

**LAW OFFICES
FINKELSTEIN & HORVITZ, P.C.
Suite 400 East
7315 Wisconsin Avenue
Bethesda, Maryland 20814
Telephone: (301) 951-8400
Facsimile: (301) 951-8401
Email: info@fandblaw.com**

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

★ MD, ★ DC, ◆ GA

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

October 3, 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

RECEIVED
D.C. OFFICE OF ZONING
2006 OCT -3 PM 4:04

Re: BZA Appeal No. 17519

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

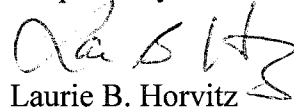
Dear Members of the Board:

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. 17519
EXHIBIT NO. 18

**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 - anc2c@erols.com

September 28, 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. 17519

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 1812 35th Street, N.W., DCRA Permit # 89770. 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 17519 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 October 3, 2006, via first class mail, postage prepaid to the following:

Gisela Garcia-Tunon/Andres Dan
6504 Millwood Road
Bethesda, Maryland 20817

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**

**Appeal of Advisory
Neighborhood Commission 2E**

BZA Appeal No. 17519

**APPELLANT'S SUPPLEMENTAL FILING
IN SUPPORT OF APPEAL**

I. Introduction

This is an appeal by the Advisory Neighborhood Commission 2E (hereinafter "ANC 2E") of the administrative decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs ("DCRA") to issue Building Permit No. 89770 (the "Permit"), allowing further additions to an existing semi-detached single family dwelling in violation of the lot occupancy, side yard, and nonconforming structure provisions of the Zoning Regulations (11 DCMR §§ 403, 405 and 2001.3). A hearing on this matter is presently scheduled for October 17, 2006.

II. Summary of Facts

The subject property is located at 1812 35th Street, N.W. (Square 1296, Lot 802) (the "Subject Property"). The site is within an R-3 zone and is presently occupied by a semi-detached single-family dwelling. The lot of the Subject Property is approximately 2,400 square feet in size and, prior to improvements commencing in 2004, was improved with a one and one-half story masonry dwelling that was built around 1910. On the north side of the Subject Property, the dwelling is situated on the side lot line. On the south side of the property, the dwelling has a nonconforming side yard setback that is between two and one-half and three feet along the southern property boundary. The original dwelling occupied approximately 31% of the lot.

The present owner of the Subject Property, 1812 35th Street, LLC (the “Owner”), commenced renovations pursuant to several earlier building permits. The Owner repaired fire damage to the structure, constructed a one and one-half story addition on the existing dwelling, and a three-story addition in the rear. The rear addition is twenty-seven and one-half feet deep and is situated directly on the lot line with the property to the north. The renovated structure has a lot occupancy of approximately 44%. A nonconforming side yard remains on the south side of the Subject Property.

Such construction and permits already have been the subject of two prior BZA proceedings. At the insistence of neighbors and DCRA, the Owner filed an application for special exception (No. 17327) in an effort to obtain approval of the largely completed addition to the rear of the main dwelling. The BZA considered the Owner’s application for special exception under 11 DCMR §§ 223 and 3104.1 to construct an addition that would not conform to the lot occupancy requirements or minimum side yard requirements of sections 403 and 405 of the Zoning Regulations. With respect to Application No. 17327, the Board denied the special exception on June 28, 2005 and issued a Decision and Order on September 13, 2005. In part, that decision was premised upon the unduly adverse impact of the rear addition upon the light and air of the properties to the north. The Board also based its decision upon the substantial visual intrusion of the renovated structure upon the character, scale and pattern of the houses along the street frontage. See Decision and Order for Application No. 17327, dated September 13, 2005.

Thereafter, the Owner did not endeavor to comply with the BZA decision in Application No. 17327 by, for example, altering the size or shape of the rear addition to

increase light and air to the northern neighbors. Instead, the Owner obtained a new building permit for a trellis, and then an “eave”, over the nonconforming side yard. Such alterations were intended to “convert” the dwelling into a row house and, according to the Owner’s theory, to justify the previously rejected rear addition.

The Board considered this approach in Appeal No. 17310. In a decision on November 8, 2005, the Board granted the appeal relating to DCRA’s issuance of building permits to the Owner. In part, the Board made the following finding in a written decision:

The Board concludes that the addition permits of November 5, 2004 and September 2, 2005 were issued in error. The dwelling with the addition is not a row dwelling under the Zoning Regulations. It is a ‘semi-detached one-family dwelling.’ The term ‘row dwelling’ is defined in the Zoning Regulations as ‘a one-family dwelling having no side yards’ *See*, 11 DCMR 199.1. As explained above, one side of the property has a lot line wall. The other side of the property has a side yard, albeit a small nonconforming one. Had DCRA properly considered the structure as a semi-detached dwelling, it would have found that the maximum lot occupancy limitation – 40% -- had been exceeded.

The Owner and DCRA contend that the proposed ‘eave’ or ‘overhang’ transforms the structure into a row dwelling because it extends to the lot line and eliminates the small but existing side yard. The Board finds to the contrary for the following reasons:

First, a roof overhang is not part of the dwelling structure. DCRA concedes that the proposed overhang is merely a continuation of the roof and provides no living space or functional purpose. As such, it would be unreasonable to conclude that the overhang alters the zoning classification.

Appeal No. 17310, Decision and Order (dated June 13, 2006). The Board rejected the Owner’s efforts to “circumvent the limits on lot occupancy.” *Id.*

Since November 8, 2005, when the Board announced the above decision, the Owner has completed renovations to the semi-detached structure. The nonconforming

side yard and huge rear addition remain unaltered. Although the prior Appeal was granted, the structure has never been modified.

The current appeal relates to the latest attempt by the Owner to preserve the identical structure that has been rejected twice by the BZA. Because the BZA previously rejected a trellis or eave as a mechanism for converting a semi-detached dwelling into a row house, DCRA has issued yet another building permit to the Owner. Once again, the Owner and DCRA are trying to reclassify the structure as a row dwelling. Yet, the Subject Permit is for an “alteration and repair”, rather than an addition. See Exhibit 1. According to the Permit, the described work would constitute a “conversion as per plans to change single family dwelling into a row house.” (sic) Id.

In the latest set of plans, the Owner has proposed largely superficial and non-functional modifications to the dwelling in an effort to expand the structure to the southern lot line. More particularly, the plans show that the basement and first floor structure would be unaffected by the addition. On the south side of the property, there still would be an exterior walkway along the side yard. Four piers would be added on the Owner’s property near the side lot line, with dimensions of 16” by 8”. In light of these piers in the side yard, the width of the walkway would be less than two and one-half feet. On the second floor, the new addition would be a façade with absolutely no living space or functional purpose. On that level, the two and one-half foot space above the side yard would be occupied by an apparently empty structure. There would be no access to this addition from the interior of the dwelling. The third floor alterations purportedly would add closets. Given the size of the existing side yard and the proposed dimensions on the plans, the maximum depth of the new “closets” would be less than two feet deep.

The Owner is also adding a huge, second story “covered” deck to the rear of the Property, thereby stripping the neighbor to north, Deidre Stancioff, of further light and privacy. The proposed cost of the renovations, including the new deck, is \$20,000 or less.¹

The application and plans for the latest building permit include several irregularities. For example, the plans improperly state that the proposed alterations and repairs to the structure will expand the lot occupancy from 44% to 48%. This proposition and the plans themselves presuppose that the current structure is a properly permitted building with an existing lot occupancy of 44%. In fact, the existing structure is not the subject of any validly issued permit. The prior permits were expressly rejected by the BZA in Appeal No. 17310. Accordingly, the DCRA’s latest permit would, in effect, expand the structure from 31% to 48%.

The application also states that the proposed work is a “conversion As per board of Appeals to Row House” (sic). Yet, the BZA’s written decision in Appeal No. 17310 had not been released when DCRA issued the Permit. Moreover, the earlier BZA decisions did not authorize these plans.

Inexplicably, the application states that the alterations will not involve disturbing the earth or the placement of any footings or columns. The Owner also indicated on the Environmental Intake Form that the project was “solely an interior renovation with no change in the use or capacity of the structure being renovated.” Although the Owner checked “yes” to that question, she added the following comment next to her response: “converting into a RowHouse”.

¹ The Contract Agreement included a cost estimate of “\$15,000.”

Moreover, DCRA's files do not include any written consent by the adjacent neighbors to the south, Mr. and Mrs. Richard Schmidt.

In sum, the latest Permit seeks to "convert" a semi-detached dwelling into a row dwelling by means of a third floor closet that is less than two feet deep. The Permit is intended to justify all prior additions by the Owner.

III. Legal Argument

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

The latest 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,² 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

² Churches and public schools are also permitted to exceed the forty percent lot occupancy. *Id.*

accessory buildings’’. 11 D.C.M.R. § 199.1 (definition of “Building area”); (definition of “Percentage of lot occupancy”).

Based upon these definitions and the particulars of the Subject Property, DCRA erred by classifying the property as a row dwelling. The earlier BZA decisions and the facts in this case establish that the Subject Property had a side yard before issuance of the latest building permit.

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 Owner 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 the revised plans pursuant to a special exception application. Instead, the Permit 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 be required to obtain a special exception or variance.

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. The Owner's latest proposal does not provide additional living space. There is no credible basis with which to find that the retrofitted two-foot addition will add living space to the structure. Instead, the Owner seeks to preserve benefits of its side yard, while reclassifying itself as a row dwelling. Notably, the structure still would include an exterior passage to the rear yard. Moreover, the second floor addition will be a façade.

The addition of shallow closets should not justify a reclassification of the structure as a row dwelling. Owners should not be allowed to circumvent the regulations relating to semi-detached dwellings with such superficial changes to a structure. Once again, the Owner and DCRA have disregarded the spirit and letter of the 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 with great specificity to submit revised plans that modify the structure in a manner that fully complies with the zoning laws of the District of Columbia. The dwelling should not exceed the permissible

lot occupancy of forty percent (40%) for semi-detached dwellings and should preserve the existing side yard.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'L. Horvitz', with a long, sweeping horizontal line extending to the right.

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 October 3, 2006, via first class mail, postage prepaid to the following:

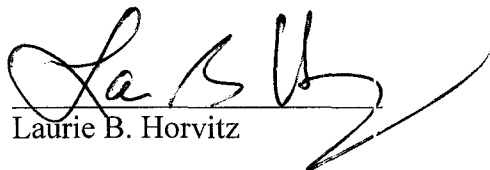
Gisela Garcia-Tunon/Andres Dan
6504 Millwood Road
Bethesda, Maryland 20817

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
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

**LIST OF SUPPLEMENTAL EXHIBITS
IN SUPPORT OF BZA APPEAL NO. 17519**

<u>Exhibit Number</u>	<u>Exhibit Description</u>
1	Building Permit 89770 Building Permit Application, including attachments
2	Plans for Building Permit 89770
3	Photographs of the Subject Property
4	Selected Documents Relating to Prior Building Permits and BZA Proceedings Plan Correction List – 10/16/04 Plan Correction List – 10/05/04 Prior ANC 2E Resolution, dated 9/08/05 Plat for Earlier Building Permit, dated 8/02/04 Prior Plans for “Trellis” addition Memorandum from Zoning Review Branch to BZA, dated March 2, 2005 Memorandum from Office of Planning to BZA, Dated May 31, 2005 Notes and Computations relating to prior building permits Letter from Gisela Garcia-Tunon, dated March 15, 2005

06-55541

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.P.C. No:	O.G. No:		2-3	89770	By:
H.P.A. No:	S.L. No:	Ward No:	Receipt No:	Date:	Receipt No:



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

#105

BLRA-33
(Rev. 2/04)

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

CLEARANCE TO FILE
By: _____ Date: _____

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

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1 Address of Proposed Work: 1812-35th St N.W.		Suite No.	2. Lot 27802	3. Square 51296	4. Application Date 2/15/06
5 Owner of Building or Property 1812-35th St LLC		6 Address (include Zip Code) Wash DC 20007			7 Phone:
8 Agent for Owner: (if applicable) Grisela Garcia-Tunon		9. Address (include Zip Code) Bldg 20817 6504 Millwood Rd			10. Phone 301 229-3328
11. Type of Proposed Work (check all applicable boxes)					
☐ New Building ☒ Addition ☒ Alteration and Repair ☐ Raze Building ☐ Retaining Wall ☐ Fence ☐ Shed ☐ Awning ☐ Garage ☐ Sign ☐ Projection ☐ Other (Specify) _____					

"False statements or misrepresentation of facts on a permit application and/or plans is subject to criminal penalties pursuant to DC law 22-2405"

12. Description of Proposed Work
conversion per board of Appeals
to Row House
add new deck

Revision Deck

13 Existing Use(s) of Building or Property Single Home		14 Ex. No of Stories of Bldg 3 + Pent	15 Ex No of Dwelling Units 1	Official Use Only Miscellaneous FEE \$ 66.	
16 Proposed Use(s) of Building or Property Single Family Home		17 Prop No of Stories of Bldg 3 + Pent	18 Prop. No of Dwelling Units No CHANGE	By: <i>AW</i>	Date: 3/9/06
19 Starting Date AST	20 Completion Date of work	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		25. Area of Offsite Drainage sq. ft	26. No of Footings or Columns	27 Size of Footings or Columns

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I)

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:		29. D.C. Lic. No.:	30. Architect's Address: (include Zip Code)		31. Phone:
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 2400 sq. ft.
44. Present Gross Floor Area of Bldg. 4200 sq. ft.		45. Proposed Gross Floor Area of Bldg. 4616 sq. ft.		46. Floors involved in this permit ☐ All ☒ Floors 1 st , 2 nd , 3 rd	
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.: \$ ~~32,000~~		Alter/Repair FEE		New Const. FEE	
(b) Alt/ Repair \$ 20,000		\$		\$	
Total \$ 20,000		\$		\$	
60. Volume of New Bldg. or Addition 1440 cubic ft.		By: Date:		By: Date:	

(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		OFFICIAL USE ONLY	
91. Address of Adjoining Owner:		92. Lot:	93. Square:	FEE By: Date:	
				\$	

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

INSTRUCTIONS FOR ENVIRONMENTAL INTAKE FORM

The Environmental Policy Act of 1989 (DC Code Sec. 6-981, DC Law 8-36) requires that District of Columbia agencies consider the environmental impact of all proposed major actions prior to issuing any approvals for such actions. The purpose of the Environmental Intake Form is to screen all applications for permits to ensure compliance with the Environmental Policy Act. Every applicant for a building permit must complete this form for submission with the application for a permit. A copy of the Regulations of the Environmental Policy Act of 1989 is available for review in the Permit Service Center, Room 2300, 941 North Capitol Street NE. Or you can visit www.dcrd.dc.gov on the Internet to find forms, laws and regulations, maps and links to other websites that provide information related to environmental policy review.

Department of Consumer and Regulatory Affairs (DCRA) staff will review the Environmental Intake Form to determine whether or not an Environmental Impact Screening Form (EISF) is required. If a determination is made that an EISF is not required, the application for a permit will proceed through its normal reviews. **If a determination is made that an EISF is required, no permit can be issued until interagency reviews of the EISF are completed, and a determination is made by the Director of DCRA that the proposed action will not result in substantial negative impact.**

Following are line-by-line instructions and resources for completing the Environmental Intake Form. Note that in addition to the resources provided below, all District of Columbia laws and regulations are available at local DC public libraries. Also note that all phone numbers provided are within the (202) area code.

1. **Is this a solid waste facility?**
 - If the answer is yes, see the EIS Coordinator.
 - If the answer is no, proceed to the next question.
2. **Does the owner of this site own adjacent or abutting property?**
 - If the answer is yes, submit a site plan to the EIS Coordinator, DCRA. If there are no plans to develop the adjacent or abutting property within the next three years, prepare an explanation and submit to the EIS Coordinator.
 - If the answer is no, proceed to question # 2.
3. **Does the owner of the site plan to acquire property that is adjacent to or abutting this site within the next three years?**
 - If the answer is yes, submit a site plan to the EIS Coordinator, DCRA. If such plans are not yet available, prepare an explanation and submit to the EIS Coordinator.
 - If the answer is no, proceed to question # 3.
4. **Is additional development planned by the applicant for any site within the same square during the next three years?**
 - If the answer is yes, submit a site plan to the EIS Coordinator, DCRA. If such plans are not yet available, prepare an explanation and submit to the EIS Coordinator.
 - If the answer is no, proceed to question # 4.
5. **Is this project a residential structure within the R-1 through R-5-A zoning districts?**
 - If the answer is yes, go directly to the signature line.
 - If the answer is no, proceed to the next question.
 - If you don't know the zoning for this property, ask to speak to the Zoning Technician in Room 2300. In addition, the Zoning Regulations and zoning maps are available on the Internet at www.dcoz.dcgov.org.
6. **Is this project a single-family structure that is not in conjunction with the building of two or more units?**
 - If the answer is yes, go directly to the signature line.
 - If the answer is no, proceed to the next question.
7. **Is this project an accessory structure such as a garage, patio, swimming pool or fence?**
 - If the answer is yes, go directly to the signature line.
 - If the answer is no, proceed to the next question.
8. **Is the project solely an interior renovation with no change in the use of the building?**
 - If the answer is yes, go directly to the signature line.
 - If the answer is no, proceed to the next question.
9. **Is the project located in an Economic Development Zone, as defined in DC Code 5-1401 et seq (DC Law 7-177)?**
 - If the answer is yes, go directly to the signature line.
 - If the answer is no, proceed to the next question.

- For reference, a map of the Economic Development Zones is located in the Permit Service Center, Room 2300, 941 North Capitol Street NE. A copy of DC Law 7-177 is available from the Office of Documents, 441 4th Street NW.
10. Is the project located within the Central Employment Area as defined in DC Zoning Regulations? (Title 11 DCMR)
- If the answer is yes, go directly to the signature line.
 - If the answer is no, proceed to the next question.
 - For reference, a map of the Central Employment Area is located in the Permit Service Center, Room 2300, 941 North Capitol Street NE. The DC Zoning Regulations are available on the Internet at www.dcoz.dcgov.org.
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 the answer is yes, go directly to signature line.
 - If the answer is no, proceed to question # 8.
12. Has an Environmental Impact Statement been prepared under 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 the answer is yes to any question, please submit appropriate documentation for review by DCRA's EIS Coordinator.
 - If the answer is no, proceed to question # 9.
13. Is an exemption claimed from the requirement to submit an Environmental Impact Screening Form pursuant to any section of DC Municipal Regulations, Chapter 72 that is not referred to in this form?
- If the answer is yes, describe the exemption and cite the relevant section of the regulations on an attachment. A copy of Title 20, DC Municipal Regulations, Chapter 72 (the Environmental Policy Act regulations) is available for review in the Permit Service Center, Room 2300, 941 North Capitol Street NE.
 - If the answer is no, proceed to question # 13..
14. Does the total cost of the project exceed \$1.42 million, including site preparation and construction?
- If the answer is yes and no exemption applies, an EISF is required.
 - If the answer is no, you must state the cost of the entire project. The construction cost is not the cost of the project.
15. Is the cost of this activity **\$1.42 million or less?**
- If yes, please answer # 14A through # 14G and proceed to signature line.
- A. Does the project site contain any species of plant or animal that is identified as threatened or endangered?
- Three species listed as threatened or endangered in the District of Columbia are: the bald eagle, Hay's Spring amphipod, and the shortnose sturgeon. Please call the Fisheries and Wildlife Division of the Department of Health at 535-2266 if you have further questions.
- B. Are any streams, lakes, ponds, springs or wetlands within or contiguous to the project site?
- If uncertain, you may visit the Internet at www.dchealth.com/EHA/wqd/reports/htm – or call the Water Quality Division of the Department of Health at 535-2190.
- C. Will the project result in an emission of odorous or other air pollutants from any source?
- Call 535-2506 if you have any questions.
- D. Will this action involve the use, production or disposal of hazardous substances as defined in 20 DCMR 7299?
- For further information, please call 535-2289.
- E. Will construction be on land where the depth to the water table is less than 3 feet?
- For information, you may call 535-2190.
- F. Will blasting occur as part of the project?
- For information, call 442-4365.
- G. Will the project generate medical, infectious, radioactive or hazardous waste?
- For information, call 535-2270.

DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS
Building and Land Regulation Administration

ENVIRONMENTAL INTAKE FORM

Project Name: <u>1812-35th St. N.W.</u>	Project Address: <u>SAME</u>	Lot: <u>34</u>	Square: <u>51296</u>
Filed Job Application # (if applicable):		Project Description:	

Owner: Eisela Garcia-Tunon / Andres Dan Date: 3/8/06

Owner's address and phone #: 6504 Hillwood Rd Beth, Md 20817 301 229-3321

Authorized agent: _____

Address and Phone # of authorized agent: _____

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. <u>converting into a Row House</u>
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 11 DCMR)		☒	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.

-OVER-

Scope of the Project	Yes	No	Instructions
13. Is an exemption claimed from the requirement to submit an Environmental Impact Screening Form pursuant to Title 20, Sec. 7202 that is not referred to in this form? If yes, describe the exemption and cite the relevant section of the regulations on an attachment.		✓	If yes, describe on an attachment and submit to EIS Coordinator, DCRA.
14. Does the total cost of the project exceed \$1.51 million, including site preparation and construction?		✓	If yes, and no exemption claimed, Environmental Impact Screening Form (EISF) required.
15. Is the cost of this project \$1.51 million or less? If yes, please answer all of the following questions:		✓	If yes, complete A through G.
A. Does the project site contain any species of plant or animal that is identified as threatened or endangered?		✓	If yes, EISF required.
B. Are any streams, lakes, ponds, springs or wetlands within 100 feet of the project site?		✓	If yes, EISF required.
C. Will the project result in an emission of odorous or other air pollutants from any source, including VOCs?		✓	If yes, EISF required.
D. Will this action involve the use, production or disposal of hazardous substances as defined in 20 DCMR 7299?		✓	If yes, EISF required.
E. Will construction be on land where the depth to the water table is less than 3 feet?		✓	If yes, EISF required.
F. Will blasting occur as part of the project?		✓	If yes, EISF required.
G. Will the project generate medical, infectious, radioactive or hazardous waste?		✓	If yes, EISF required.

I certify that all of the statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable laws and regulations of the District of Columbia. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)

Isela Garcia Luna
Signature of Owner/Authorized Agent

3/8/06
Date

OFFICIAL USE ONLY	
Environmental Impact Screening Form required: Yes _____ No _____	Referred to EIS Coordinator _____
DCRA Reviewer _____	Date _____
If yes, submit to EIS Coordinator Department of Consumer and Regulatory Affairs Building and Land Regulation Administration	
Comments _____	

NOTE: APPROVAL OF A BUILDING PERMIT IS NOT SYNONYMOUS WITH APPROVAL OF AN ACTION OR ENTIRE PROJECT UNDER THE ENVIRONMENTAL POLICY ACT OF 1989. IF THE APPLICANT BUILDS ON THE SAME, ADJACENT OR ABUTTING PROPERTY OR EXPANDS UPON THE WORK DESCRIBED IN THE INSTANT APPLICATION OR PLANS AND SPECIFICATIONS WITHIN THREE YEARS, AN ENVIRONMENTAL IMPACT SCREENING FORM MAY BE REQUIRED FOR THE ENTIRE PROJECT, INCLUDING THE PORTION ENCOMPASSED BY THIS APPLICATION AND PERMIT APPROVAL. FURTHER, IF THE ACTION IS IN VIOLATION OF ANY FEDERAL OR DISTRICT LAWS PERTAINING TO THE ENVIRONMENT, AN EISF CAN BE REQUIRED.

