. Stancioff's complaint, overviewed and re-evaluated the approved building permit. I determined that though the approval of the building permit met the letter of the Zoning Regulations, it appeared to violate the spirit of the Regulations in misappropriating its intent. For the foregoing reason, I reversed the interpretative decision of this office as applied, and in separate meetings with the property owner and Ms. Stancioff, and her attorney, informed both parties of my strategy for redressing the standing situation.

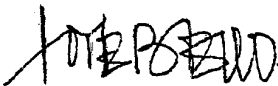
My strategy entailed finding a balance of fairness to both parties' hardships. The property owner's good faith reliance on a duly issued building permit, and the potential adverse impact of the project on Ms. Stancioff's enjoyment of her property. Therefore, in exchange for not moving revocation of the building permit, I instructed the property owner to file a revised permit application for referral to the BZA. The application before the BZA will seek a special exception pursuant to Section 223.1. The applicant understands that approval of the request by the BZA is not guaranteed. To that end, the applicant has the option of scaling back the project to within the two percent (2%) flexibility discretion allowed the Zoning Administrator under Section 407.1, in the event the BZA denies the application.

Ms. Stancioff and her attorney chose to file an appeal before the BZA, notwithstanding that I met with them to outline what is the substance of this letter. I do not begrudge them their prerogative, but in the context of administrative appeals rights, my strategy, I believe, preserves Ms. Stancioff's right of participation in a public hearing which outcome has the opportunity to affect. A move to revoke the building permit would not have afforded her this same opportunity, would not have stopped the construction, and would not have been as expedient, given the Government's transition into a centralized administrative hearing process.

If the notice for the application hearing has not arrived yet, it should soon. I believe this strategy to be balanced, fair and equitable in that the property owner is not subjected to the unduly punitive impact of indefinite work stoppage and or revocation, given her good-faith reliance on the Government's issuance of the building permit and Ms. Stancioff's rights of opposition to the relief sought before the BZA is preserved. It is important to note that a Stop Work Order was not feasible here, as there exists no evidence of construction beyond the scope of approved plans.

I hope this provides the explanation requested by your letter and look forward to hearing from you should there be further questions about this matter.

Sincerely,



Toye Bello
Zoning Administrator

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY

NOVEMBER 8, 2005

+ + + + +

The Special Public Meeting convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:06 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
RUTHANNE G. MILLER	Vice-Chairperson
CURTIS ETHERLY, JR.	Board Member
JOHN MANN, II	Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

KEVIN HILDEBRAND	Commissioner (AOC)
------------------	--------------------

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY	Secretary
JOHN NYARKU	Zoning Specialist
BEVERLEY BAILEY	Zoning Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

TRAVIS PARKER

This transcript constitutes the minutes

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from the special public meeting held on November 8,
2005.

C-O-N-T-E-N-T-S

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AGENDA ITEM	PAGE
<u>1) Motion for Modification of Approved Plans and Waiver of the Six-Month Time Requirement, Pursuant to 11 DCMR 3129, to Application No. 17027 of Emergence, Inc.:</u>	5
<u>2) Appeal No. 17310 of Deidre O. Stancioff:</u>	11

1

P-R-O-C-E-E-D-I-N-G-S

2

10:06 a.m.

1 VICE CHAIR MILLER: Mr. Chairman, do you
2 want to open this up under discussion under a motion?

3 CHAIRMAN GRIFFIS: I think that would be
4 the most efficient way to proceed.

5 VICE CHAIR MILLER: Okay. At this point,
6 well I would be prepared to move to grant the appeal
7 of 17310, that the, of Deidre Stancioff. That the
8 Zoning Administrator erred in issuing building permits
9 that allowed an addition to a single-family dwelling
10 that did not comply with the lot occupancy and side
11 yard requirements set forth in Sections 403 and 405 in
12 the R-3 District.

13 CHAIRMAN GRIFFIS: Excellent, is there a
14 second?

15 MR. HILDEBRAND: Second.

16 CHAIRMAN GRIFFIS: Thank you, Mr.
17 Hildebrand. Let's move ahead then and hear
18 deliberation on the motion to grant the appeal.