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL, CALL THE INSPECTOR GENERAL ON 1- 800- 521-1639

9/2004

CONTRACT AGREEMENT

Name of Contractor/Owner _____ Contractor's License No. _____

Address of Contractor/ Owner _____ Date: _____

ADDRESS OF PROPOSED WORK		LOT:
		SQUARE:
OWNER OF BUILDING OR BUSINESS:		PHONE No:
DESCRIPTION OF PROPOSED WORK:		
COST ESTIMATE		
CONSTRUCTION e.g drywall, ceilings, framing, carpentry etc	\$	
ELECTRICAL	\$	
MECHANICAL	\$	
PLUMBING	\$	
FIRE PROTECTION e.g sprinkler system, fire alarm system, generator etc.	\$	
DEMOLITION	\$	
MISC/OTHER (please specify)	\$	
TOTAL	\$	\$15,000⁻
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 _____ Signature & print		Date: _____
OWNER OF BUILDING/BUSINESS _____ Signature & print		Date: _____
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 112.1.

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

PROJECT ADDRESS: _____ LOT: _____ SQUARE: _____
PROJECT DESCRIPTION: _____

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)
1. 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) 535-2289, 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) _____

Address _____ Date _____ Phone _____

OFFICE USE ONLY
COMMENTS AND PERMIT RESTRICTIONS:

**DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
LEAD HAZARD CONTROL PERMIT QUESTIONNAIRE AND EXEMPTION FORM**

Project Address: _____

Name of Owner(s): _____ Name of Contractor: _____

Phone Number: _____ Square #: _____ Lot #: _____ Ward #: _____

Project Start Date: _____ Project End Date: _____

Building Type: Commercial - ☐ Office ☐ Mixed Use (Explain) _____
Residential - ☐ Multi-family ☐ Single-Family ☐ Elderly or handicapped ☐
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:

SOUP & PROJECT	YES	NO	COMMENTS
1. Is the project disturbing deteriorated lead based paint on surfaces totaling <u>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:</u>			
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.

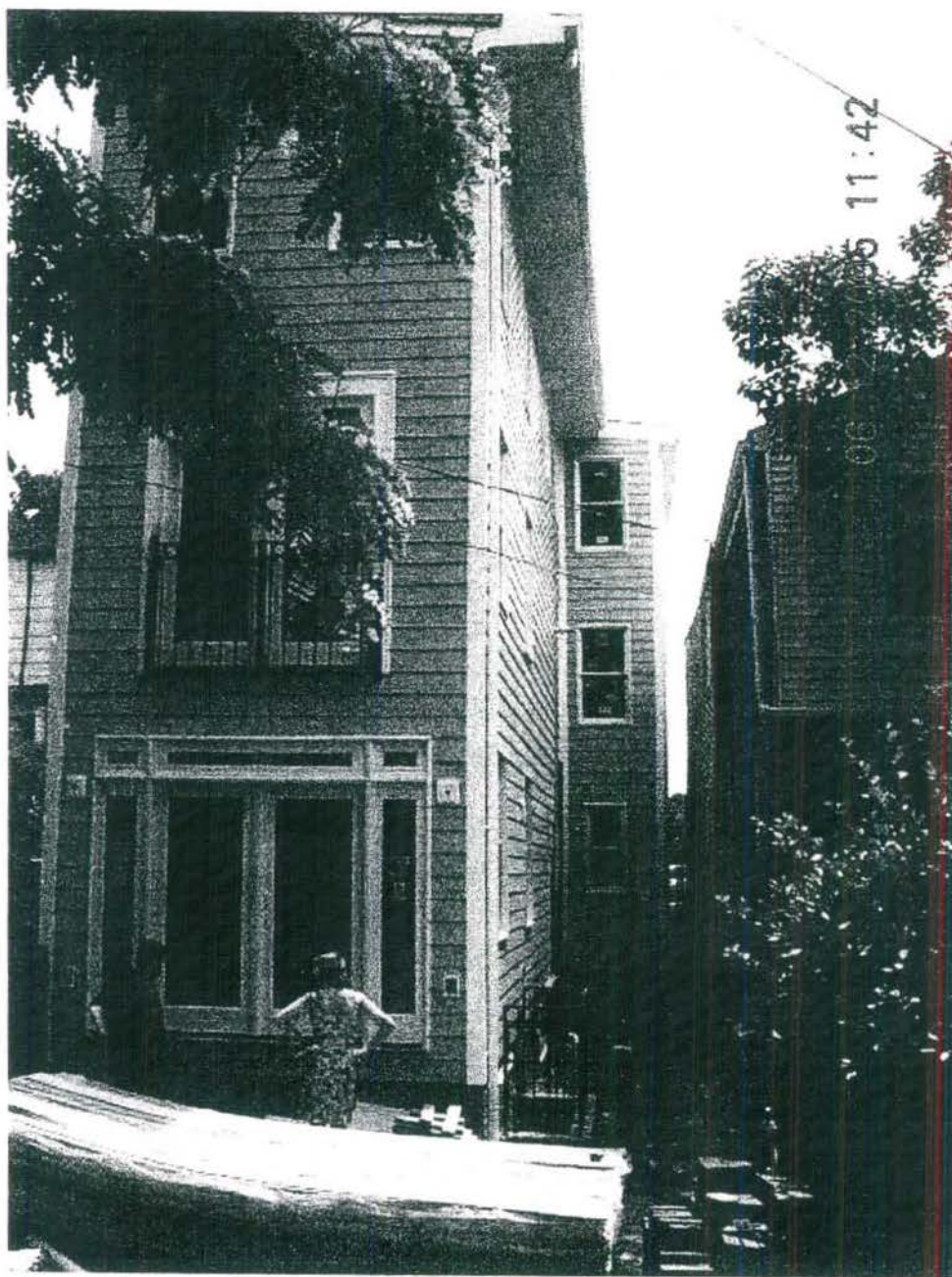
SIGNATURE _____

DATE _____

PRINT NAME _____

For Office or Government Use Only			
RECEIVED	YES ☐ NO ☐	COMMENTS	DATE

Subj: (no subject)
Date: 6/16/2005 9:18:07 AM Eastern Standard Time
From: POWERINMD
To: POWERINMD



1812-35th St NW

Rear



FRONT

1812-35th St. NW



Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration - Permit Service Center

February 15, 2006
03:21 PM

Comments

Received:

Date:

PLANS

Y N

APPLICATION

Y N

Engineering Coordinator William Schoon

Applicant/Agent GISELA GARCIA-TUNON 301-229-3328

Project Location:

Job No:

1812 35TH ST NW

WT 6

Required Reviews (Checked boxes only)	Reviewer	Completion Time	Review Status
☐ Public Space		☐ AM ☐ PM	☐ Approved ☐ HFC ☐ Ref. to DPW ☐ Conf. w/ Applicant
☒ Zoning	BC	☒ AM ☐ PM 03.08.06	☒ Approved ☐ HFC ☐ Ref. to BZA ☐ Ref. to Zoning Administrator ☐ Conf. w/ Applicant
☒ Soil Erosion ☐ Storm Water Mgmt		☐ AM ☐ PM	☐ Approved ☒ HFC ☐ Ref. to DOH ☐ Conf. w/ Applicant
☐ Air Quality ☐ EIS		☐ AM ☐ PM	☐ Approved ☐ HFC ☐ Ref. to DOH
☐ Water & Sewer		☐ AM ☐ PM	☐ Approved ☐ HFC ☐ Ref. to WASA ☐ Conf. w/ Applicant ☐ WASA deposit required
☐ Mechanical/Plumbing		☐ AM ☐ PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☐ Health		☐ AM ☐ PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☒ Electrical	R	☒ AM ☐ PM	☒ Approved ☐ HFC ☐ Conf. w/ Applicant
☐ Elevator		☐ AM ☐ PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☐ Fire Protection		☐ AM ☐ PM	☐ Approved ☐ HFC ☐ Conf. w/ Applicant
☒ Structural	AS	☒ AM ☐ PM	☒ Approved ☐ HFC ☐ Conf. w/ Applicant
Remarks PAY FEE INSIDE (SOIL T Section 3/8/06)			

walls do not impinge on the neighbor's property. 1902
that within the Old City where this project is located, a
neighbor's right to utilize the party wall without the
neighbor's consent is a matter of statute law, originated
by George Washington. See below.

1-1604 Legal Status of Party Walls.

The following memorandum on the status of party walls in the District of Columbia is published for the information of the public. It is not intended in so doing that it should constitute a regulation.

In 1791 the several owners of that part of the land in the District of Columbia known as the city of Washington (bounded on the north by Florida Avenue, on the east beginning at Fifteenth Street east where it intersects with Florida Avenue, thence south on Fifteenth Street to C Street north, thence east on C Street north to the Anacostia River, thence along said river to the Potomac River, on the south by the Potomac River, and on the west by Rock Creek) conveyed their lands to trustees, in trust, among other things to lay out a Federal city, and with such streets, squares, parcels, and lots as the President of the United States should approve, and then equally divide the lots between the United States and the original proprietors. It was also provided in the deed by the original proprietors that the land so conveyed to the United States and the original proprietors after laying out the Federal City should be "on, or subject to, such terms and conditions as should be thought reasonable by the President . . . for regulating the material; and manner of the buildings and improvements on the lots generally, in said city." Pursuant thereto, President Washington issued a declaration providing in part as follows:

"That the person or persons appointed by the Commissioners to superintend buildings may enter upon the land of any person to set out the foundation and regulate the walls to be built between party and

18

BUILDING CODE MANUAL

party as to the breadth and thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party walls are to be built, and shall be of the breadth and thickness determined by such person proper, and the first builder shall be reimbursed one moiety of the charge of such party wall or so much thereof as the next builder shall have occasion to make use of before such next builder shall anyways use or break into the wall, the charge of value thereof to be set by the person or persons so appointed by the Commissioners."

It has been held that this is the only source of the right of a lot owner in the city of Washington to put his party wall on his neighbor's land. (Fowler v. Sals, 7 Mackey, 570 at 579.)

The court in another case has held that this gave rise to "a condition annexed to the title of every house lot in the city of Washington (as distinguished from the District of Columbia), that when a proprietor builds a partition wall between himself and his neighbor, he shall lay the foundation equally upon the lands of both; and that any person who shall afterwards use the partition wall, or any part of it shall reimburse to first builder a moiety (one-half) of the charge of such part as he shall use." (Miller v. Elliott, 5 Cranch, C. C. 543; decided 1839.)

The decision just quoted decided the status of party walls in the city of Washington, but it was not until 1915 when the case of Fowler v. Koehler (43 App. D. C. 349) was decided by the court of appeals that the law as to party walls in the county of Washington was known with certainty. In this case, the court of appeals said:

"There are but two lawful ways in which a party wall can be established. (1) By contract between the owners of the adjoining properties and (2) by force of statute. . . . Undoubtedly this wall, like thousands of others in the District of Columbia outside of the limits of the original city, was constructed in the belief by the owners of the adjoining lot that the builder was authorized by law to construct one-half of the wall on the land of his neighbor. A custom so universally acquiesced in will go far toward composing any equitable or legal differences which may arise in the future over party walls now in existence which were constructed without express contractual authority."

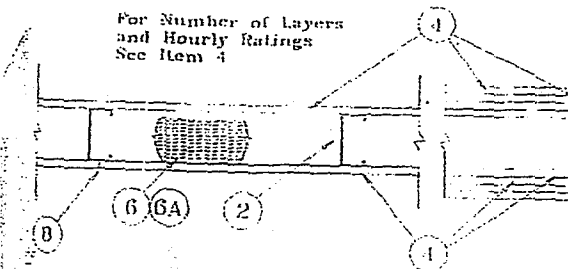
"In the present case, however, plaintiff constructed this wall in question one-half on the adjoining lot without either statutory or express contractual authority. It is well settled that where the owner of a lot on to which a party wall extends accepts the wall by attaching his building thereto he estops himself to complain of the trespass, and the mutual easement of servitude is as completely established as if the wall had been constructed under the authority of a statute or an express contract. We think the same rule will apply where the owner of an adjoining lot has notice of the construction of a party wall, partly on his land. If he stands by and, without protest, permits the erection of the wall to proceed to completion the law will imply an agreement on his part to accept the benefits thus tendered."

- FIRE RATING REQ
- FIRE RATING REQ

- FIRE RATING REQ
EXTENSIONS - 2
UL # U 423 (2)

Design No. U423

ig Wall Ratings—45 min, 1, 1-1/2 or 2 Hr (See It)



1. Floor and Ceiling Runners—(Not shown)—Channel shape from min 0.0329 in. thick (No. 20 MSG) corrosion-protect provide a sound structural connection between steel studs assemblies such as floors, ceilings and/or other walls. Att and ceiling assemblies with steel fasteners spaced not greater than 24 in. OC.

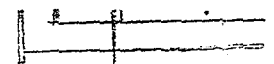
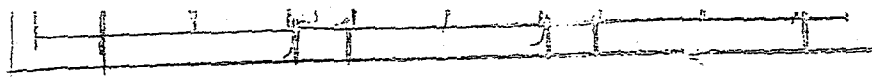
2. Steel Studs—Min 0.0329 in. thick (No. 20 MSG) cold formed, designed in accordance with the current edition of the Specification for the Design of Steel Structures.

FIRE RESISTANCE RATINGS - ANSI/UL263 (BXUV)—(1)

Steel Structural Members by the American Iron and Steel Institute. All design details enhancing the structural integrity of the including the axial design load of the studs, shall be as specified by the steel stud designer and/or producer, and shall meet the all applicable local code agencies. The max stud spacing: 24 in. OC. Studs attached to floor and ceiling runners with Type S-12 panhead, self-drilling, self-tapping steel screw of the studs or by welded or bolted connections designed with the AISI specifications.

3. Lateral Support Members—(Not shown)—Where required for support of studs, support shall be provided by means of channels or other similar means as specified in the design of steel stud wall system.

4. Wallboard, Gypsum*—Gypsum panels with beveled, square edges, applied vertically or horizontally. Vertical joint studs and staggered one stud cavity on opposite sides of joints in adjacent layers (multilayer systems) staggered Horizontal edge joints and horizontal butt joints on opposite studs staggered a min of 12 in. Horizontal edge joint butt joints in adjacent layers (multilayer systems) staggered in. The thickness and number of layers and percent of deflection for 45 min, 1 hr, 1-1/2 hr, and 2 hr ratings are as follows



Registered No. RB979768600US

Date Stamp

To Be Completed By Post Office	Reg. Fee	\$7.90	
	Handling Charge	\$0.00	Return Receipt \$0.00
	Postage	\$0.39	Restricted Delivery \$0.00
	Received by VCLF		
	Customer Must Declare Full Value \$	\$0.00	☐ With Postal Insurance ☒ Without Postal Insurance

0812

02

03/09/2006

Domestic Insurance up to \$25,000 is included in the fee. International Indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	66 Turner
		6504 Hillwood Rd
		Beth, Md 20817
	TO	Deidra Stancioff
		1814 - 35th St. N.W.
		WASHINGTON, DC 20007

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
May 2004 (7530-02-000-9051) (See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com®

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations.

94. Material and type:	95. Height ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *
------------------------	-------------------	------------	---

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

98. Signature of Adjoining Owner:	99. Phone: Work Home	OFFICIAL USE ONLY	
	101. Lot	102. Square	FEE
100. Address of Adjoining Owner:		\$	
		By:	Date:

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

103. Number	104. Length: ft.	105. Width ft.	106. Area: sq.ft.	107. Height ft.	108. Volume cu.ft.	109. Est. Cost of Work \$	OFFICIAL USE ONLY
							FEE
110. Material of Roof	111. Material of Sides	112. Wall Thickness: ☐ External () inches ☐ Party () inches				113. Color	\$
							By: Date:

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt of attachm _____ in	118. Height of Lowest Part of awning	OFFICIAL USE ONLY
					FEE
119. Material of Frame	120. Material of Covering	121. Lettering on awning? ☐ Yes ☐ No	122. Fixed Posts? ☐ Yes ☐ No	123. Over Side- walk café? ☐ Yes ☐ No	\$
					By: Date:

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No. SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor License Number:																															
129. Address of Electrical Contractor (include Zip)		130. Signature of Licensed Electrician		131. Phone No.	132. License No.																														
133. Height relative to building and ground (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is building height (d) _____ ft _____ in above projection of window (e) _____ ft _____ in from roof to sign's bottom		134. Material of Sign		135. Type of Sign	136. Color																														
		137. Width ft.	138. Length ft.	139. Area of Sign sq. ft.	140. Wide of Business frontage ft.																														
141. C of O No for Bldg.	142. Sign Contractor: License No.		OFFICIAL USE ONLY																																
143. Sign Contractor's Address:		144. Phone:		<table border="1"> <tr> <th colspan="6">Sign FEE</th> <th colspan="2">Elect. FEE</th> <th colspan="2">Total FEE</th> </tr> <tr> <td colspan="2">\$</td> <td colspan="2">\$</td> <td colspan="2">\$</td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td>By:</td> <td>Date:</td> <td>By:</td> <td>Date:</td> <td>By:</td> <td>Date:</td> <td colspan="4"></td> </tr> </table>		Sign FEE						Elect. FEE		Total FEE		\$		\$		\$						By:	Date:	By:	Date:	By:	Date:				
Sign FEE						Elect. FEE		Total FEE																											
\$		\$		\$																															
By:	Date:	By:	Date:	By:	Date:																														

(I) APPLICANT'S SIGNATURE

OWNER: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner

Shela Garcia-Tunon

Address

6504 Hillwood Rd. Beth Hd 20817 Date 2/15/06

AGENT: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia

Signature of Agent

Address

Date

Mrs. Deidra Stancioff
Mr & Mrs Richard Schmidt

This letter is to inform you that we will be constructing an addition on 1812 35th Street NW. .
The addition will be to convert the existing house into a row house over the non-conforming
side yard abutting 1810. Also, we will build a covered deck in the back. This deck will be next
to the 1814 side.

Sincerely,

Gisela Garcia Tunon
Andres Dan

Copy To: Mr. Bill Crews
Zoning Administrator for the District of Columbia
Department of Consumer and Regulatory Affairs

Registered No. **RB979768575US**

Date Stamp

To Be Completed By Post Office	Reg. Fee	\$7.90	
	Handling Charge	\$0.00	Return Receipt \$0.00
	Postage	\$0.39	Restricted Delivery \$0.00
	Received by <u>VOE</u>		
Customer Must Declare Full Value \$		\$0.00	☐ With Postal Insurance ☒ Without Postal Insurance

Domestic Insurance up to \$25,000 is included in the fee. International indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be In Ballpoint or Typed	FROM	Gig Union
		6504 Hillwood Rd
	TO	Beth, Md. 20812
		Mr. + Mrs Richard Schmidt
		1810 - 35th St. N.W.
		WASHINGTON, DC 20007

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY)

A. PERMIT CONTROL

- ☐ 1. Fine Arts by: _____ Date: _____
☐ 2. Historic by: _____ Date: _____
☐ 3. Cap. Gateway by: _____ Date: _____
☐ 4. NCPC: _____ 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: PR Date: 3/8/06

Restrictions of the Permit:

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: JSK Date: 2/15/06
☐ 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: SC Date: 03.08.06
 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. _____ Date: _____
☒ Erosion Control by: AD Date: 3/8/06
☐ 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: RF Date: 3/8/06
☒ 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: AD Date: 3/9/06
☐ 19. Permit and Certificate Issuance Counter
 by: _____ Date: _____
☐ 20. QC By: WJP Date: 3/9/06

ZONING

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

- ☐ New Bldg
☐ P.O.D.
☐ File in room 2124

Job No.

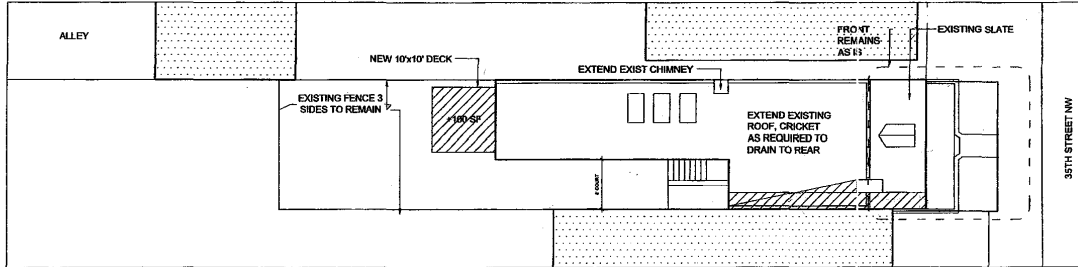
BZA Case No.

PUD Order No.

DDOT - PUBLIC SPACE

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

ADDITION & RENOVATION TO 1812 35th STREET NW WASHINGTON, D.C.



A SITE PLAN - PROPOSED
SCALE: 1/8" = 1'-0"

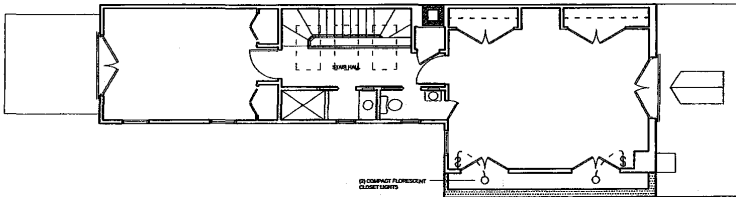
1812 35TH STREET NW
LOT 27 SQUARE S1296
902

RESIDENTIAL DISTRICT	R3
LOT SIZE	2400 SF
EXISTING HOUSE FOOTPRINT	1054 SF
EXISTING LOT OCCUPANCY	44%
PROPOSED HOUSE FOOTPRINT	1154 SF
PROPOSED LOT OCCUPANCY	48.0%
HEIGHT OF HOUSE	35'-0"
PROPOSED HGT OF HOUSE	35'-0"

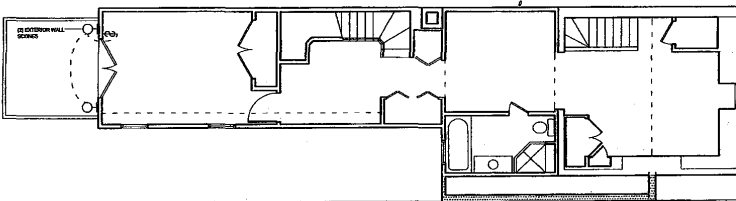
LIST OF DRAWINGS

- | | |
|-----|---|
| A-1 | SITE PLAN, LIST OF DRAWINGS, ELECTRICAL |
| A-2 | ARCHITECTURAL PLANS |
| A-3 | EXTERIOR ELEVATIONS / SECTIONS |
| A-4 | ARCHITECTURAL DETAILS |
| S-1 | STRUCTURAL PLANS & DETAILS |

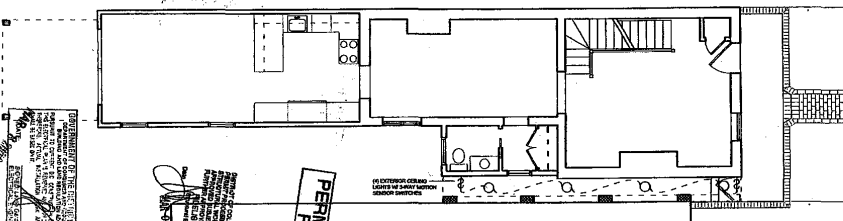
ELECTRICAL



A ELECTRICAL PLAN- 3RD FLOOR
SCALE: 3/16" = 1'-0"



B ELECTRICAL PLAN- 2ND FLOOR
SCALE: 3/16" = 1'-0"



C ELECTRICAL PLAN- 1ST FLOOR
SCALE: 3/16" = 1'-0"

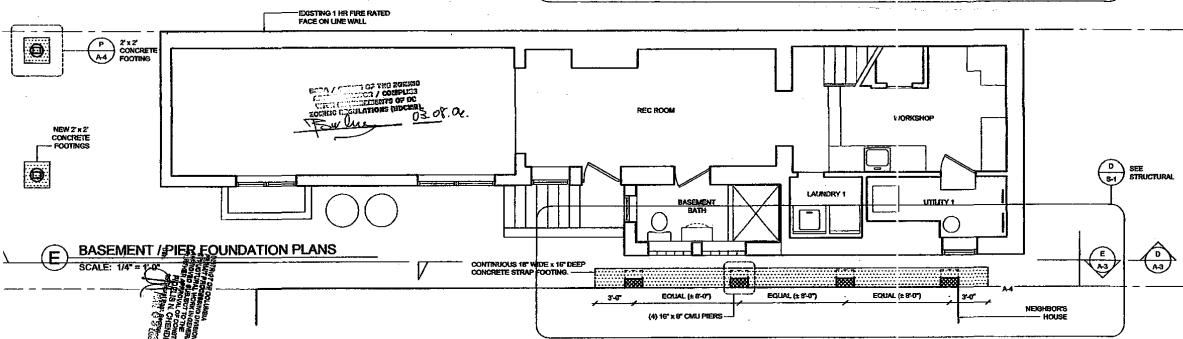
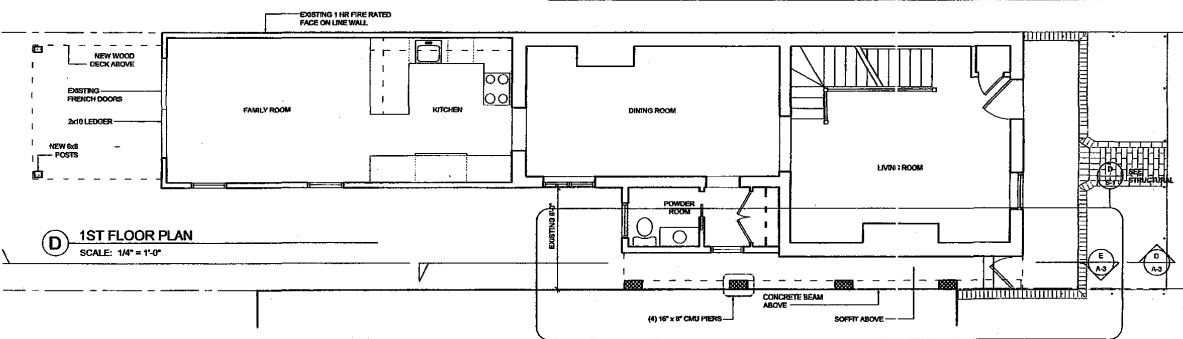
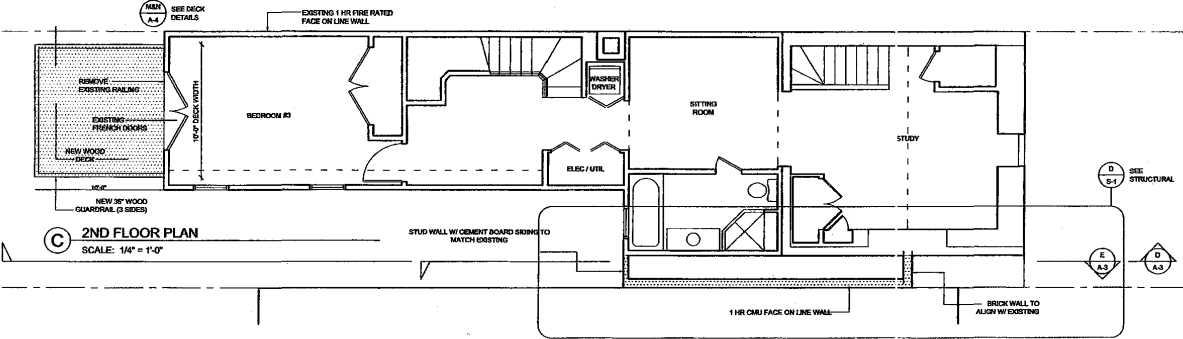
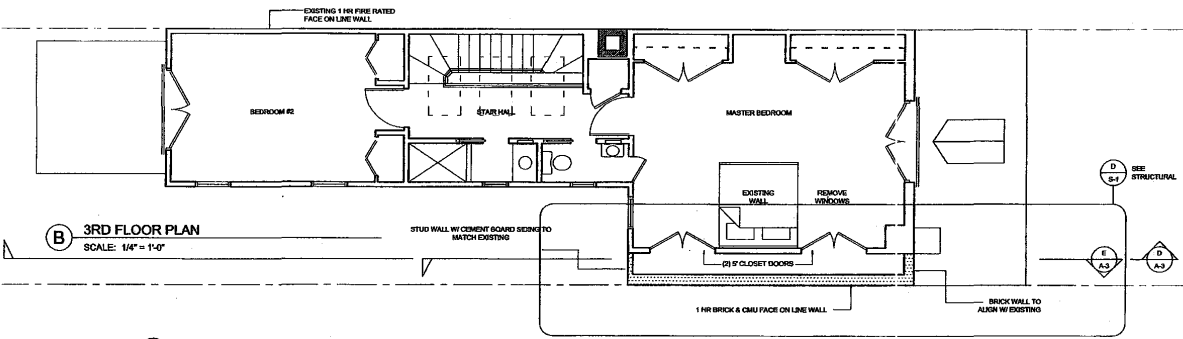
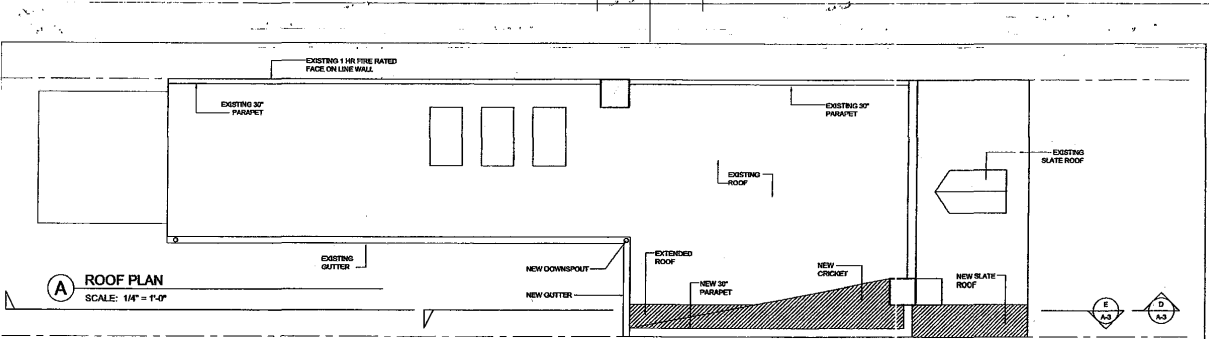
PERMANENT
FILE

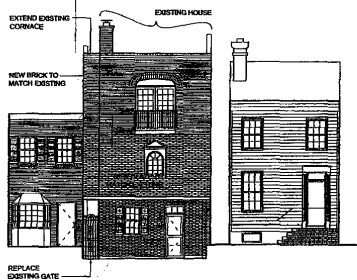
1812 35th STREET NW WASHINGTON, D.C.
PARTNERSHIP OF 1812

SITE PLAN, GEN INFO,
LIST OF DRAWINGS AND
ELECTRICAL PLANS

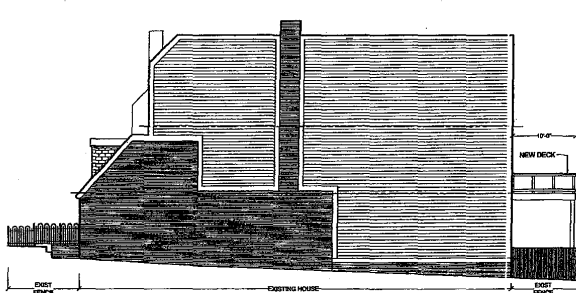
PERMIT SET
2-10-2006

A-1

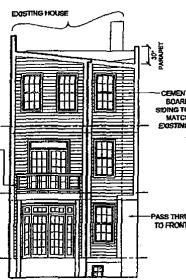




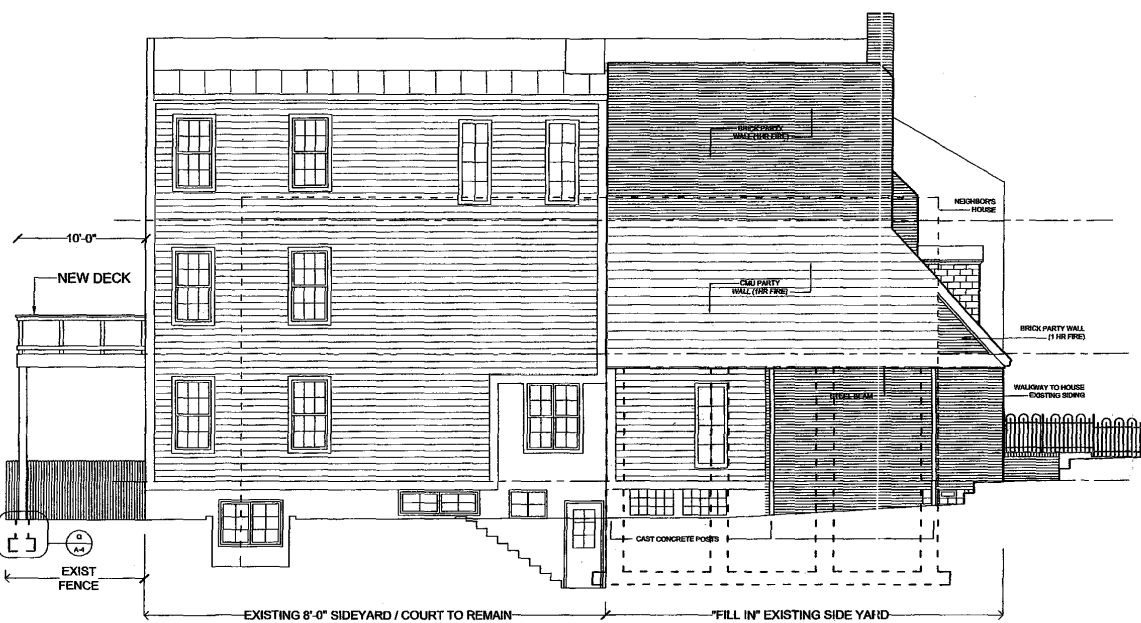
**(A) FRONT (EAST) ELEVATION
(SHOWN W/ NEIGHBORS)**
SCALE: 1/8" = 1'-0"



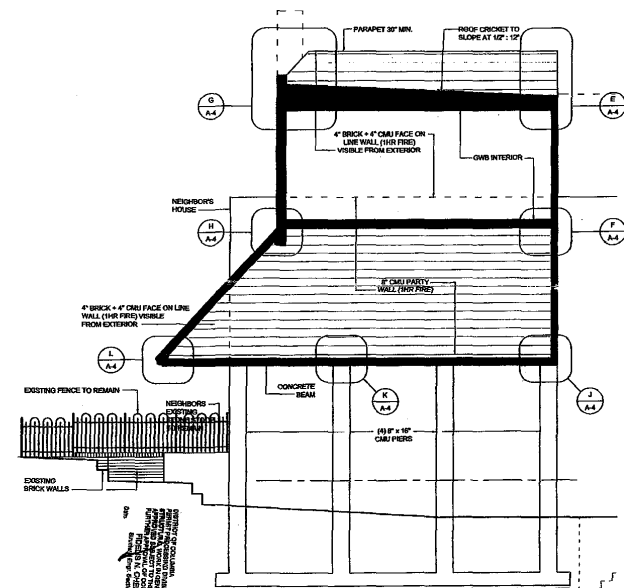
(B) NORTH ELEVATION
SCALE: 1/8" = 1'-0"



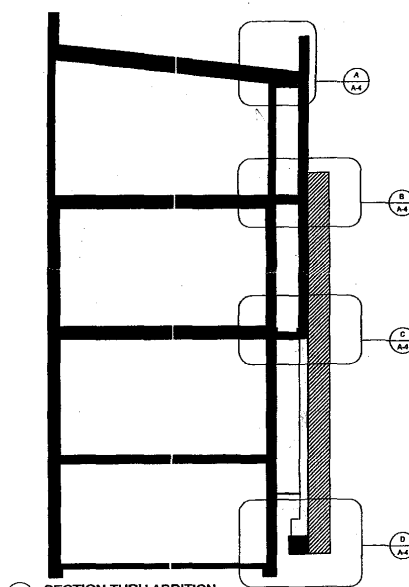
(C) REAR (WEST) ELEV.
SCALE: 1/8" = 1'-0"



(D) SOUTH ELEVATION / SECTION THRU ADDITION
SCALE: 1/4" = 1'-0"



(E) SECTION THRU ADDITION
SCALE: 1/4" = 1'-0"



(F) SECTION THRU ADDITION
SCALE: 1/4" = 1'-0"

32

- CONTRACTOR SHALL PROVIDE TEMPORARY SHORING, BRACING, SHEDDING AND MAKE SAFE ALL FLOORS, ROOFS, WALLS AND ADJACENT PROPERTY, AS PROJECT CONDITIONS REQUIRE. A PROFESSIONAL ENGINEER, LICENSED BY THE GOVERNING STATE IN WHICH THE PROJECT IS LOCATED, SHALL REVIEW AND APPROVE ALL SHORING, BRACING, SHEDDING AND MAKE SAFE STOP DRAWINGS AND CALCULATIONS FOR THE OWNER'S REVIEW. ALL STRUCTURAL WORK SHALL BE COORDINATED WITH ARCHITECTURAL AND MECHANICAL WORK. THIS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE (LATEST EDITION) AS MODIFIED BY THE GOVERNING LOCALITY.
3. CONDITIONS AND ELEVATIONS OF EXISTING CONSTRUCTION GIVEN IN STRUCTURAL DRAWINGS ARE BASED ON INFORMATION CONTAINED IN VARIOUS ORIGINAL DESIGN AND CONSTRUCTION DOCUMENTS PROVIDED BY THE OWNER, AND LIMITED FIELD OBSERVATIONS AND MEASUREMENTS. THE CONTRACTOR SHALL VERIFY THE ACCURACY OF THE INFORMATION AND EXISTING CONDITIONS BY ACTUAL MEASUREMENT AND OBSERVATION AT THE SITE. ALL DISCREPANCIES BETWEEN ACTUAL CONDITIONS AND THOSE SHOWN IN THE CONTRACT DOCUMENTS SHALL BE REPORTED TO THE ARCHITECT FOR HIS EVALUATION BEFORE THE EXPECTED CONSTRUCTION IS PUT IN PLACE.

FOUNDATIONS

1. FOOTINGS ARE DESIGNED TO BEAR ON UNDISTURBED SOIL HAVING A MINIMUM SAFE BEARING CAPACITY 2000 PSF. LICENSED GEOTECHNICAL INSPECTION AGENCY SHALL CONFIRM IN FIELD PRIOR TO PLACING FOOTINGS.
2. FINISH ALL FOOTING EXCAVATIONS BY HAND. NO FOOTINGS SHALL BE PLACED IN WATER OR ON FROZEN GROUND. PROTECT FOOTINGS FROM PROFT AFTER THEY ARE PLACED.
3. EXISTING UTILITY LINES ARE IDENTIFIED BY FIELD SURVEY. ALL EXCAVATIONS TO MATCH EXISTING. DRILL AND GROUT 2-6 BARS 1'-4" LONG INTO EXISTING FOOTING.
4. DO NOT PLACE FILL AGAINST FOUNDATION WALLS UNLESS ADEQUATELY BRACED BY COMPLETED FLOORS OR OTHER MEANS DEEMED APPROPRIATE BY THE ARCHTIST.
5. FILL ALL EXCAVATION MATERIAL- CLEAN RUM OF BANK MATERIAL, FREE OF DELETERIOUS ORGANIC MATERIALS.
6. ALL EXTERIOR FOOTINGS SHALL BE PLACED A MINIMUM OF 2'-0" BELOW FILL GRADE.

CAST-IN-PLACE CONCRETE

- [illegible]

2.1.2.2. *Pharmaceuticals*

- [illegible]

PLYWOOD SHEATHING

1. STRUCTURE FLYWOOD SHEATHING COMPLYING WITH AIA - EITHER C-80 INTERIOR AIA, OR STRUCTURAL I-80 C-80 INTERIOR AIA, OR STRUCTURAL I-80 C-80 EXTERIOR AIA, AS APPLICABLE.
2. FLOOR SHEATHING: 1/2" THICK 14 & 4024 SPAN RATING AIA STUFD-FLOOR (APPROVED FOR ADVANCED JOIST ADVANTAGE) OR 1/2" THICK 14 & 4024 SPAN RATING AIA STUFD-FLOOR JOISTS.
3. WALL SHEATHING: 1/2" THICK 14 & 4024 SPAN RATING.
4. ROOF SHEATHING: 1/2" THICK 4024 SPAN RATING.
5. ALL FLYWOOD SHEATHING WILL BE ADHESED TO FLOOR JOISTS USING AN AIA APPROVED ADHESIVE (IE. GORODUR 1000 OR EQUAL).
6. USE PLY CLIPS ON OTHER DECK SUPPORT AS REQUIRED FOR FLYWOOD SHEATHING.
7. LEAVE 1/8" SPACE AT ALL FLYWOOD PANEL ENDS JOISTS AND 1/4" SPACE AT ALL PANEL EDGE JOISTS.
8. UNLESS NOTED OTHERWISE, FLYWOOD WALL SHEATHING SHALL BE FASTENED TO SHEARWALLS WITH 12" ON CENTER 12" LONG 1/2" DIA. SHEET PERMITTER AND 12" O.C. ELSEWHERE. PROVIDE 2X6 BLOCCING AT ALL FREE EDGES.

STRUCTURAL STEEL

- [illegible]

WOOD HEADER SCHEDULE

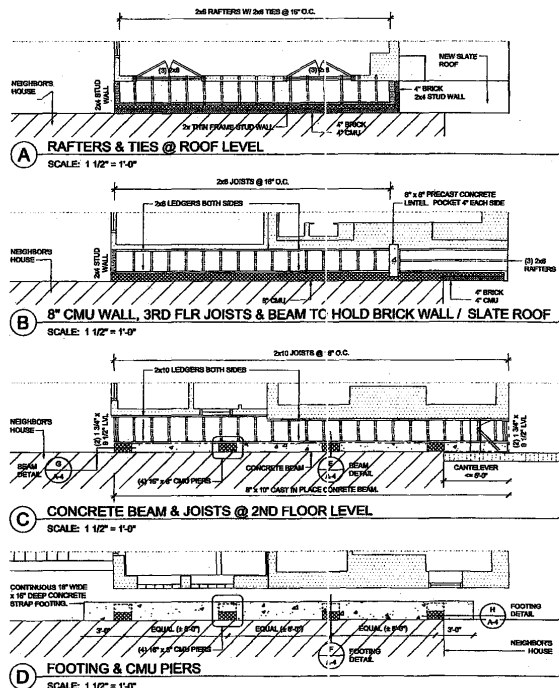
1. UNLESS NOTED OTHERWISE IN PLAN, PROVIDE HEADERS PER THE FOLLOWING
- | ROUGH OPENING WIDTH: | HEADER | |
|----------------------|------------|------------|
| LESS THAN 3'-0" | 2x4 WALL | 2x8 WALL |
| 3'-1" TO 4'-0" | (2) 2x6 | (2) 2x8 |
| 4'-1" TO 5'-0" | (2) 2x8 | (2) 2x10 |
| 5'-1" TO 6'-0" | (2) 2x10 | (2) 2x12 |
| OVER 6'-0" | SIZE PLANS | SIZE PLANS |
- NOTE: PROVIDE
- (1) JACK STUD FOR SPANS LESS THAN 4'-0" WIDE,
 - (2) JACK STUDS FOR SPANS LESS THAN 6'-0" WIDE,
 - (3) JACK STUDS FOR SPANS OVER 6'-0" WIDE.