19 VICE CHAIR MILLER: In looking at this case
20 it seemed that the Zoning Administrator determined
21 that an attachment of an eave from the side of the
22 house to the neighbors property line covered a side
23 yard and thereby eliminated it, and converted the
24 dwelling to a row house.

25 And looking at the regulations and the

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1 facts from this case, it seems to me that that type of
2 attachment of an eave cannot eliminate a side yard and
3 thereby change the status of the zoning here.

4 I think that in trying to look at the
5 facts here, I looked at 2502.2, which specifically
6 talks about eaves. And it says that cornices and
7 eaves may project over any required yard or court for
8 distance not to exceed two feet.

9 And I think the facts in this case show
10 that it was about two and a half feet to cover the
11 side yard. And here we had, 2502 talks about
12 projections into required open spaces.

13 And here we had a required side yard. And
14 by adding an illegal projection, I don't believe that
15 you can thereby convert the dwelling into a row house,
16 and thereby then not be subject to the lot occupancy
17 and side yard requirements for the single-family
18 dwellings, for a semi-detached dwelling.

19 CHAIRMAN GRIFFIS: Very well, thank you.
20 I think that's an excellent framing of the issues.
21 Clearly we're trying to figure out, in this R-3
22 District, whether, well, let me continue then to
23 another level of discussion in the R-3 District.

24 It was brought up whether there might be
25 an ability to create a row dwelling out of this

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1 existing structure. And I don't, in my deliberation
2 reading of the regulations I see under 320 that row
3 dwellings are, of course, a matter of right in the R-3
4 and find that it is one's ability to create a row
5 dwelling there.

6 Ms. Miller has brought up the fact of the
7 detail of this case of whether that actually was done
8 in this case. I go then to the definition of
9 dwelling, row, and it is very simple and
10 straightforward.

11 And that is, in a 199, indicating that a
12 row dwelling is that structure that has no side yards.
13 So, going back then to what Ms. Miller has just
14 indicated in her own deliberation of whether adding on
15 to, as the Applicant had done, or as the Property
16 Owner had done in this appeal, would that then
17 constitute removal of a side yard or creating a
18 substantial structure that would then create a row
19 dwelling out of this semi-detached.

20 And I tend to agree with the fact that
21 this does not go to the level of which would be
22 required in my own deliberation reading of the intent,
23 but also the direct words of the regulation that this
24 would then create a row dwelling.

25 Let me open it up to others and for

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1 further deliberation discussion on this.

2 VICE CHAIR MILLER: I'll just add, also,
3 that the parties pointed to several cases dealing with
4 trellises and to the extent that that was even
5 relevant, I think that this is distinguished in the
6 sense that this eave doesn't connect to another
7 structure.

8 It just goes out to reach of property
9 line. And so, to me, they didn't make the case that
10 it's therefore was the connecting of two structures,
11 which would make one building, or whatever, which is
12 basically how the trellis has been used in other
13 zoning cases.

14 CHAIRMAN GRIFFIS: It's understood.
15 Others? Anything else? I think this is a difficult
16 piece in terms of how the regulations are written.

17 You read them and they are very clear in
18 terms of what I might say is a more common sense
19 aspect. And I think that's what we need to really
20 look at.

21 When I say reading the direct letter of
22 the regulations, but also understanding the intent of
23 the regulations. Because there clearly was, and I
24 think it was well argued in this fact that everything
25 that was done removed a side yard in this piece.

1 However, in doing that, it was removing a
2 side yard for calculations of which the side yard
3 would need to be dealt with, and that were a different
4 area of calculations and such.

5 But whether just making it count toward,
6 because it's a non-conforming areaway, let's say, or
7 a nonconforming court. Just because it would count
8 towards the lot occupancy, does that make it a row
9 dwelling.

10 And I think that the whole point of having
11 the different definitions of dwelling, speaks to and
12 is clearly an intention of the regulations to
13 differentiate the type of structure and that of just
14 how you calculate different aspects of the area
15 requirements in this specific site or application,
16 additional. Anything else? Ms. Miller?