ENGINEERED WOOD PRODUCTS

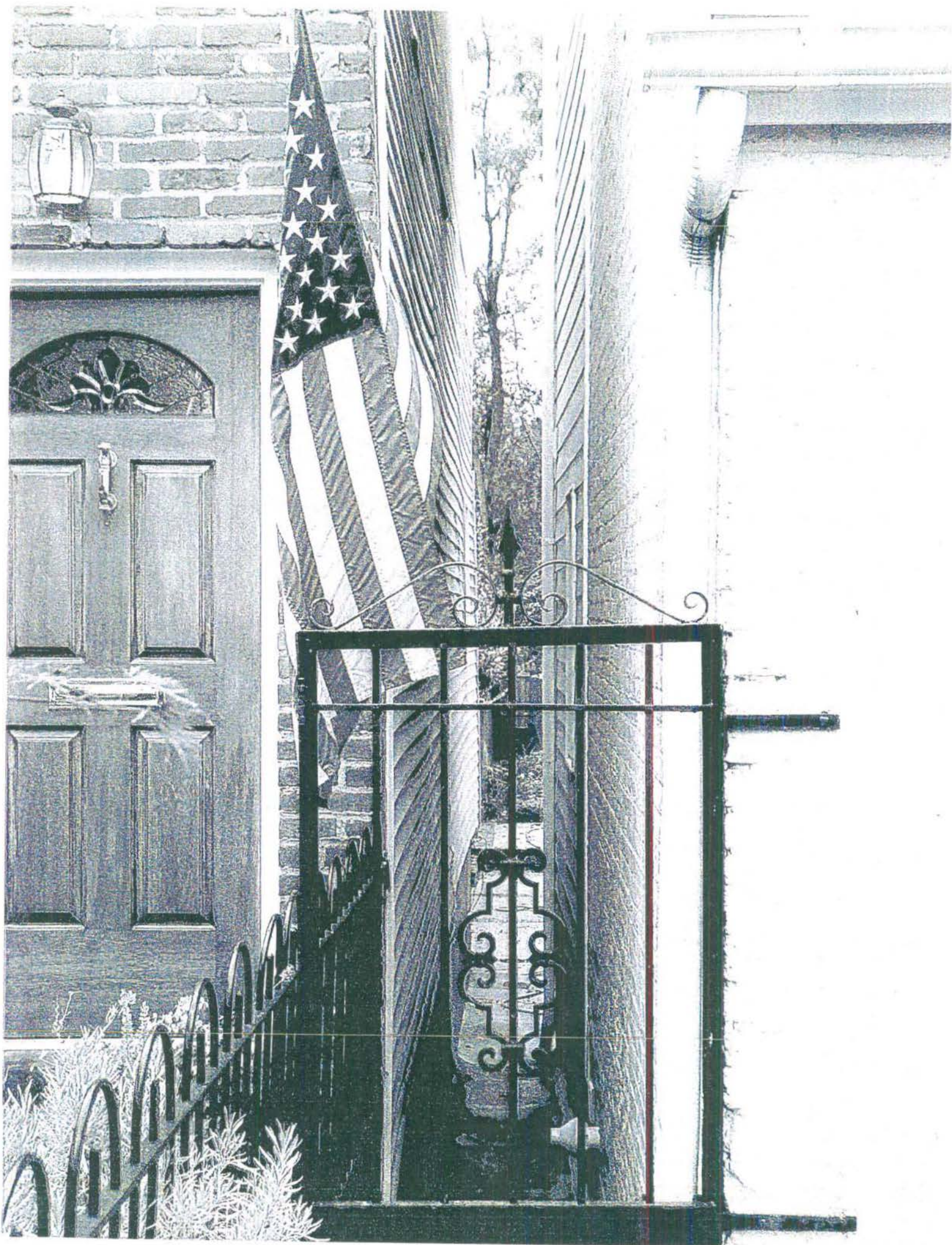
- [illegible]

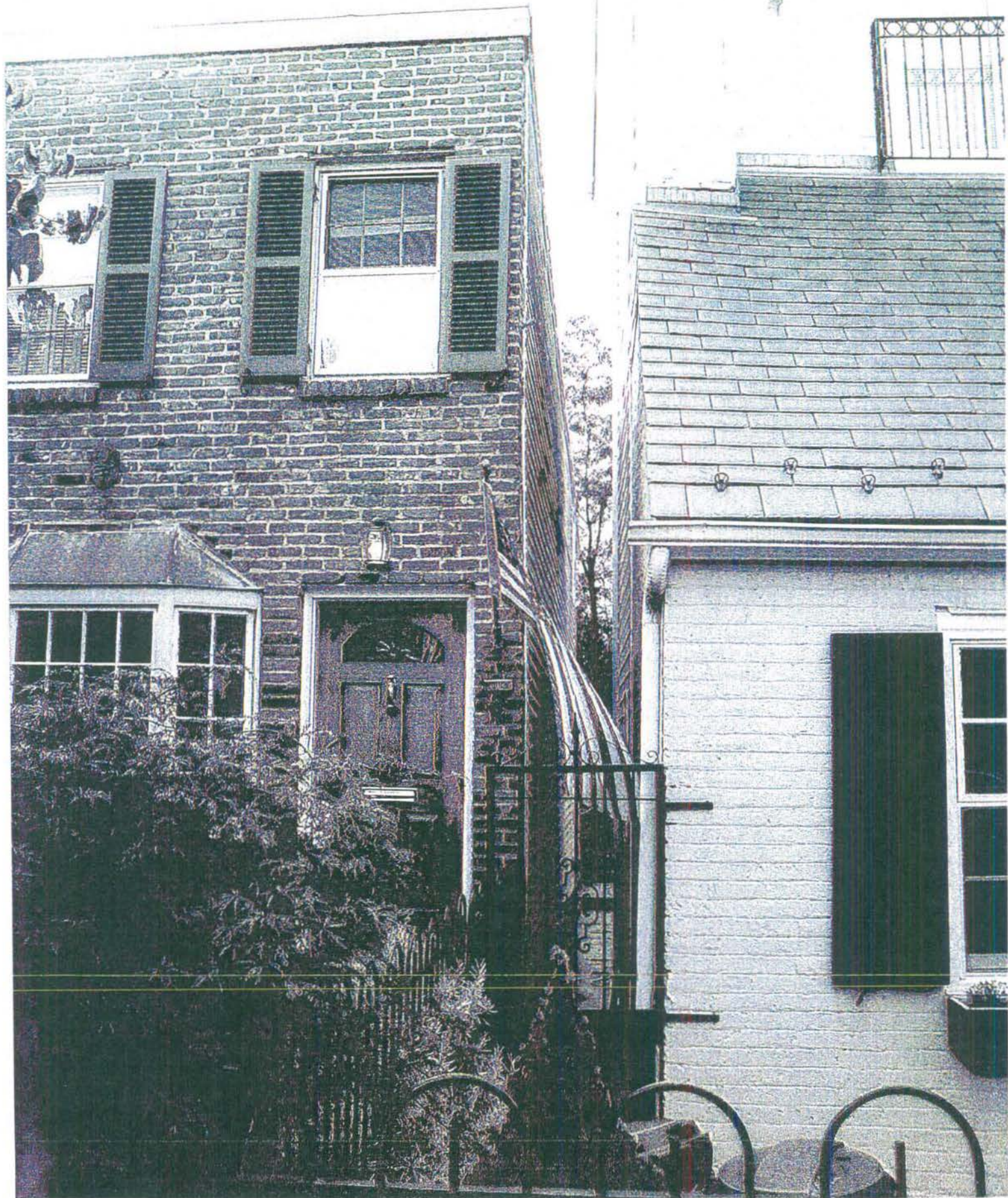
GRAVING LUMBER

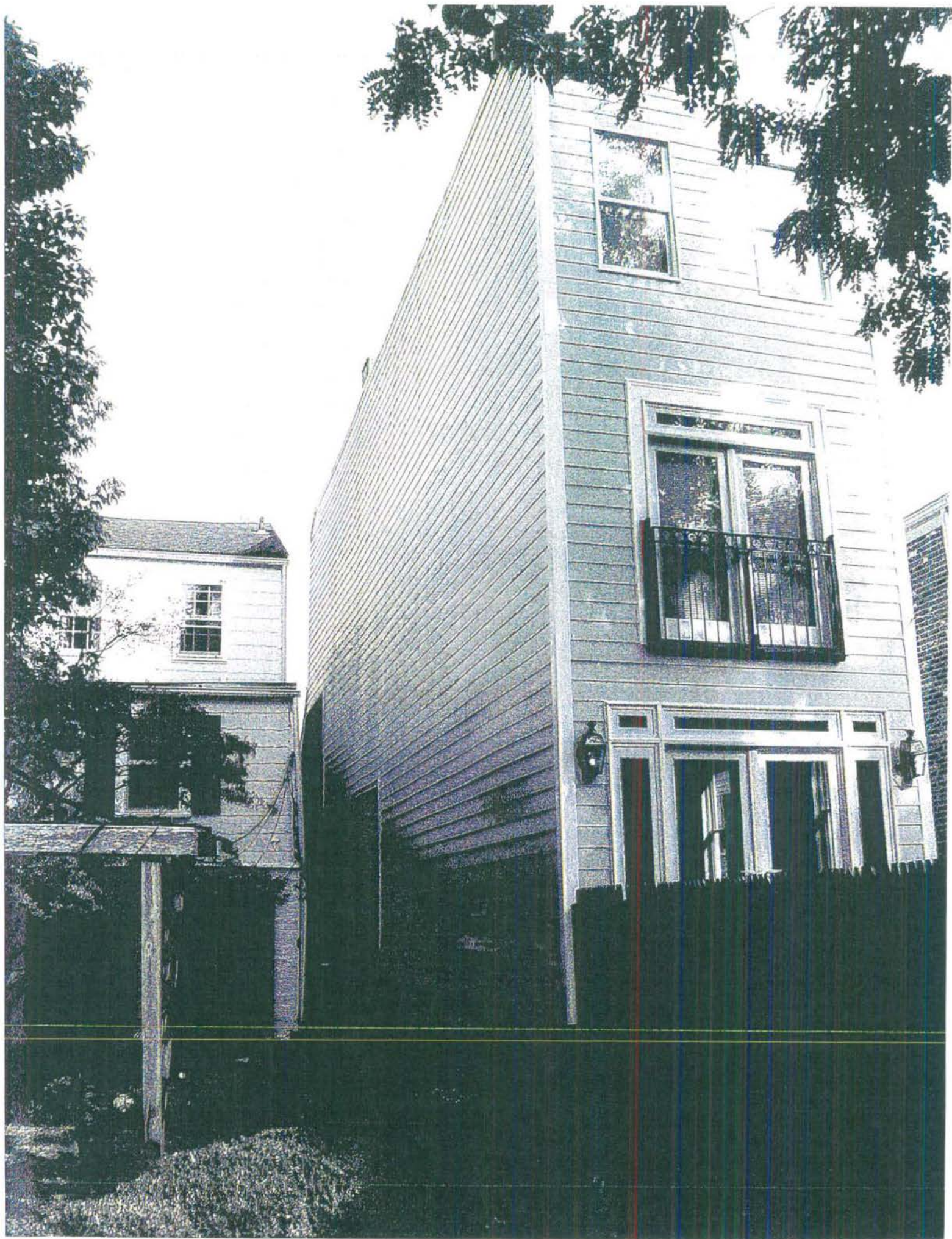
- [illegible]











2-5-05 No2 Front.JPG (1024x768x16M jpeg)



/89):

1812 35TH ST NW

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
TECHNICAL REVIEW BRANCH

FY: 04

PLAN CORRECTION LIST

R-3

Job No.

2186-C

Engineer

FAYE, O.

Section

ZONING

Date

10-16-04

CHANGES REQUIRED ON PLANS PRIOR TO APPROVAL:

2ND Review

- No. ① Proposed lot occupancy is 44%
BZA relief require. Note:
the Nonconforming Side Side
2.5ft x 30.8ft is included in
the lot occupancy.
- ② Reroute decision to Zoning for
action
-

/89)

1812 35th St NW

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
TECHNICAL REVIEW BRANCH

F4:04

PLAN CORRECTION LIST

R-3

Job No.

2186-C

Engineer

FAYE

Section

ZONING

Date

10-5-04

CHANGES REQUIRED ON PLANS PRIOR TO APPROVAL:

No.

①

Existing structure has a Non-Conforming side yard, proposed addition over existing footprint cannot be allowed. Structure is a semi-detached dwelling and the Max lot Occupancy is 40%. You need to modify proposed work to bring into Compliance or seek Relief thru the BZ to build proposed work.

②

Reroute decision to Zoning for action.

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 338-7427 • FAX (202) 338-0279 • anc2e@erols.com

September 8, 2005

Mr. Geoffrey Griffis, Chair
Board of Zoning Adjustment
441 Fourth Street, NW, Suite 210
Washington, DC 20001

RE: BZA Appeal No. 17310 (1812—35th Street, NW)

Dear Mr. Chairman and Members of the Board:

On August 30 2005, ANC 2E held its regularly scheduled public meeting which was duly noticed and attended by five out of seven commissioners, constituting a quorum. The above-referenced item was on the agenda. After discussion, ANC 2E passed the following resolution by a unanimous vote:

Whereas, there is now pending before the Board of Zoning Adjustment of the District of Columbia (BZA) the appeal of Deidre O. Stancioff which is docketed as Appeal No. 17310; and,

Whereas, Advisory Neighborhood Commission 2E (ANC) is a party to that appeal as a matter-of-right; and,

Whereas, according to presently available information, the owner of 1812—35th Street, N.W. obtained building permits to enlarge an existing semi-detached dwelling. The improvements caused the property to have a lot occupancy in excess for forty percent (40%). The addition also expanded a nonconforming side yard. Prior to construction, the owner of that property did not petition for special exception with the BZA or formally notify the ANC that the structure would be inconsistent with the lot occupancy and/or other zoning requirements for semi-detached dwellings in the R-3 district. Instead, the owner and/or the Department of Consumer and Regulatory Affairs (DCRA) added a trellis to the plans and, relying upon that trellis, treated the improved structure as a row dwelling. Ms. Stancioff's appeal challenges the issuance of the building permits by DCRA based on violations of the lot occupancy and side yard requirements for semi-detached dwellings in the R-3 districts. In part, Ms. Stancioff asserts that the addition of a trellis should not, as a matter-of-right, convert a semi-detached dwelling to a row dwelling; and,

Whereas, the ANC previously adopted a resolution in opposition to the special exception petition that was belatedly filed by the owner of 1812—35th Street, N.W.; and,

Whereas, at a public meeting held August 30, 2005, duly noticed, at which a quorum was present, the ANC considered this matter after providing an opportunity for the parties and the public to be heard.

Now, therefore, by Advisory Neighborhood Commission 2E, it is

COMMISSIONERS:

Ed Solomon, District 1 John Lever, District 2 Bill Skelsey, District 3 Brett Clements, District 4
Bill Starrels, District 5 Pam Moore, District 6 Charles Eason, District 7

Resolved, that the ANC supports the appeal of Deidre O. Stancioff for the following reasons:

1. The ANC is particularly troubled by the apparent circumvention of the special exception process. That process is intended to provide the ANC with timely notice and party status. When the owner proceeded without a petition for special exception, the ANC was effectively deprived of an opportunity to object to the construction before it was largely completed.
2. The ANC opposes DCRA's apparent reliance upon a trellis to reclassify a semi-detached dwelling into a row dwelling. The ANC does not believe that homeowners should be allowed to unilaterally reclassify their properties to row dwellings merely by adding largely cosmetic trellises or fences, pergolas, arbors and other lightweight structures.
3. The ANC opposes the improved structure at 1812—35th Street, N.W. due to its adverse impact upon the neighbors, including Ms. Stancioff, and the community.

Further resolved, that the ANC recommends a finding by the BZA that the issued building permits violated the zoning laws and regulations of the District of Columbia. The owner should be directed to modify the structure so that it complies with the lot occupancy and side yard requirements for semi-detached dwellings in the R-3 District and otherwise complies with the BZA's denial of the owner's special exception petition.

Further resolved, that the ANC requests that the BZA give the "great weight" required by law to the views of the ANC.

Further resolved, that the Chair, and/or Commissioner Charles F. Eason, Jr., and/or any other Commissioner or individual authorized in writing by the Chair, are hereby authorized to present the report of the ANC and to generally represent and act for the ANC with respect to any and all matters related to this appeal.

Sincerely,



Ed Solomon
Chair, ANC 2E

Cc: Dr. Patrick Canavan, Director, DCRA
Julie Lee, General Counsel, DCRA
Carl Wilson, Deputy General Counsel, DCRA
Alan Bergstein, Corporation Counsel
Owner, 1835—35th Street, NW
Deidre O. Stancioff, Appellant

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

1812/11C

Washington, D.C., February 11, 2004

Plat for Building Permit of: SQUARE S - 1296 SITE PER SUB

Scale: 1 inch = 20 feet

Receipt No. 09384

Furnished to: 1812 35TH STREET PARTNERSHIP

I hereby certify that all existing improvements shown hereon, 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 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.)

[Signature]
Surveyor, D.C.

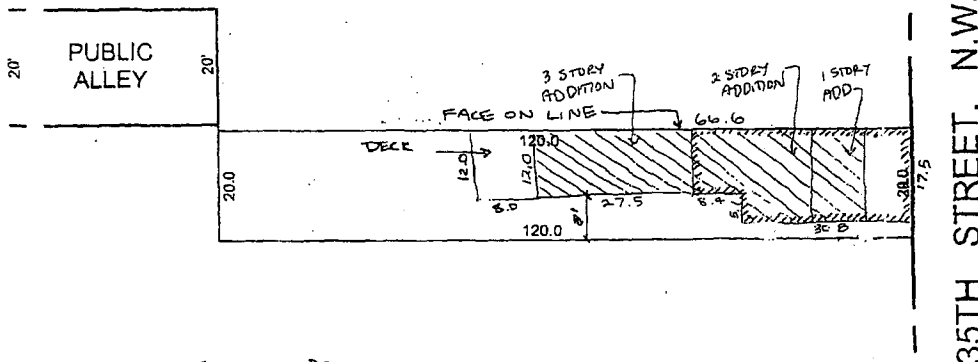
Date: 8/2/04
[Signature]

By: B.D.M. *[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.

RECEIVED
D.C. OFFICE OF ZONING
2005 MAR 21 PM 1:21



RESIDENTIAL DISTRICT R3
LOT SIZE 2400 SF
EXISTING HOUSE FOOTPRINT 637 SF
EXISTING HOUSE OCCUPANCY 26.5 %
PROPOSED HOUSE FOOTPRINT 967 SF
PROPOSED HOUSE OCCUPANCY 40 %
HEIGHT OF HOUSE 24'-4"
PROPOSED HEIGHT OF HOUSE 37'-0"

KEY

/// EXISTING FOOTPRINT
[Hatched Box] ADDITION

A SUBDIVISION HAS
BEEN ORDERED TO
CREATE A LOT OF RECORD.

BZA

M 2/24/04

Case No. 17327

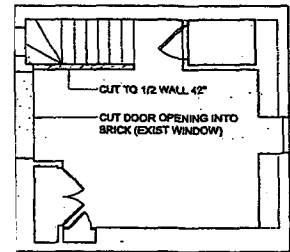
Exhibit No. 2

SO-09384(2004)

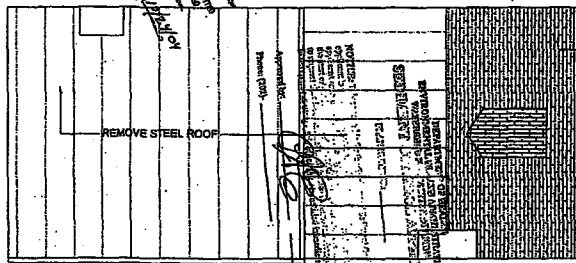
[illegible]

RESIDENCIAL DISTRICT	R3
LOT SIZE	2400 SF
EXISTING HOUSE FOOTPRINT	637 SF
EXISTING LOT OCCUPANCY	26.5%
PROPOSED HOUSE FOOTPRINT	967 SF
PROPOSED LOT OCCUPANCY	40.0%
HEIGHT OF HOUSE	24'-4"
PROPOSED HGT OF HOUSE	35'-0"

- A-1 ARCHITECTURAL PLANS
- A-2 EXTERIOR ELEVATIONS
- A-3 LONGITUDINAL SECTION
- A-4 TRANSVERSE SECTIONS
- A-5 SCHEDULES / DETAILS
- S-1 STRUCTURAL PLANS
- S-2 STRUCT. NOTES & DETAILS
- S-3 STRUCTURAL DETAILS
- M-1 MECHANICAL
- P-1 PLUMBING
- E-1/E-2 ELECTRICAL
- EC-1 EROSION CONTROL



DEMOLITION PLANS

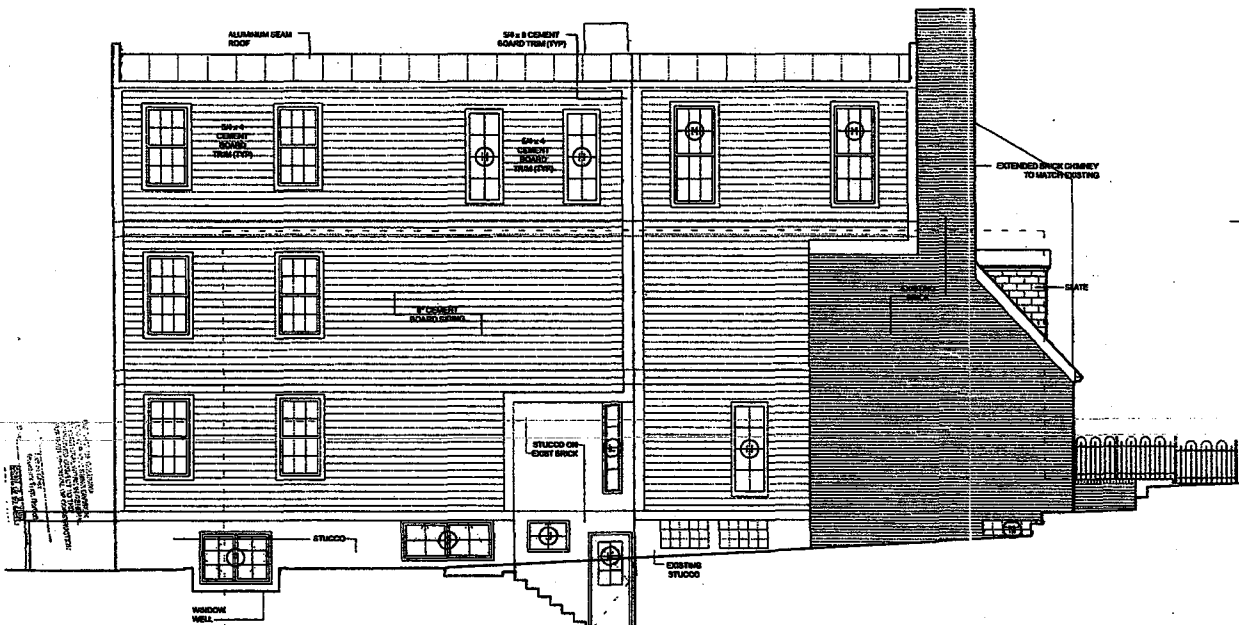
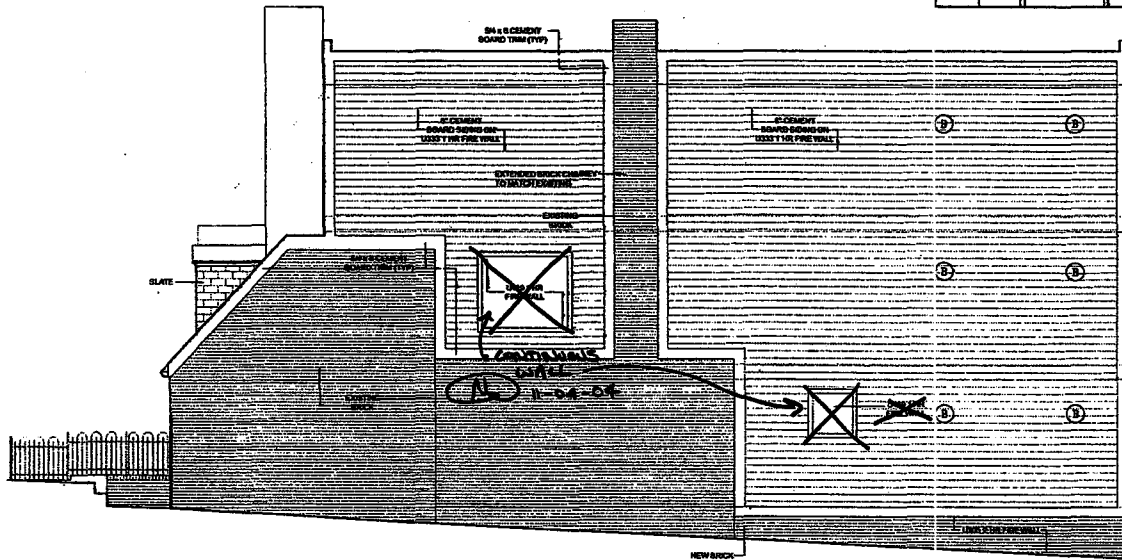
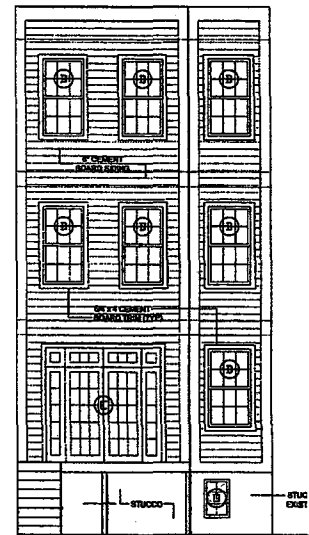


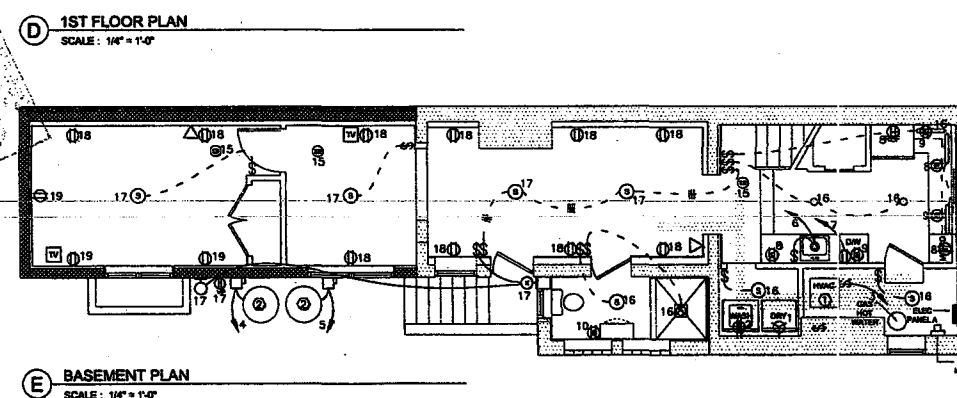
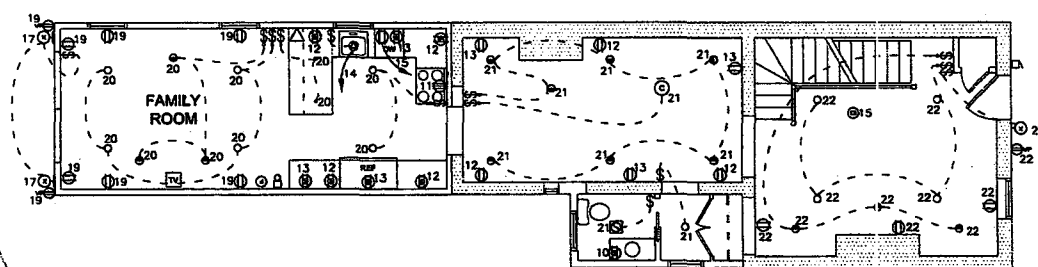
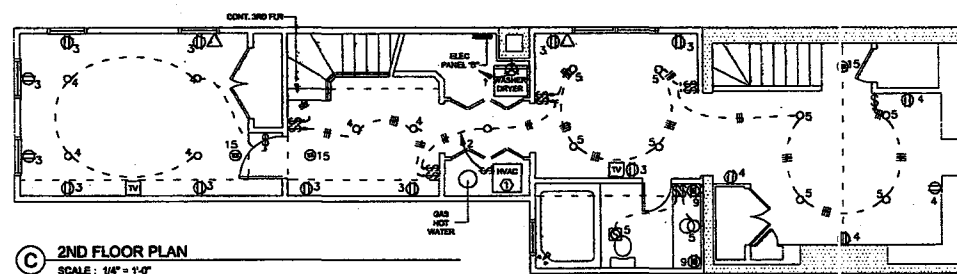
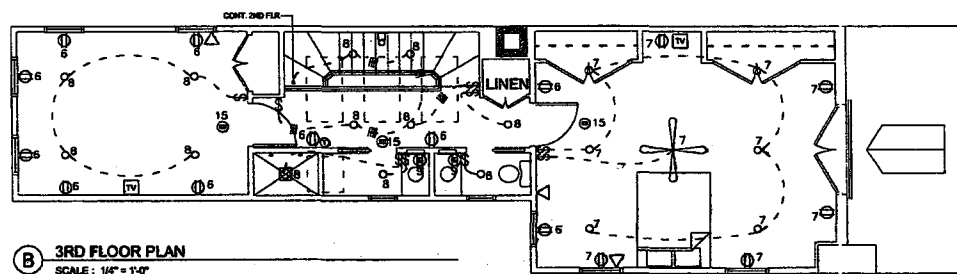
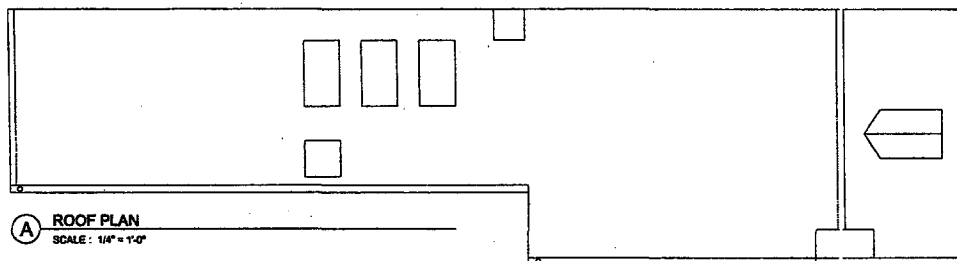
A hand-drawn site plan of a property. The plan shows a rectangular lot with a wavy boundary line on the left and bottom. The top boundary is labeled "EXISTING FENCE". The left boundary is labeled "LIMIT OF DISTURBANCE 1000 SF". The bottom boundary is labeled "SILT FENCE". The right boundary is labeled "FACE ON LINE WALL". The lot is divided into two main areas. The left area is labeled "EXCAVATE" and contains a rectangular structure with a wavy boundary line. The right area is labeled "1609 sq. (180 CY)". The lot is also labeled "VOL. CUT 180 CY". The lot is divided into two main areas. The left area is labeled "EXCAVATE" and contains a rectangular structure with a wavy boundary line. The right area is labeled "1609 sq. (180 CY)". The lot is also labeled "VOL. CUT 180 CY".

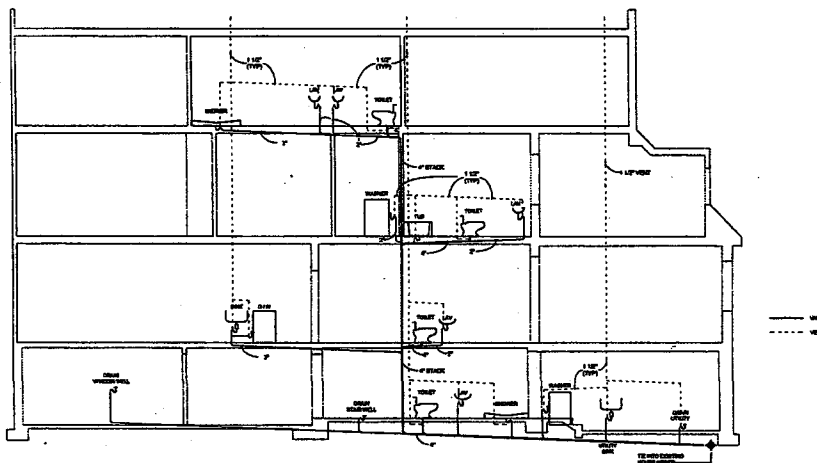
A hand-drawn sketch of a three-story building. The building has multiple windows and a central entrance. A sign is mounted on the upper left portion of the building, displaying the text "EROSION CONTROL NOTES". Above the building, there is a line representing a fence, labeled "EXISTING FENCE". To the right of the building, there is a small circular feature, possibly a well or a tree, and a small rectangular structure, possibly a shed or a gate.

J EXISTING LEFT SIDE ELEV
SCALE: 1/8" = 1'-0"

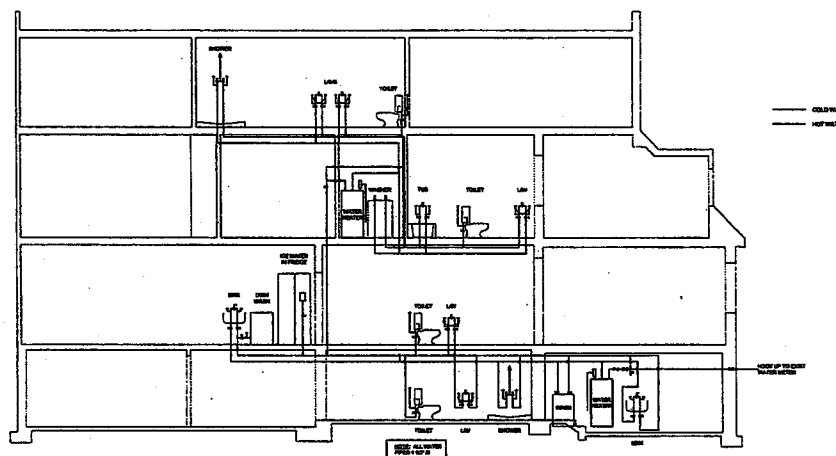
CS



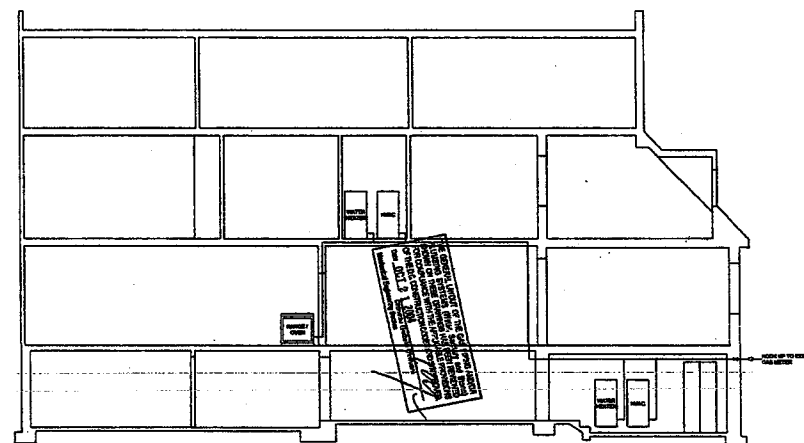




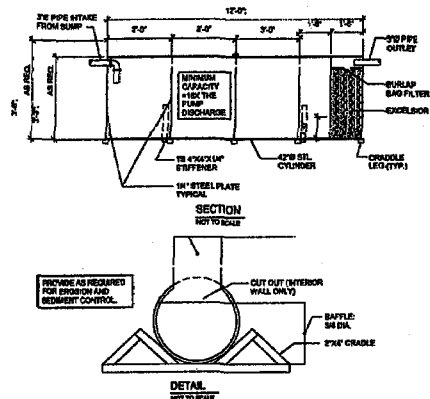
(A) SOIL, WASTE & VENTING PIPING DIAGRAM
SCALE: 3/16" = 1'-0"



(B) WATER SUPPLY PIPING DIAGRAM
SCALE: 3/16" = 1'-0"

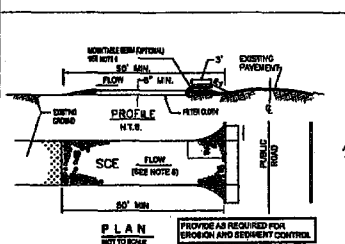
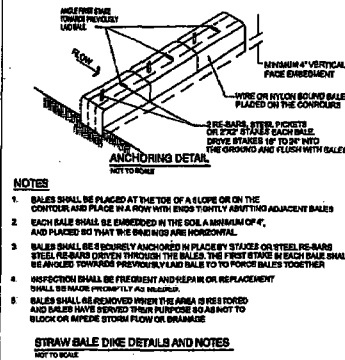
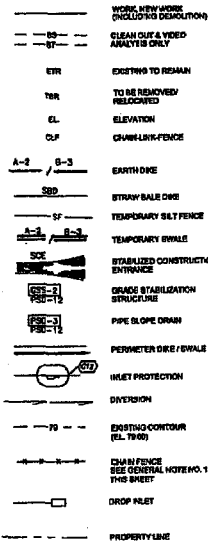


(C) GAS RISER DIAGRAM
SCALE: 3/16" = 1'-0"

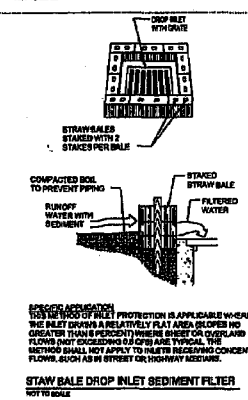
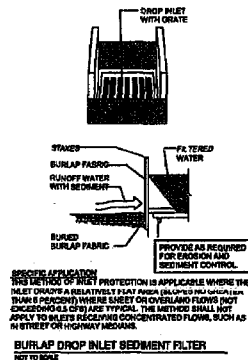
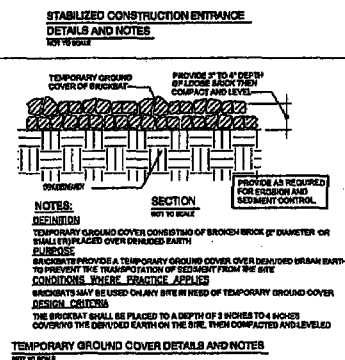


- NOTES:**
1. AT CONTRACTOR OPTION PROVIDE SEDIMENT TANK THROUGH WHICH SEDIMENT LADEN WATER IS PUMPED TO TRAP AND RETAIN THE SEDIMENT PRIOR TO PUMPING THE WATER DOWNSTREAM OR BODY OF WATER.
 2. LOCATE TANK FOR EASE OF CLEANOUT.
 3. TANK SIZE (IN GALLON FEET OF STORAGE) SHALL BE MINIMUM 15 TIMES THE PUMP DISCHARGE (IN GALLONS PER MINUTE).
 4. CLEAN OUT SEDIMENT TANK OF ALL SILT AND DEBRIS WHEN ONE-TWO FILLED WITH S.L.T. DRAINING 80% CAPACITY AT ALL TIMES.
 5. TANK SHALL BE COMPOSED OF 48 GALLON STEEL DRUMS OR OTHER APPROVED EQUAL COMPONENTS.
 6. ALL SEDIMENT COLLECTED IN THE TANK SHALL BE DISPOSED OF IN A SEDIMENT TRAPPING SYSTEM OR AS APPROVED BY THE INSPECTOR.

PORTABLE SEDIMENT TANK DETAILS AND NOTES
NOT TO SCALE



- NOTES:**
1. STONE SIZE - USE 6" STONES OR INEQUAL AND/OR RECYCLED CONCRETE EQUIVALENT.
 2. LENGTH - AS REQUIRED, BUT NOT LESS THAN 10 FEET (IDEALLY ON A SLOPE RESERVE 10' WHERE A 30 FEET MINIMUM IS REQUIRED).
 3. THICKNESS - NOT LESS THAN 18" (8" BENCH).
 4. WIDTH - TEN (10) FOOT BAY, BUT NOT LESS THAN THE FULL WIDTH AT THE POINT WHERE BUSINESS OR EGRESS OCCURS.
 5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
 6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARDS CONSTRUCTION ENTRANCE SHALL BE FLOWED ACROSS ENTRANCE, IF PAVING IS NECESSARY, A MOUNTAIN BERM WITH ALL SLOPED SIDES BE PROVIDED.
 7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ON TO PAVED RIGHT OF WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURE USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLS, OVERSPILL, FLOWING ON TRACKS ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.
 8. WARNING - VEHICLES SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE INTO PUBLIC RIGHT OF WAY. WHEN WARNING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING SYSTEM (SEE DETAIL 9 THIS SHEET).
 9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.
 10. REMOVE ALL MATERIAL & RESTORE AREA AT THE COMPLETION OF WORK.



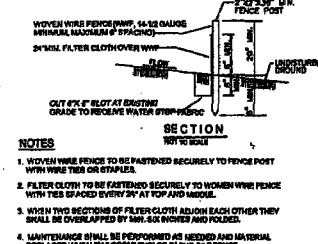
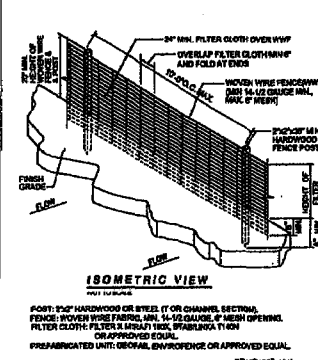
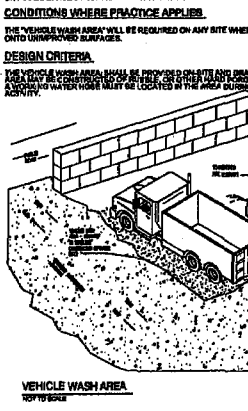
STANDARD SPECIFICATIONS FOR VEHICLE WASH AREA

DEFINITION
AN ON-SITE AREA WHERE TIRES AND UNDER CARriage OF A VEHICLE CAN BE WASHED.

PURPOSE
TO PREVENT THE TRANSPORTATION OF SEDIMENT FROM THE SITE.

CONDITIONS WHERE PRACTICE APPLIES
THE VEHICLE WASH AREA WILL BE REQUIRED ON ANY SITE WHERE VEHICLE CAN ENTER ONTO UNPAVED SURFACES.

DESIGN CRITERIA
THE VEHICLE WASH AREA SHALL BE PROVIDED ON ALL SITES WHERE THE SITE IS LOCATED IN AN AREA WHERE WATER FLOW MUST BE LOCATED IN THE AREA DURING ALL CONSTRUCTION ACTIVITY.



SILT FENCE DETAILS AND NOTES
NOT TO SCALE

- NOTES:**
1. WOMEN WIRE FENCE TO BE PARTITIONED SECURELY TO FENCE POST WITH WIRE TIES OR STAPLES.
 2. FILTER CLOTH TO BE FASTENED SECURELY TO WOMEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MIDDLE.
 3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY MIN. SIX INCHES AND FOLDED.
 4. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REPLACED WHEN NECESSARY TO MAINTAIN THE SILT FENCE.
 5. REMOVE ALL MATERIAL & RESTORE AREA AT THE COMPLETION OF WORK.

SILTATION AND EROSION CONTROL NOTES

1. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE INSTALLED BEFORE THE START OF ANY EXCAVATION, DEMOLITION, REMOVAL AND/OR CONSTRUCTION AS PER SPECIFICATIONS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL FOR THE DISTRICT OF COLUMBIA. IF AN ON-SITE LOCABLE DAMAGED FURTHER EROSION CONTROL MEASURES ARE NECESSARY, THEY SHALL BE PROVIDED AT NO ADDITIONAL COST.
2. ALL DEBRIS AND SILT TO BE REMOVED FROM SITE ON A DAILY BASIS AND DISPOSED IN A LOCABLE DAMAGED.
3. ALL EXISTING AND NEW DRAINAGE AND/OR STORMS SHALL BE KEPT CLEAR AT ALL TIMES DURING EXCAVATION AND CONSTRUCTION ON DESTRUCTION.
4. ALL EXISTING AND NEW DRAINAGE, OUTFALL, YARD DRAIN AND OTHER DRAINAGE SHALL BE PROTECTED DURING EXCAVATION AND CONSTRUCTION OR DEMOLITION.
5. IF ANY EXISTING AND NEW DRAINAGE, OUTFALL, YARD DRAIN OR OTHER DRAINAGE BECOMES CLOGGED AS A RESULT OF EXCAVATION, DEMOLITION, AND/OR CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ITS CLEANING AND SHALL CLEAN IT PROMPTLY AT NO ADDITIONAL COST.
6. SEDIMENT TRAP / SEDIMENT TANK SHALL BE CLEANED AT ALL TIMES TO AVOID TENDS FILL OVER TO CAPACITY WITH S.L.T. AND/OR DEBRIS.
7. ANY EXISTING AND NEW DRAINAGE OF LOCATION ON SITE SHALL BE STABILIZED AND COVERED WITH MAT, SHEET PILE OR TIE CLOSING AFTER IT IS INSTALLED AND FROM THE DESTRUCTION OF THE PROJECT.
8. ALL EXISTING AND NEW DRAINAGE TO BE STABILIZED WITH GRASS COVER SUCH AS PERMANENT SEDIMENT AND/OR SOIL FLOW, SEDIMENT, ETC. AFTER PAID, GRASSING AND SEDIMENT CONTROL DEVICES ARE REMOVED.
9. CONSTRUCTION SHALL PROVIDE AND MAINTAIN TEMPORARY PAVING AS REQUIRED TO KEEP ALL TRUCKS FREE OF MUD FROM THE OPERATION OF THE CONSTRUCTION.
10. CONSTRUCTION SHALL NOTIFY THE DISTRICT AND EROSION CONTROL SECTION AT LEAST 24 HOURS BEFORE THE START OF GRADING OR OTHER EXISTING SITE ACTIVITIES AND WITHIN TWO WEEKS OF COMPLETION OF PROJECT.

SEQUENCE OF CONSTRUCTION FOR SEDIMENT CONTROL

1. PRIOR TO START OF WORK NOTIFY APPROPRIATE D.C. GOVERNMENT AGENCIES, APPLICABLE UTILITY COMPANIES AND WATER UTILITY.
2. 24 HOURS BEFORE THE START OF GRADING AND/OR ANY OTHER EXISTING SITE ACTIVITIES CONSTRUCTION SHALL NOTIFY THE DISTRICT AND EROSION CONTROL SECTION OF THE DISTRICT OF COLUMBIA-DEMOLITION.
3. BEFORE START OF ANY EXCAVATION OR ANY OTHER EXISTING SITE ACTIVITIES ALL SEDIMENT & EROSION CONTROL MEASURES SHALL BE INSTALLED.
4. REMOVE ALL TRASH, DEBRIS, AND OTHER WASTE MATERIAL FROM THE PERIMETER OF THE SITE, GRASS CLEAN AND DOCUMENT CONDITIONS.
5. INSTALL STABILIZED CONSTRUCTION ENTRANCE A VEHICLE WASH AREA AS INDICATED ON PLANS D-11, D-12 & D-13.
6. PROTECT ALL EXISTING TREES, PLANTS, GARDEN BASES, OUTFALLS AND DRAINAGE INLETS AT ALL TIMES.
7. INSTALL TEMPORARY SILT FENCE AND STRAW BALE DISE AS INDICATED ON DRAWINGS D-11, D-12, AND D-13.
8. PRIOR TO REMOVAL AND/OR REPAIR OF ANY COMPONENT OF THE EXISTING DRAINAGE SYSTEM, THE CONTRACTOR SHALL PROVIDE AND MAINTAIN TEMPORARY PAVING TO KEEP THE THROUGHLINE OF WATER FROM THE DIRECTION OF THE CONSTRUCTION.
9. AT CONTRACTOR OPTION TEMPORARY GROUND COVER BRICK BARS SHALL BE PROVIDED.
10. CLEAN OUT AND PROVIDE VIDEO ANALYSIS TO ALL EXISTING SANDPIT AND STORM DRAINAGE SYSTEM THROUGHOUT THE SITE TO THE MAIN LINES IN THE STREET.
11. CONTINUALLY MAINTAIN SEDIMENT CONTROL STRUCTURES.