17 VICE CHAIR MILLER: I don't have anything
18 further.

19 CHAIRMAN GRIFFIS: Indeed. Anyone else,
20 anything else? Mr. Hildebrand?

21 MR. HILDEBRAND: I guess the only, I'd like
22 to second what Ms. Miller says, but also to go a
23 little further in saying that I found it very
24 troubling, the concept that the Zoning Administrator
25 took that artificial addition of something like an

1 eave or an awning, or even a trellis, could have this
2 power to convert a semi-detached dwelling into a row
3 dwelling.

4 And I think we really need to look at what
5 is a substantial connection, and a substantial
6 modification. I agree with you completely that the
7 Zoning Regulations don't preclude a row dwelling from
8 occupying this site.

9 But I think, in saying that, then the
10 proposal has to come up to the level of a row dwelling
11 in order to be considered a row dwelling. And that's
12 the only thing I'd like to add.

13 CHAIRMAN GRIFFIS: Good, and I appreciate
14 you bringing that up. I don't think we are reaching
15 that, in this deliberation. And I don't think that it
16 would be appropriate for the Board to go then further
17 and define exactly the level that would be required,
18 as you're talking about.

19 And I think you're in agreement with that.
20 But I do absolutely agree that what has been proposed
21 here is a failing, in my mind, in reading the
22 regulations in creating that.

23 You know, it's an interesting piece here
24 because obviously in granting or denying an appeal
25 we're finding an error somewhere.

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1 What's fascinating in this piece is how
2 difficult this was, in all the processing, and that
3 the Zoning Administrator actually, in their authority,
4 stepped in to try and remedy a situation. And so I
5 don't think this is, you know, a huge fault that we've
6 found or an egregious error, but clearly I think it
7 pushed the level of what the regulations were written
8 to do.

9 And perhaps then brought this to a level
10 that it should not have been, which seems to be
11 apparent by the way the Board is heading on this.
12 Okay, anything else, then?

13 VICE CHAIR MILLER: If there's any doubt,
14 this appeal was amended to include additional building
15 permits so that my motion goes to granting the appeal
16 with respect to the amended appeal, including all the
17 building permits at issue.

18 Do you recall we had the motion to --

19 CHAIRMAN GRIFFIS: -- had any doubts.

20 VICE CHAIR MILLER: Someone had doubts,
21 okay.

22 CHAIRMAN GRIFFIS: I have many doubts
23 myself, however. Good, very well. Good
24 clarification, and I appreciate that. The last
25 opportunity for further deliberation on the motion?

1 (No response.)

2 CHAIRMAN GRIFFIS: Very well, we do have a
3 motion and it has been seconded, to grant the appeal
4 in 017310, as advertised and clarified, and cleared of
5 all doubts. I would ask then for all those in favor
6 of the motion signify by saying aye.

7 (Chorus of ayes.)

8 CHAIRMAN GRIFFIS: And opposed?

9 (No response.)

10 CHAIRMAN GRIFFIS: Abstaining?

11 (No response.)

12 CHAIRMAN GRIFFIS: Very well, Mr. Moy.

13 MR. MOY: The staff would record the vote
14 as five to zero to zero on the motion of the Vice
15 Chairman, Ms. Miller, to grant the appeal. Seconded
16 by Mr. Etherly. Also in support of the motion, the
17 Chair, Mr. Griffis, Mr. Mann and Mr. Hildebrand.

18 CHAIRMAN GRIFFIS: Good thing, Mr. Moy,
19 we're just going to make one clarification of that.
20 Mr. Hildebrand was the seconder of the motion.

21 MR. MOY: Oh, he was, I'm sorry.

22 CHAIRMAN GRIFFIS: Excellent. That being
23 cleared up, is there any further business for the
24 Board in this Special Public Meeting this morning?

25 MR. MOY: No, sir, that completes the

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1 Special Public Meeting.

2 CHAIRMAN GRIFFIS: Excellent. With that
3 then, let's adjourn our Special Public Meeting.

4 (Whereupon, the proceedings in
5 the above-entitled matter were
6 concluded at 10:25 a.m.)

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