PANEL "A": 200 AMP MCB 120/240V 1Ø 3W SURFACE MOUNTED				
CKT. NO.	DESCRIPTION	CIRCUIT BREAKER POLES	TRIP	FRAME
1	DRYER	2	30	100
2	LAUNDRY	1	20	100
3	AIR HANDLING UNIT	1	15	100
4,5	CONDENSING UNIT *	2	30	100
6,14	DISPOSAL	1	15	100
7,15	DISHWASHER	1	15	100
8,9	RECEPTACLES	1	20	100
10	BATHROOM RECEPTACLES	1	20	100
11	RANGE	2	50	100
12,13	SMALL APPLIANCES	1	20	100
14	SUBPANEL "B"	2	100	100
15	SMOKE DETECTORS	1	15	100
18-22	GENERAL LIGHTING	1	15	100
23-36	SPACES ONLY	1	---	100

* PROVIDE HACR RATED CIRCUIT BREAKERS

PANEL "B": 100 AMP MLO 120/240V 1Ø 3W SURFACE MOUNTED				
CKT. NO.	DESCRIPTION	CIRCUIT BREAKER POLES	TRIP	FRAME
1	WASHER/DRYER	2	30	100
2	AIR HANDLING UNIT	1	15	100
3-8	GENERAL LIGHTING	1	15	100
9	BATHROOM RECEPTACLES	1	20	100
10-29	SPACES ONLY	1	---	100

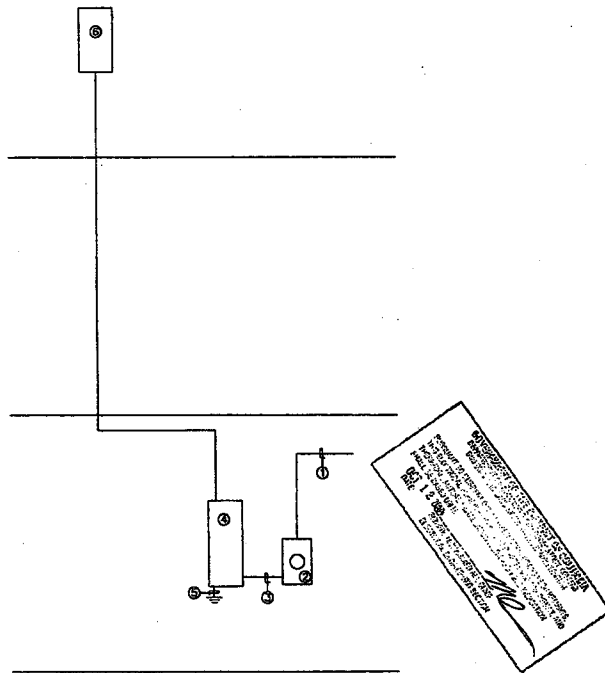
ELECTRICAL / LIGHT FIXTURE LEGEND

- RECESSED LAMP INCANDESCENT CAN
- WALL WASHER - RECESSED LAMP INCANDESCENT CAN
- RECESSED PIN LAMP
- ⊙ SURFACE MOUNTED CEILING LAMP
- ⊙ CHANDELIER
- 2' UNDER COUNTER FLOURESCENT LIGHT
- SURFACE MOUNTED SCONCE
- ⊙ EXTERIOR SURFACE MOUNTED SCONCE
- ✂ CEILING FAN
- Ⓛ DUPLEX RECEPTACLE 125V 15 AMP +18" AFF UON
- Ⓛ DUPLEX RECEPTACLE 125V 20 AMP +36" AFF
- Ⓛ SINGLE RECEPTACLE 125/250V 30 AMP +18" AFF
- Ⓛ SINGLE RECEPTACLE 125/250V 50 AMP +18" AFF
- Ⓛ DUPLEX RECEPTACLE WITH BUILT-IN GRC UND FAULT PROTECTION 125V 15 AMP +42" AFF UON
- Ⓛ DUPLEX RECEPTACLE 120V 15 AMP +24" AFF (ANY DIFFERENT HEIGHT FOR OUTLET)
- Ⓛ DUPLEX RECEPTACLE WITH BUILT-IN GRC UND FAULT PROTECTION AND WEATHER PROOF COVER 120V 15 AMP +18" AFF
- Ⓛ DISCONNECT SWITCH - SIZE AS NOTED
- Ⓛ SMOKE DETECTOR
- Ⓛ THERMOSTAT
- Ⓛ T.V. CABLE OUTLET - 18" AFF
- Ⓛ TELEPHONE OUTLET +18" AFF
- Ⓛ EXHAUST FAN (SILENT RUN) W/ LIGHT
- Ⓛ SINGLE POLE SWITCH 120V 15 AMP +48" AFF
- Ⓛ 3 WAY SWITCH 120V 15 AMP +48" AFF
- Ⓛ 4 WAY SWITCH 120V 15 AMP +48" AFF
- Ⓛ DIMMER SWITCH (SELECTED BY OWNER) +48" AFF
- Ⓛ MOTOR RATED SWITCH WITH THERMAL OVERLOAD
- Ⓛ GARBAGE DISPOSAL
- Ⓛ DOOR BELL
- Ⓛ DOOR BELL CHIME

NOTES:

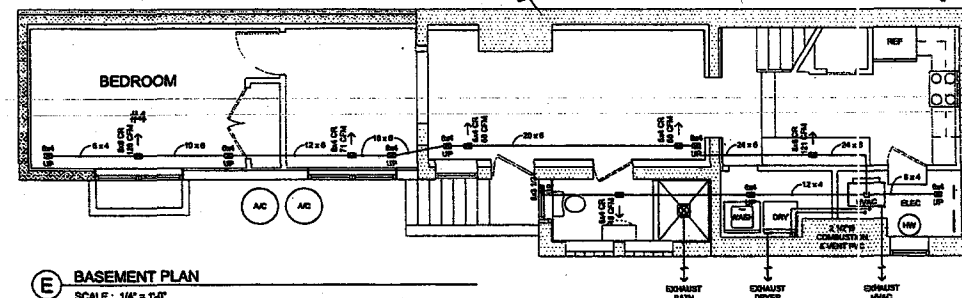
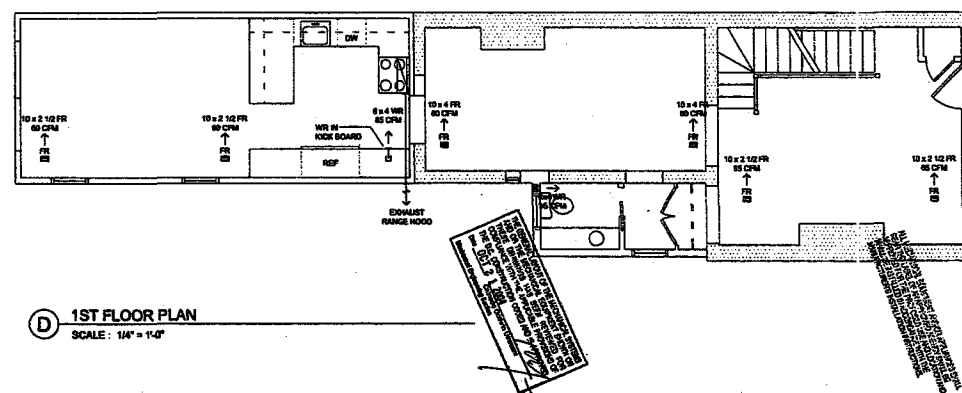
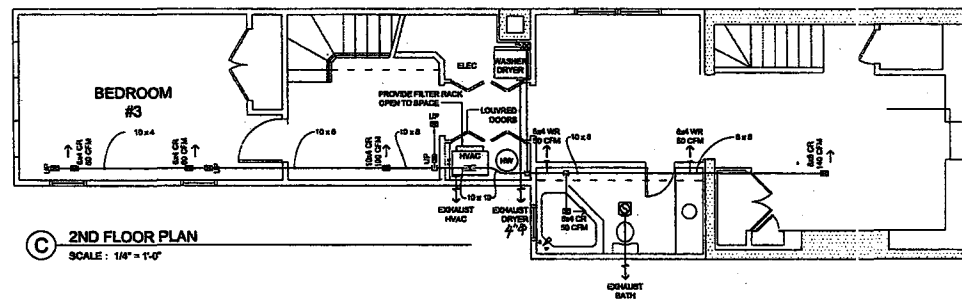
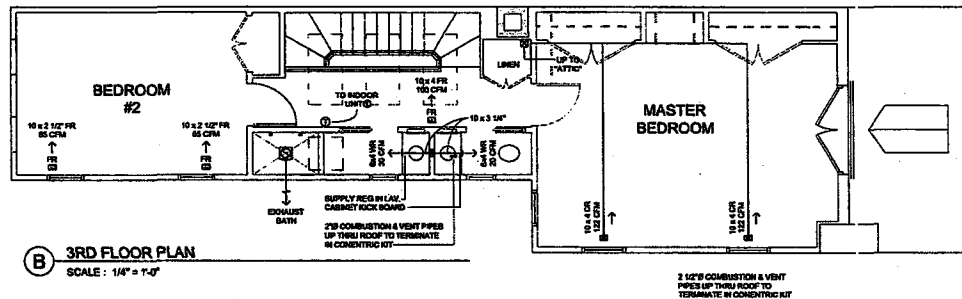
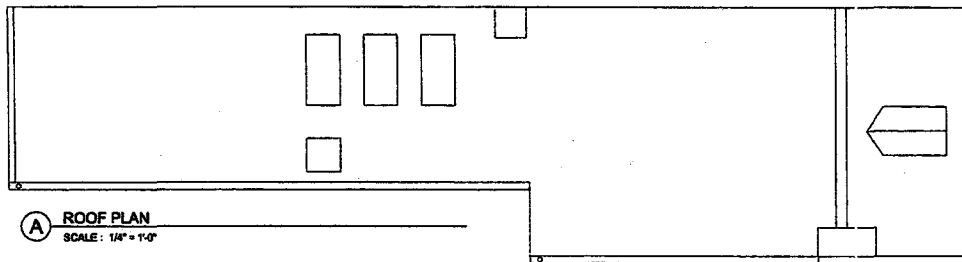
- SINGLE RECEPTACLES FOR DRYER AND RANGE IN BASEMENT AND FIRST LEVEL SHALL BE NEMA TYPES 10-30 AND 10-50 RESPECTIVELY.
- SINGLE RECEPTACLE FOR DRYER IN SECOND LEVEL SHALL BE NEMA TYPE 14-30.

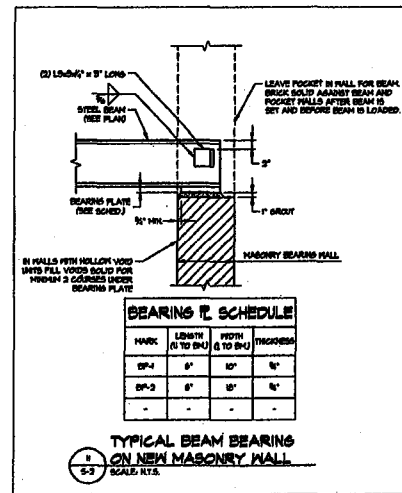
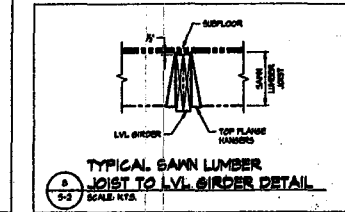
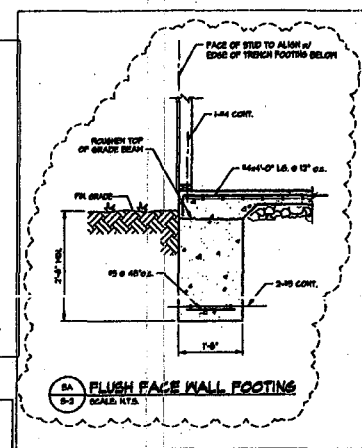
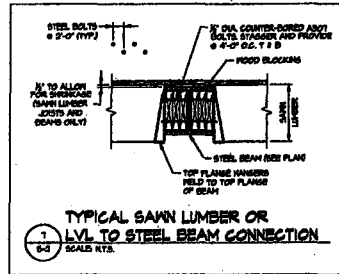
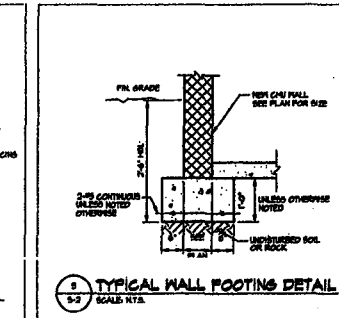
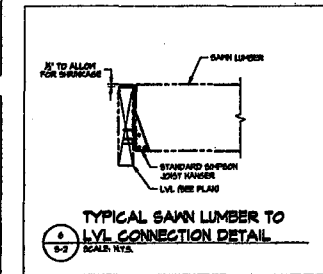
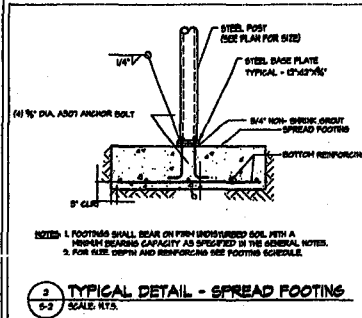
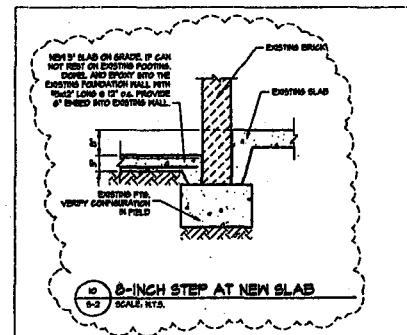
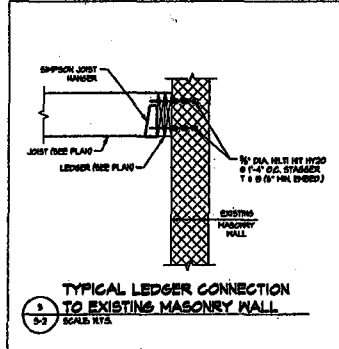
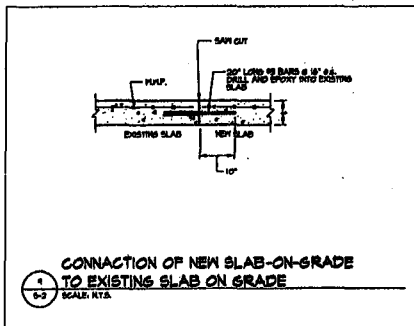
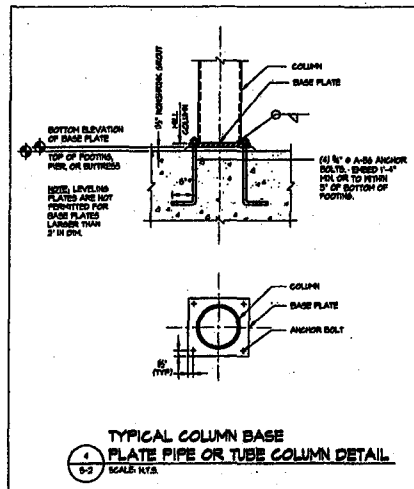
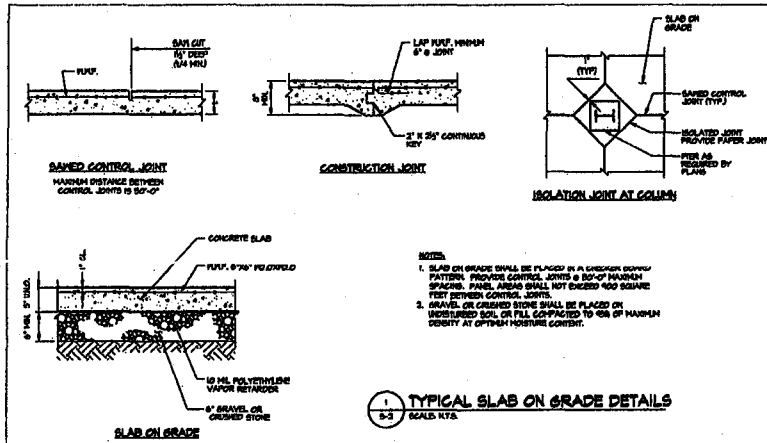
EQUIPMENT SCHEDULE	
ITEM	DESCRIPTION
①	GAS FIRED AIR HANDLING UNIT #1 & 2 - 120V 1Ø FAN 1/2 HP
	PROVIDE MOTOR RATED SWITCH MOUNTED ADJACENT TO UNIT
②	CONDENSING UNIT #1 & 2 - 240V 1Ø
	COMPRESSOR 15.0 RLA
	CONDENSER FAN 0.5 FLA
	PROVIDE 2P 30 AMP NEMA 3R DISCONNECT SWITCH MOUNTED ADJACENT TO UNIT



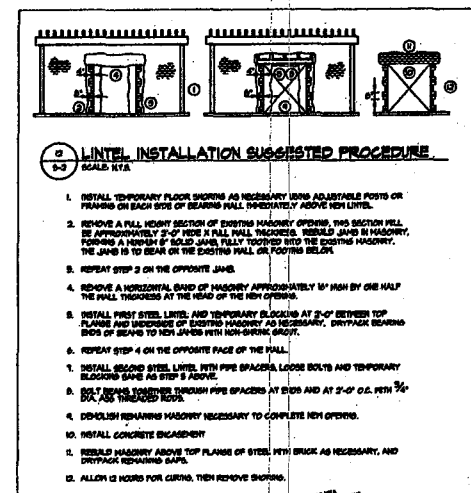
POWER RISER DIAGRAM
NOT TO SCALE

RISER SCHEDULE	
ITEM	DESCRIPTION
①	#2/0 COPPER OR #4/0 ALUMINUM SERVICE ENTRANCE CABLE IN ACCORDANCE WITH ALL APPLICABLE PEPCO REQUIREMENTS
②	200 AMP 120/240V 1Ø 3W METER SOCKET
③	3 #2/0 THW/THHN IN 1-1/2" CONDUIT
④	200 AMP 120/240V 1Ø 3W MCB PANEL "A" - SEE PANEL SCHEDULE
⑤	PANEL SHALL BE LISTED AND LABELED FOR USE AS SERVICE EQUIPMENT
⑥	#4 COPPER TO 5/8"x10" GROUND ROD, BOND WITH #4 TO INCOMING WATER SERVICE
⑦	100 AMP 120/240V 1Ø 3W MLO SUBPANEL "B" - SEE PANEL SCHEDULE

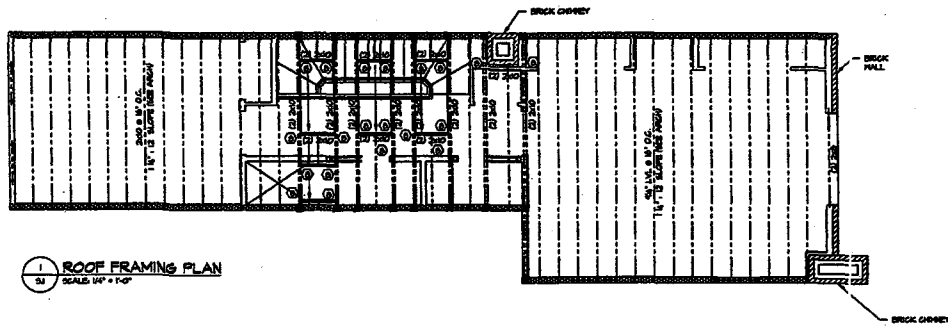




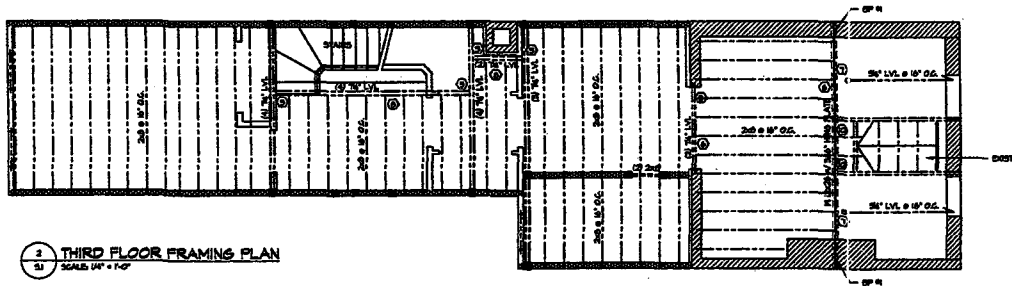
MARK	LENGTH (L TO B/L)	WIDTH (W TO B/L)	THICKNESS
BP-1	6"	10"	1/2"
BP-2	6"	10"	1/2"
-	-	-	-



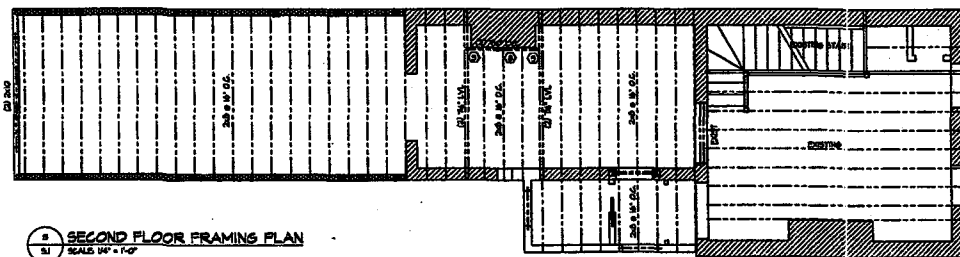
APPROVED FOR CONSTRUCTION
DATE: 11/11/11
BY: [Signature]
NOV 9 8 2011



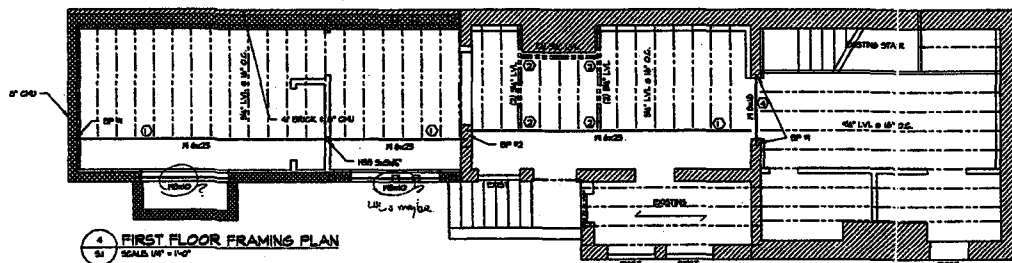
1 ROOF FRAMING PLAN
SCALE 1/4" = 1'-0"



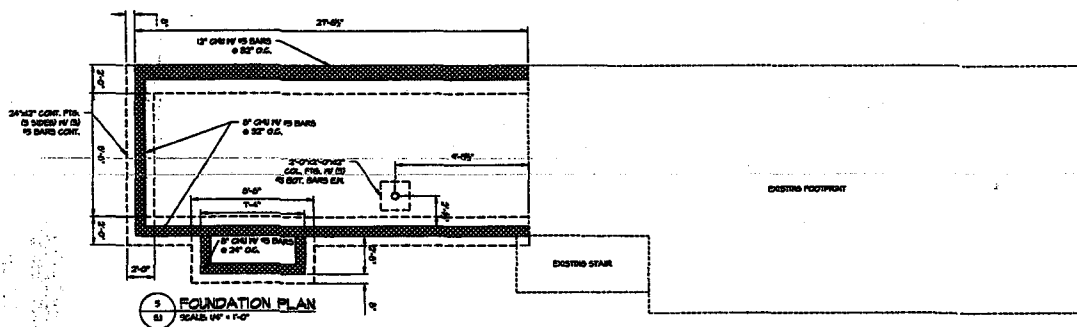
2 THIRD FLOOR FRAMING PLAN
SCALE 1/4" = 1'-0"



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



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



5 FOUNDATION PLAN
SCALE 1/4" = 1'-0"

S-1

DRAWING:

DAN
RESIDENCE
1812 35TH STREET N.W.
WASHINGTON, DC

ISSUED:
07/20/04

REVISED:

CONSULTANTS:
ROBERT SILMAN
ASSOCIATES, PLLC
STRUCTURAL ENGINEERS
1032 2ND STREET NW, WASHINGTON DC 20007
TELEPHONE 202-331-2300 FAX 202-331-2078



CONTRACTOR SHALL HAVE ACCESS TO ALL EXISTING SURVEYS, BRACINGS, MEASUREMENTS AND MAKE SURE ALL FLOORS, ROADS, WALLS AND ADJACENT PROPERTIES, AS PROJECT CONDITIONS REQUIRE. A PROFESSIONAL ENGINEER, LICENSED BY THE BOVINGING STATE IN WHICH THE PROJECT IS LOCATED AND HIRED BY THE CONTRACTOR, SHALL BE RESPONSIBLE FOR THE SURVEYING, BRACING, MEASUREMENTS, THEIR DRAWINGS AND CALCULATIONS FOR THE OVERS SEVEN.

2. ALL STRUCTURAL, BRACING SHALL BE COORDINATED WITH ARCHITECTURAL AND MECHANICAL DRAWINGS AND SHALL BE TO THE PROJECT CONTRACTOR'S KNOWLEDGE. ALL DRAWINGS SHALL BE THE CONTRACTOR'S LATEST EDITION AS MODIFIED BY THE BOVINGING LOCALITY.

3. ALL STRUCTURAL, BRACING, MEASUREMENTS AND CALCULATIONS SHALL BE BASED ON STRUCTURAL DRAWINGS ARE BASED ON INFORMATION CONTAINED IN VARIOUS ORIGINAL DESIGN AND CONSTRUCTION DOCUMENTS PROVIDED BY THE OWNER, AND LIMITED FIELD OBSERVATIONS AND MEASUREMENTS. THE CONTRACTOR SHALL VERIFY ALL INFORMATION CONTAINED IN THE DRAWINGS AND MEASUREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SITE. ALL INFORMATION DETAINED ACTUAL CONDITIONS AND THOSE SHOWN IN THE CONTRACT DOCUMENTS SHALL BE REPORTED TO THE ARCHITECT FOR HIS EVALUATION BEFORE THE AFFECTED CONSTRUCTION IS PUT IN PLACE.

1. FOOTINGS ARE DESIGNED TO BEAR ON UNDISTURBED SOIL HAVING A MINIMUM SAFE BEARING CAPACITY 2500 PSF FOR SOILS NOT TESTED. LICENSED GEOTECHNICAL INSPECTION AGENCY SHALL CONFIRM IN FIELD PRIOR TO PLACING FOOTINGS.
2. FRESH ALL FOOTING EXCAVATIONS BY HAND. NO FOOTINGS SHALL BE PLACED IN WATER OR ON FROZEN GROUND. PROTECT FOOTINGS FROM FROST AFTER THEY ARE PLACED.
3. DO NOT PLACE PILL AGAINST FOUNDATION WALLS UNLESS ADEQUATELY BRACED BY COMPLETED FLOORS OR OTHER STRUCTURE.
4. FILL AND BACKFILL MATERIAL: GRUBBER OR HAND-DIGGED, FREE OF DESTRUCTIVE ORGANIC MATERIALS.
5. ALL EXTERIOR FOOTINGS SHALL BE PLACED A MINIMUM OF 3'-6" BELOW FINAL GRADE.

1. ALL CONCRETE SURFACES SHALL BE FINISHED WITH A SMOOTH, COMBED OR BROOMED FINISH.

2. SLAB ON GRADE SHALL BE 4" CONCRETE REINFORCED WITH #4 @ MAX 4" PWP ON 10" AGG. POLY. VAPOR ON TOP OF GRADED SURFACE.
3. ALL FOUNDATION CONCRETE SHALL INCLUDE AN AGG. EXTRACTION LOG. STANDARD FOR MODERATE DEPTH EXCAVATIONS SHALL BE 12" MIN. FOR ALL EXCAVATIONS DEEPER THAN 12" TO 18" SHALL BE 18" MIN. STEEL SHALL BE DETAILER ACCORDING TO THE AGI MANUAL OF STANDARD PRACTICE (AGI SGP) LATEST EDITION.
4. HELIX RIB FABRIC (HWR) SHALL CONFORM TO ASTM A95, WITH A MINIMUM ULTIMATE TENSILE STRENGTH OF 70,000 PSI.
5. ALL FOUNDATION SHALL BE REINFORCED REINFORCED, PLACED AND CURED IN CONFORMANCE WITH THE LATEST EDITION OF AGI SGP "REINFORCEMENT FOR CONCRETE FOR BUILDINGS" AND ALL RECOMMENDED PRACTICES FOR CONCRETE SHALL BE FOLLOWED. ALL FOUNDATION SHALL BE REINFORCED WITH #4.
6. PROVIDE MINIMUM TYPICAL REINFORCEMENT, AS REQUIRED, FOR ALL WALLS, ALL SLABS AND WALLS WHERE REINFORCEMENT IS NOT INDICATED ON DRAWINGS.
7. PROVIDE AGG. SIZE AND LOG. FOR ALL PIPE SLEEVES WITH ARCHITECTURAL AND MECHANICAL DRAWINGS. MINIMUM GASKET BETWEEN SLEEVES SHALL BE 6".
8. PROVIDE FOUNDATION PRACTICE OF CONCRETE FOUNDATIONS AS FOLLOWS:
 - a. BEAMS: COLUMNS: 16"
 - b. FOOTINGS: 18"
 - c. EXTERIOR WALLS: 12" FOR 40 OR LARGER, 14" FOR 35 OR SMALLER
 - d. INTERIOR WALLS: 12"
9. ALL GASKET SHALL BE NON-SKIMP WITH A MINIMUM COMPRESSIVE STRENGTH OF 5000 PSI.

1. ALL CONCRETE MASONRY MUST CONFORM TO THE NATIONAL CONCRETE MASONRY ASSOCIATION

- [illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

- [illegible]

1. FRAMING LUMBER SHALL HAVE EACH PIECE GRADE STAMPED, SHALL BE SURFACED DRY (EXCEPT STUDS, WHICH SHALL BE KILN-DRIED) AND SHALL CONFORM TO THE FOLLOWING SPECIES AND GRADE:

- [illegible]

1. UNLESS NOTED OTHERWISE IN PLAN, PROVIDE HEATING PER THE FOLLOWING:

- | ROUGH OPENING WIDTH | HEAD | | 2nd WALL | 3rd WALL |
|---------------------|----------|----------|----------|----------|
| LESS THAN 6'-0" | (2) 2x6 | (2) 2x6 | (2) 2x6 | (2) 2x6 |
| 6'-0" TO 4'-0" | (2) 2x6 | (2) 2x6 | (2) 2x6 | (2) 2x6 |
| 4'-0" TO 3'-0" | (2) 2x6 | (2) 2x6 | (2) 2x6 | (2) 2x6 |
| 3'-0" TO 2'-0" | (2) 2x6 | (2) 2x6 | (2) 2x6 | (2) 2x6 |
| OVER 2'-0" | SEE PLAN | SEE PLAN | SEE PLAN | SEE PLAN |
- NOTE: PROVIDE
- (1) JACK STUD FOR SPANS LESS THAN 4'-0" HEAD.
 - (2) JACK STUDS FOR SPANS LESS THAN 6'-0" HEAD.
 - (3) JACK STUDS FOR SPANS 6'-0" OR MORE.

2017年12月15日 星期五

7. PROVIDE PLYWOOD SHEATHING COMPLYING WITH APA - E-248 OR INTERIOR APA STRUCTURAL I-10 OR INTERIOR APA OR STRUCTURAL I-24 OR EXTERIOR APA, AS APPLICABLE.
8. 1" X 6" TACK 1" x 6" 4834 SPAN RATING, APA STUD-FLOOR, BLUE AND GREEN WEATHERING TO FLOOR JOISTS.
9. WALL SHEATHING 1/2" THICK, 3216 SPAN RATING.
10. ROOF SHEATHING 1/2" THICK, 4834 SPAN RATING.
11. ALL PLYWOOD SHALL BE GULED AND SECURED TO FLOOR JOISTS USING AN APA APPROVED ADHESIVE (S.P. 1000) AND OR NAILS.
12. USE PLY CLIP OR OTHER EDGE SUPPORT AS REQUIRED FOR PLYWOOD WEATHING.
13. LEAVE 1" GAPS AT ALL PLYWOOD PANEL JOINTS AND 1" SPACE AT ALL PANEL EDGE JOINTS.

1. **Abstract** - This paper presents a new method for the automatic detection of the onset of a seizure in EEG signals. The method is based on the analysis of the power spectrum of the EEG signal. The power spectrum is calculated for each time window of the EEG signal. The onset of a seizure is detected when the power spectrum shows a significant increase in the power of the low frequency components. The method is evaluated using a set of EEG signals recorded from patients with epilepsy. The results show that the method is able to detect the onset of a seizure with a high accuracy.

- STANDARD RECOMMENDATIONS AND DETAILS INCLUDING CONSTRUCTION METHODS, JOINTS BEARING LENGTHS, KEY STEPPERS, SQUARE BAYS, BLOCKING, UNDERCUTS AND KICKS, ETC.
- RH BONDED; PROVIDE CONTINUED 1/8" TRACK RH BONDS, THEREAFTER LSL AS MANUFACTURED BY TRUSJOIST MANUFACTURER OR APPROVED EQUAL. INSTALL IN COMPLIANCE WITH THE MANUFACTURER'S STANDARD RECOMMENDATIONS AT THE PERIMETER OF ALL FLOOR PLATEFORMS.
- HORIZONTAL BEAMS: PROVIDE DIMENSIONED BEAM SIZES AS SHOWN HEREON-LAY ON PARALLEL PSL AS MANUFACTURED BY TRUSJOIST MANUFACTURER OR APPROVED EQUAL. INSTALL IN COMPLIANCE WITH THE MANUFACTURER'S STANDARD RECOMMENDATIONS AND DETAILS.
- SLEED LAMINATED TREES (NOTIFIED); PROVIDE DIMENSIONED BEAM SIZES AS SHOWN IN ACCORDANCE WITH AISC 310-DEMAN STANDARD SPECIFICATIONS FOR STRUCTURAL, SLEED LAMINATED TREES OF ANYTHING SPICED, UNLESS NOTED OTHERWISE. ALL LAMINATIONS SHALL BE SEWED UP FIVE FEET MINIMUM FROM EACH END OF THE MEMBER.
- ROOF TRUSSES: PROVIDE PRE-DIMENSIONED ROOF TRUSSES AS SHOWN ON THE DOCUMENTS, TO RESIST LOADS THAT INCLUDE DEAD, LIVE, WIND, SNOW, ICE, AND COMBINATION LOADS.
- ALL FABRICATIONS SHALL BE IN ACCORDANCE WITH THE MANUFACTURER'S STANDARD RECOMMENDATIONS AND DETAILS. FABRICATOR SHALL SUBMIT LAYOUT PLANS AND ENGINEERING DRAWINGS FOR APPROVAL PRIOR TO FABRICATION.

	EMPTY FOOTING		EXISTING STEEL BEAM TO REMAIN
	NEW FOOTING		EXISTING STEEL BEAM TO BE REMOVED
	EXISTING BRICK MASONRY TO REMAIN		NEW STEEL BEAM
	NEW BRICK MASONRY		INDICATES EXISTING STEEL POST THRU OR DOWN
	EXISTING CONCRETE MASONRY (CMU) TO REMAIN		INDICATES EXISTING STEEL POST ABOVE
	NEW CONCRETE MASONRY (CMU)		INDICATES EXISTING WOOD POST THRU OR DOWN
	NEW CONCRETE WALL		INDICATES EXISTING WOOD POST ABOVE
	NEW WOOD BEARING WALL (2x4 @ 16" MC, 2x6 @ 16" MC)		INDICATES STEEL POST THRU OR DOWN (REINFORCE EDGE ON PLANE)
	EXISTING WOOD BEARING WALL		INDICATES STEEL POST ABOVE (REINFORCE EDGE ON PLANE)
	WALL ABOVE		INDICATES WOOD POST THRU OR DOWN (SINGULAR POST ON LEVEL NORTH OF SUPPORTED MEMBER, WALL, ALL LVL, OR ALL JOISTS TO BE ON OR IN THE POINTS OF SINGULAR POINTS)
	EXISTING WOOD JOIST TO REMAIN		INDICATES WOOD POST ABOVE (REFER TO NOTES FOR WOOD POST THRU OR DOWN)
	EXISTING WOOD RAFTER TO REMAIN		INDICATES BOTTOM OF FOOTINGS (ELEVATION)
	EXISTING WOOD BEAM TO REMAIN		INDICATES CONNECTION REQUIREMENTS - SEE SCHEDULE
	EXISTING WOOD FRAMING TO BE REMOVED		
	NEW WOOD JOIST		
	NEW WOOD RAFTER		
	NEW WOOD BEAM		

DESIGN CODE: IRC 2000

LIVE LOAD DATA		ROOF LOAD DATA		WIND LOAD DATA		EARTHQUAKE DESIGN DATA	
FLOOR OR ROOF AREA	LOAD (psf)	LOAD TYPE	VALUE (psf)	PARAMETER	VALUE	PARAMETER	VALUE
EXTENSION BALCONIES	N/A	NON-SWIFT SNOW	30	BASE WIND SPEED	40 MPH	SHORT PERIOD MAP VALUE (S _s)	0.65 g
TYP FLOOR SLAB(S)	40	DRIFTING SNOW	N/A	WIND EXPOSURE	B	1.0 PERIOD MAP VALUE (S ₁)	0.85 g
GRIDS	40			IMPORTANCE FACTOR	1.0	SOIL CLASSIFICATION (SEE CLASS 0.9)	1.0
		PARAMETER	VALUE			RESIDENTIAL SITE VALUE	0.15 g
SLEEPING ROOMS	30	ACCUMULATED SNOW LOAD (P _s)	30			RESIDENTIAL DESIGN SEISMIC CATEGORY	A
ATTIC/STV STORAGE	N/A	CLADDING APPLIED	YES				
ATTIC/STV/STV STORAGE	N/A	ROOF DECK LOAD	0				
RESIDENTIAL LIBRARY	N/A						

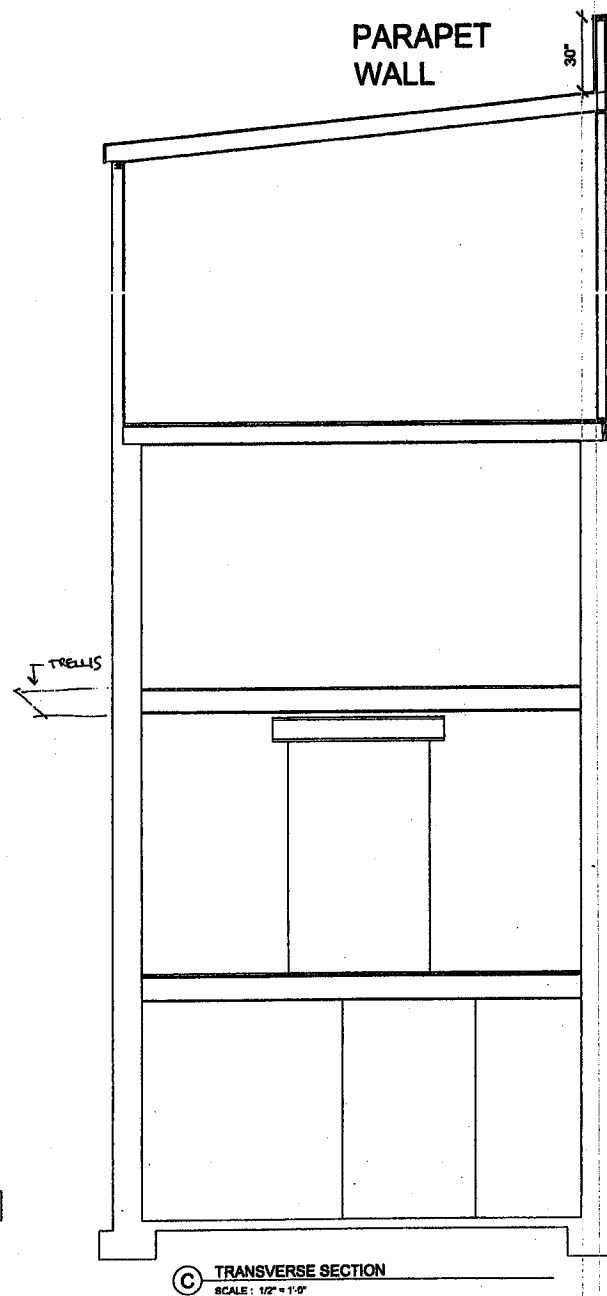
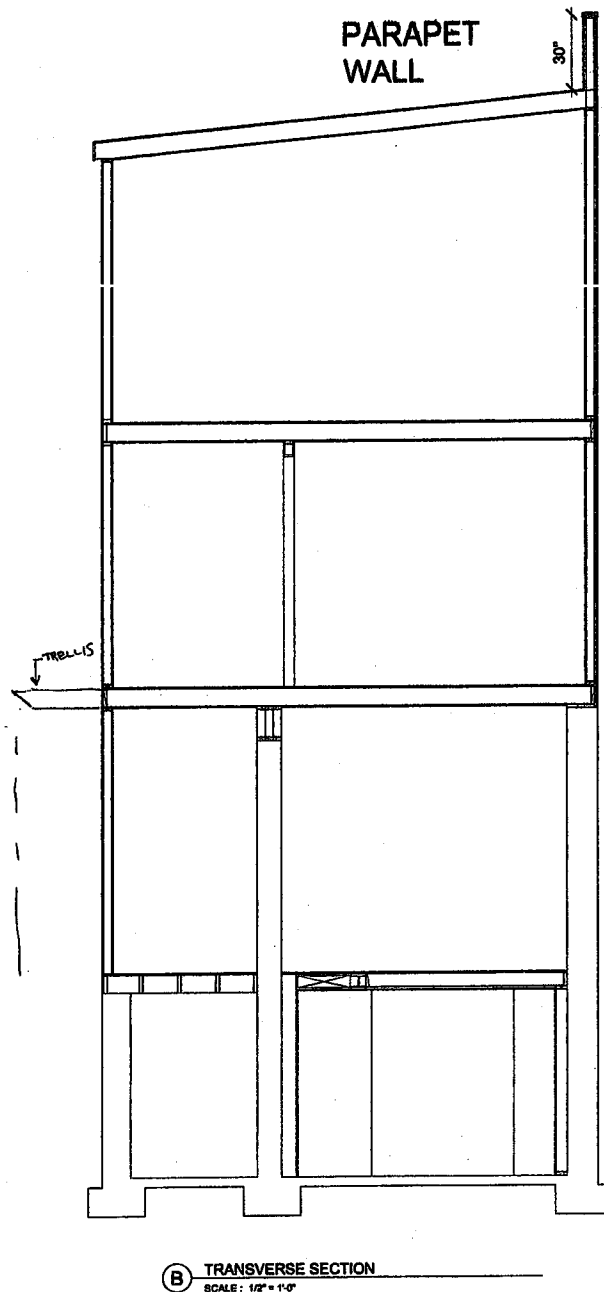
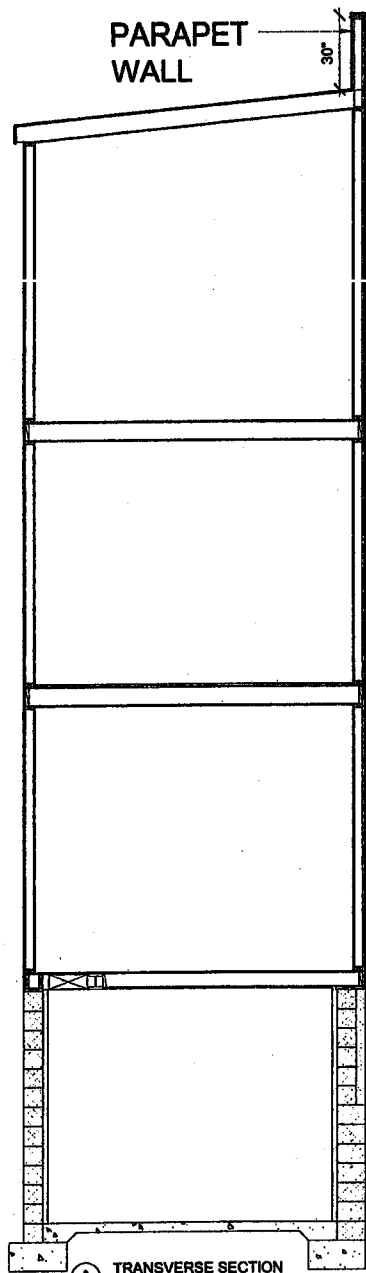
CORRECTION #	CORRECTION	COMMENTS
(SEE PLAN)	DESCRIPTION	
1	MU 10A5	PROVIDE BLOCKING IN BEAM
2	M4A5B	PROVIDE BLOCKING IN BEAM
3	M4A6	
4	MU 10A0	PROVIDE BLOCKING IN BEAM
5	M4U10J25	TOP FLANGE WANNER
6	L12D	PROVIDE BLOCKING IN BEAM
7	MU 10A18	SLOPED SEAT (SEE ARCH)
8	L12D	FOR 2ND AND 3RD MEMBERS
9	M4A6	PROVIDE BLOCKING IN BEAM
10	M4A6	PROVIDE SLOPE WITH BLOCKING

EXTERIOR DOOR & WINDOW SCHEDULE							
#	QTY	BRAND	TYPE	#	R.O.	BUILD SIZE	LOCATION(S)
A	1	WEATHER SHIELD	FRENCH DOOR		6' x 6'		MASTER BEDROOM
B	13	WEATHER SHIELD	DOUBLE HUNG TILT	11-28x28	2'-10 3/16" x 5'-6 5/8"		BEDS, BATHS, & FAMILY
E	1	WEATHER SHIELD	FRENCH DOOR				FAMILY
F	1	ANDERSON	CASEMENT	225	4'-0" x 3'-5 3/8"	?	BASMENT BEDROOM
G	1	WEATHER SHIELD	AWNING	21-3224	6'-1" x 2'-5 1/4"	6'-3" x 2'-6 7/8"	BASMENT SITTING
H	3	WEATHER SHIELD	CASEMENT	11-2088	2'-1" x 6' 1 3/8"		BATHS, HALL 1
J	1	WEATHER SHIELD	AWNING	11-2820	2'-0" x 2'-1 1/4"	2'-11" x 2'-2 7/8"	REC ROOM
K	1		DOOR W/ GLASS				REC ROOM
L	1	WEATHER SHIELD	CASEMENT	11-1288	1'-5" x 6' 1 3/8"	?	DINING ROOM
M	1	WEATHER SHIELD	DOUBLE HUNG TILT	11-28x28	2'-10 3/16" x 5'-6 5/8"		MASTER BEDROOM
N	1		GLASS BLOCK W/ VENT			1'-1 1/2" x 3'-0"	UTIL 1
O	1	WEATHER SHIELD	CASEMENT	11-1628	1'-0" x 2'-9 3/8"		BASE BATH
P	3	VELUX	FIXED SKYLIGHT	302	30 1/2" x 55 1/2"		STAIR HALL
Q	1	VELUX	FIXED SKYLIGHT	302	30 1/2" x 31 1/8"		SHOWER

DOOR SCHEDULE				
#	TYPE	SIZE	LOCATION(S)	NOTE
1	HOLLOW CORE	(2) 36" x 8'-0"	BED #4 CLOSET	
2	HOLLOW CORE	36" x 8'-0"	BEDROOM #4	
3	SOLID CORE	32" x 8'-0"	BASE BATH	UNDERCUT AS REQUIRED
4	LOUVERED	32" x 8'-0"	UTIL #1	
5	PANELED	24" x 8'-0"	POWDER ROOM	POCKET DOOR
6	PANELED	(2) 24" x 8'-0"	HALL #1 CLOSET	
7	PANELED	(2) 30" x 8'-0"	BED #3 CLOSET	
8	PANELED	36" x 8'-0"	BEDROOM #3	
9	LOUVERED	(2) 30" x 8'-0"	LAUNDRY #2	
10	LOUVERED	(2) 30" x 8'-0"	UTIL #2	
11	PANELED	24" x 8'-0"	2ND FLOOR BATH	
12	PANELED	(2) 24" x 8'-0"	BED #2 CLOSET	
13	PANELED	36" x 8'-0"	BEDROOM #2	
14	PANELED	24" x 8'-0"	SHOWER	POCKET DOOR
15	PANELED	24" x 8'-0"	TOILET	POCKET DOOR
16	PANELED	(2) 18" x 8'-0"	LINEN CLOSET	
17	PANELED	36" x 8'-0"	MASTER BEDROOM	
18	PANELED	(2) 36" x 8'-0"	MASTER CLOSET	
19	PANELED	(2) 36" x 8'-0"	MASTER CLOSET	

WALL SCHEDULE		SCALE: 1 1/2" = 1'-0"
NO SYMBOL		1/2" GWS 2x4 @ 16" O.C. WOOD STUD FRAMING 1/2" GWS
1		6" HORIZONTAL CEMENT BOARD SIDING 5/8" CDX W/ BUILDING PAPER 2x4 @ 16" O.C. WOOD FRAME W/ R-13 BATT INSULATION 1/2" GWS
2		DESIGN # U333 - 1 HR FIRE WALL (ANSI/UL 263) 6" HORIZONTAL CEMENT BOARD SIDING 5/8" CDX W/ BUILDING PAPER 3/8" FIRE RATED GWS W/ 1 1/4" TYPE W STEEL SCREWS @ 12" O.C. 2x4 @ 16" O.C. WOOD FRAME W/ R-23 BATT INSULATION 3/8" FIRE RATED GWS W/ 1 1/4" TYPE W STEEL SCREWS @ 12" O.C.
3		DESIGN # U439 - 1 HR FIRE WALL (ANSI/UL 263) FIRE RESISTANT GLAZING MATERIALS (1.57" PANELS - VETROTECH SAINT GOBAIN) NOT TO EXCEED 28 SF W/ MAX DIMENSION 7' INSTALL IN ACCORDANCE TO UNDERWRITERS LABORATORIES INC INSTRUCTIONS (SEE SPECIFICATIONS)
4		4" BRICK 5/8" CDX W/ BUILDING PAPER 2x4 @ 16" O.C. WOOD FRAME W/ R-13 BATT INSULATION 1/2" GWS
5		DESIGN # 205-2 HR FIRE WALL 1/2" GWS 2x4 @ 16" O.C. THIN FRAME - WOOD 6" CMU W/ LOOSE MASONRY FILL (SEE UNDERWRITER LABORATORIES INSTRUCTIONS / SPECIFICATIONS) 4" BRICK
6		1/2" GWS 2x4 @ 16" O.C. THIN FRAME - WOOD 6" CMU
7		FURR OUT 2" 1/2" GWS 2x4 @ 16" O.C. THIN FRAME - WOOD EXISTING MASONRY
8		FURR OUT 4" 1/2" GWS 2x4 @ 16" O.C. WOOD FRAMING EXISTING MASONRY
9		1/2" GWS 2x4 @ 16" O.C. THIN FRAME - WOOD 1/2" GWS

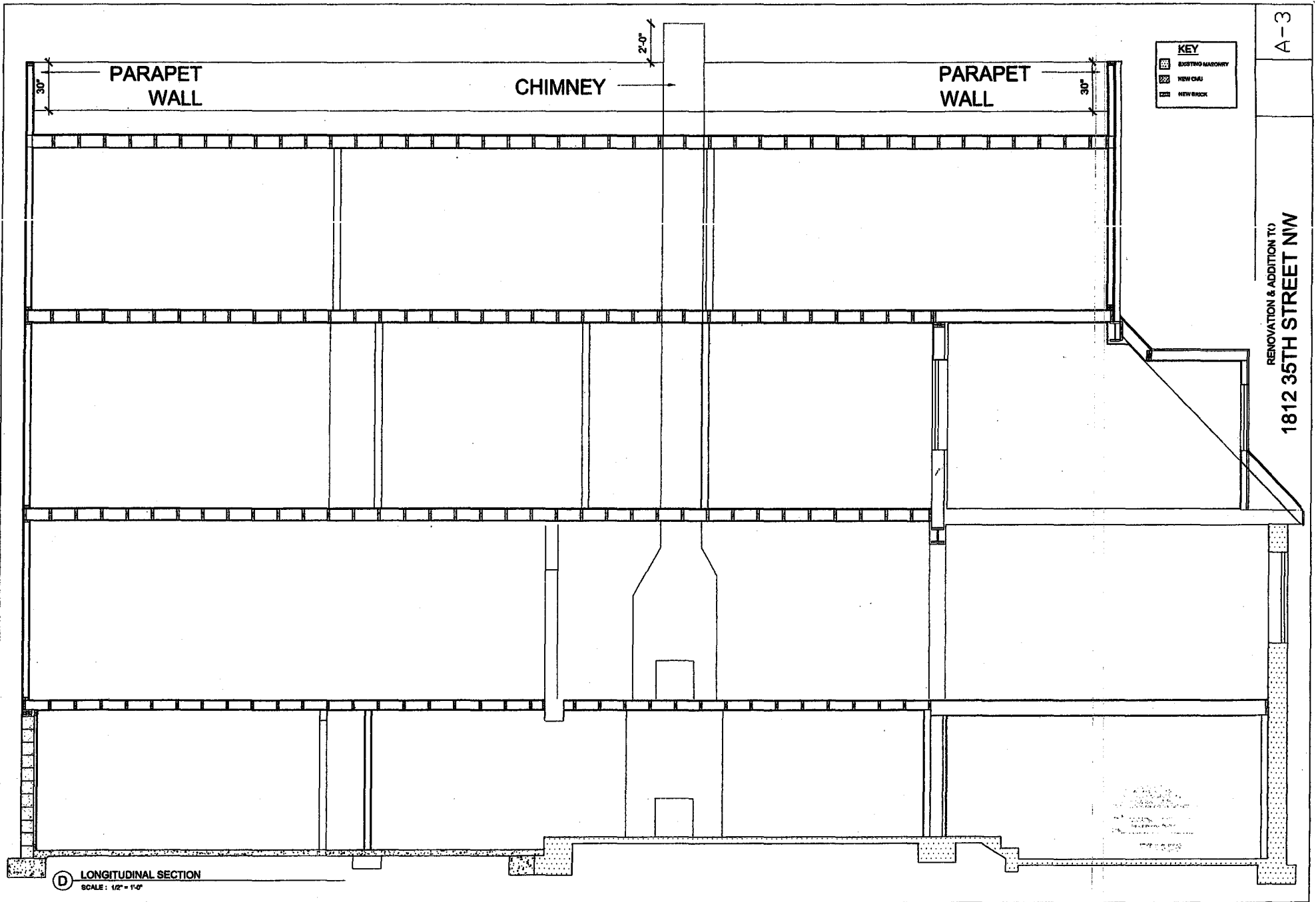
NOT TO SCALE
ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
ALL MATERIALS ARE TO BE SUPPLIED BY THE CONTRACTOR
ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS
ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS



KEY	
	EXISTING MASONRY
	NEW CAST
	NEW BRICK

DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES
DIVISION OF ARCHITECTURE
APPROVAL SUBJECT TO THE
FURTHER APPROVAL OF CONSTRUCTION

FOR THE
Division of General Services
DATE: NOV 0 8 2009

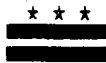


MS. Howard Esq

1812 LC pg 1

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

Office of the Zoning Administrator



March 2, 2005

RECEIVED
D.C. OFFICE OF ZONING
2005 MAR 21 PM 1:22

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Faye Ogunneye, Chief
Zoning Review Branch *Faye O.*

SUBJECT: Proposed Rear Addition to a Single Family Semi-Detached
Dwelling located at premises 1812 35th Street, N.W., Lot(s)
802, in Square S-1296, Zoned R-3

Review of plans for the proposed at the above subject premises indicates that the Board of Zoning Adjustment approval is required as follows:

1. Special exception pursuant to Section 223.1, requirements for addition to an existing single family semi-detached structure in the R-3 residential zone district. (Section 3104.1)

fo/ee

BZACase No. 17327Exhibit No. 4

OFFICE OF PLANNING

★ ★ ★

[REDACTED]

[REDACTED]

Office of the Director

MEMORANDUM**TO:** Board of Zoning Adjustment**FROM:** *ELSG*
Ellen McCarthy
Interim Director**DATE:** May 31, 2005**SUBJECT:** BZA Application 17327RECEIVED
D.C. OFFICE OF PLANNING
2005 JUL 21 PM 3:30**APPLICATION**

1812 35th Street Associates LLC, the applicant, requests a special exception under Section 223.1 to retain a 3-story addition to an existing one-family detached dwelling located at 1812 35th Street, N.W. (Square 1296S Lot 27 [802]) pursuant to Section 3104.1 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION

The Office of Planning (OP) cannot recommend approval of this request because the application does not meet the standards of Section 223.1.

SITE AND AREA DESCRIPTION

The subject property is approximately 0.05-acre (2,400 square feet) in size and immediately west of tree-lined 35th Street, N.W. It is developed with a 1½-story masonry dwelling (circa 1910) enlarged to 3-stories by an addition still under construction. The property slopes away from 35th Street with several large trees in the rear yard surrounded by a wooden stockade fence approximately 6 feet tall. There is no direct access to this property from an existing service alley to the northwest, and no on-site parking.

Development to the north, south, and west mostly consists of two-story frame and masonry detached-, semi-detached-, and row dwellings. There is also one 3-story semi-detached dwelling in the southern corner of the square at the intersection with S Street. To the east across 35th Street are a 2-story apartment building, and two building occupied by the Filmore Arts Academy (a D.C. public school), and a former public school building now occupied by the Corcoran Gallery Art & Design College. The subject and surrounding properties are all within a Residence (R-3) zone district (please refer to Exhibits 1-3).

APPLICANT'S PROPOSAL

The applicant explained that fire destroyed the interior of the original building. The applicant later purchased the property in 2003 with the intent of renovating and expanding the vacant

BZACase No. 17327Exhibit No. 30

dwelling. Building Permit #B461964 was issued on May 19, 2004 for repair of the fire damage. Building Permit #B476431 subsequently issued on November 8, 2004 was for construction of 1½ -2 additional floors above the existing dwelling; and continuation of the resulting 3-story structure 27.5-feet further into the rear yard. The application letter dated March 15, 2005, explains that the Department of Consumer and Regulatory Affairs (DCRA) issued the permits based on a row dwelling classification when in fact it is a detached dwelling with an exterior wall in line with the northern property boundary. As stated in the letter, "The row dwelling classification was obtained by the (planned) addition of a trellis connecting the house to the adjacent (dwelling) to the South," another on-line detached one-family dwelling located at 1810 35th Street, N.W.

The property is in a R-3 zone district that allows row dwellings as a matter of right. Row dwelling as defined in Section 199 has no side yard setbacks and is permitted a percentage of lot occupancy up to 60%. This property has one side yard setback of 3 feet, as do both adjoining properties, therefore the Zoning Administrator ultimately concluded the dwelling is detached, and subject to side yard setback and lot occupancy limitations for a detached dwelling. The new addition maintains the existing nonconforming side yard setback of zero (0) feet along the northern property boundary, and the nonconforming 3-foot setback from the southern boundary for the upper-floor addition to the original dwelling. It also increased the lot occupancy percentage to 43.75%.

In a memorandum to the Board of Zoning Adjustment dated March 2, 2005, the DCRA Zoning Review Branch states the new construction requires special exception relief pursuant to Section 223.1. As a result, the applicant's letter explains this application was submitted to "... eliminate the need for a trellis, eliminate the need for changing the classification of the building (from a detached dwelling to a row dwelling), and allow for the extension to be completed per the plans approved by DCRA"

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned R-3. Zoning Regulation Section 320.3 (a) allows one-family detached dwellings per Sections 300.3 (a) and 201.1 (a), and one-family row dwellings per Section 320.3 (b) as a matter of right in this zone district. Lot 802 dimensions are less than the required minimum width of 40 feet and 4,000 square feet of area for a detached one-family dwelling. Northern and southern side yard setbacks of 0 feet and as little as 3 feet, respectively, are less than the minimum 8 feet required under Section 405.9. Zoning Regulation include the following provisions for expanding such nonconforming buildings on nonconforming lots:

"405.8 In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; Provided, that the width of the existing side yard shall not be decreased; and Provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.)."

So, although the dwelling was constructed before 1958, neither non-conforming side yard setback can be extended as a matter-of-right. However, the following also applies:

"2001.3 Enlargements or additions may be made to the structure; provided, that the following requirements shall be met:

- (a) The structure shall conform to percentage of lot occupancy requirements; and
- (b) The addition or enlargement itself shall:
 - (1) Conform to use and structure requirements; and
 - (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor
 - (3) Create any new nonconformity of structure and addition combined."

As constructed the addition continues existing nonconforming aspects of the dwelling and results in the allowable lot occupancy percentage being exceeded. This project is also subject to the following provisions of the Zoning Regulations.

Standard	R-3 Requirement	Existing	After Renovation	Required Relief
Min. Lot Area	4,000 s.f.	0.05 acres (2,400 s.f.)	Same	Yes
Min. Lot Width	40 feet	20 feet ¹	Same	Yes
Square Footage	--	924 s.f. ²	1,050 s.f. ³	--
Height	40 feet/ 3 stories	17 feet ⁴	33 feet ⁴	No
Lot Occupancy	40%	26.5 %	43.75 %	Yes
Side Yard	8 feet	0 & 3 feet	0 & 3 feet ⁵	Yes
Rear Yard	20 feet	81.5 feet	53.4 feet	No
Parking	1 space	0	0	No

It is apparent that a residential addition on this property is not possible without zoning relief because meeting the 8-foot side yard setback requirement on the 20-foot wide lot would only allow construction of an addition 4-feet wide. As constructed, the resulting lot occupancy percentage exceeds that allowed as a matter of right by approximately 3.8% and both side property lines remain nonconforming. The applicant therefore submitted a request for special exception relief under Section 223 from the provisions of Section 2001.3, to allow continuation of the nonconforming side yard setbacks, and to exceed the allowable lot occupancy percentage.

ANALYSIS

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map" and will not tend to

¹ From the annotated DC Surveyor's subdivision plat dated August 2, 2004

² Previous ground-floor and finished area in half story according to D.C. land records

³ From the submitted sheet of Notes and Computations

⁴ From the Axonometric of Proposed Building (refer to Exhibits 4 & 7)

⁵ The side yard setback of the rear portion of the addition from the southern boundary would be 8 feet, but not the additional upper floors over in the existing dwelling

affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." The referenced special exception would allow the continuation of the nonconforming side yard setback along the northern and southern boundaries, and increase in the allowable lot occupancy percentage subject to Section 223 provisions.

Compliance with Section 223

Requirements under this section include the following:

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

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

The proposed addition does not affect the air available to neighboring properties, however it significantly changes how shadows are cast on properties to the north. At OP's request, the applicant's architect prepared shadow diagrams approximating the original conditions, the dwelling with the addition, and the dwelling with theoretical maximum (4-foot wide) addition allowed under the Zoning Regulations (refer to Exhibits 4-9).

These diagrams indicate that shadows cast by the current construction or the original dwelling with a theoretical matter-of-right addition will (would) cover more of adjacent rear yards for a longer period from early fall through the winter. Under either option, the neighboring dwelling at 1814 35th Street largely remains in shadow most of the day during this period. Note that the "Shadows of Existing House" diagram (Exhibit 8) also seems to indicate that reducing the existing addition to 1-story would still cast a shadow over the abutting rear yard in the winter.

Diagrams also indicate that the new construction will not affect the neighboring properties to the south, and, because the adjacent 35th Street right-of-way is 80 feet wide, it does not appear the new shadow pattern will affect properties on the opposite side of the street.

OP is less concerned about shadows cast on the neighboring dwelling(s) to the north than about how those shadows may affect the utility of the rear yards. The applicant is encouraged to consider "stepping-down" the height of the addition to one story for that portion that extends beyond the original dwelling. This would mitigate the extent and duration of shadows cast in the fall months. Unless these or other effective mitigation measures are proposed, OP cannot conclude the light available to abutting properties is not substantially adversely affected.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; With regards to the neighboring property to the north, privacy of use are not affected because the addition wall along the shared boundary does not include windows.

Concerning the neighboring property to the south, the primary view from the addition third floor above the original dwelling (the portion of the building requiring zoning relief) appears to be over the neighboring residence. Views into the rear yard of the southern property are limited to the western end of the yard by a rear addition to southern dwelling and the angle of view. Based on this information, privacy of the neighboring property to the south is not unduly compromised by the subject addition or the proposed special exception. Note that zoning relief was not requested for the rear portion of the addition beyond the original dwelling because it meets the requirement for an 8-foot side yard setback from the southern boundary.

- (c) *The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street frontage; ...* The new front façade represents a significant intrusion upon the 35th Street frontage in terms of it's architectural character and scale. Vertical articulation of the second and third floors negates the roofline of the original building while reflecting few characteristics of more typical building facades along the street. A more effective design approach could include bringing the entire façade out to the street, using a sloped roof and dormers at top of the building to make it appear more in scale, and negotiating with Building Code officials to reduce or eliminate the additional 3 feet of wall height required for the northern firewall.

Although the alley does not abut this property, the addition does not seem out of place when viewed from the alley when compared with rear facades of other dwellings.

- (d) *In demonstrating compliance with (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings, and view from public ways.* Sufficient graphical documentation was submitted for staff review and analysis.

223.3 *The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts.* This proposal is consistent with this limitation.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties.* OP recommends that applicant consider reducing the height of the addition, particularly the portion that extends beyond the original dwelling. They should also consider redesigning the front façade to be less intrusive and reflect more characters of the surrounding architecture.

Based on this information, OP cannot conclude that the application meets the requirements of Section 223.

Compliance with Section 3104.1:

Based on the findings of Section 223, granting the requested relief would not be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and proposed changes will tend to adversely affect the use of the neighboring properties.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map designates this site and surrounding properties for Moderate Density residential development characterized by row houses and garden apartments as predominant uses.

COMMUNITY COMMENTS

A letter dated May 13, 2005 from Chair Ed Solomon, Chair, Advisory Neighborhood Commission (ANC) 2E expressed opposition to the requested special exception relief. The public record also includes letters in opposition from: Robert Robelus residing at 1818 35th Street (the second dwelling to the north); tenant Alexander Stancioff residing at 1814 35th Street (the abutting dwelling to the north); Eugene and Joanne Scanlan residing at 1806 35th Street (the second dwelling to the south); and Danielle Berthelot residing at 1804 35th Street (the second dwelling to the south).

RECOMMENDATION

The Office of Planning (OP) cannot support approval of this request because the application does not meet the standards of Section 223.1. OP encourages the applicant to reduce the height of the addition, and redesign the front façade to be more in scale and character with the existing pattern of dwelling facades along 35th Street.

EMc/afj

Attachments: Exhibit 1 Aerial Including Zoning
Exhibit 2 Angled View from the East
Exhibit 3 Angled View from the West
Exhibit 4 Axonometric of the Existing Dwelling
Exhibit 5 Axonometric of the Neighbor Houses
Exhibit 6 Axonometric of Existing House with Neighbors
Exhibit 7 Axonometric of Proposed House
Exhibit 8 Shadows of Existing House
Exhibit 9 Shadows of Proposed House

NOTES AND COMPUTATIONS

ADDRESS: 1812 35th Street, N.W.

LOT(S):

SQUARE: S-1296

ZONED: R-3

	<u>REQUIRED</u>	<u>ALLOWED</u>	<u>PROVIDED</u>	<u>VARIANCE</u>
LOT AREA	2,000 Sq. Ft.		2,400 Sq. Ft.	
LOT WIDTH	20'		20'	
LOT OCCUPANCY (40%)		960 Sq. Ft.	Exist.: 720 Sq. Ft. Add.: 330 Sq. Ft. Total 1,050 Sq. Ft. (43.75%)	90 Sq. Ft. (3.75%)
FLOOR AREA RATIO ()		N/A	N/A	
PARKING SPACES	1		Existing	
LOADING BERTHS	N/A		N/A	
FRONT YARD	N/A		N/A	
REAR YARD	20' min.		53.3'	
SIDE YARD	8'		2.5'	5.5' (31.25%)
COURT, OPEN	N/A		N/A	
COURT, CLOSED	N/A		N/A	

House

1812 35th

RECEIVED
D.C. OFFICE OF ZONING

March 15, 2005

Ms. Jerrylee Kress
Director, Office of Zoning
District of Columbia

2005 MAR 21 PM 1:21

Reference: 1812 35th St NW, Washington, DC 20007

Dear Ms Kress:

Attached please find our application for a Special Exception under paragraph 223.1 of the Zoning Regulations for above referenced property.

We are the owners of this property and we have proceeded with renovations to this property under a permit issued by the Department of Consumer and Regulatory Affairs. The property is a wall on-line detached dwelling. The permit was issued based on a classification of the property as a row dwelling. The row dwelling classification was obtained by the addition of a trellis connecting the house to the adjacent property to the South.

We are now applying for this Special Exception to eliminate the need for a trellis, eliminate the need for changing the classification of the building, and allow for the extension to be completed as per the plans approved by DCRA.

We are seeking relief of the lot occupancy requirement from 40% to 43.4% and of the side yard requirement in the upper two floors of the house, to align with the existing side yard, from 8' to 3' (existing).

Granting this relief will not have a substantial adverse impact on surrounding properties, in particular, (a) the light and air available to neighboring properties shall not be unduly affected; (b) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; (c) the addition, together with the original building, as viewed from the street, alley and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and (d) to demonstrate compliance with items (a) through (c) of this paragraph, we shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

Thank you for your attention to this matter and please do not hesitate to call us if you have any questions or require additional information.



Gisela Garcia-Tunon
for 1812 35th St Associates LLC
6504 Millwood Road
Bethesda, MD 20817
301 229 3328

BZA

Case No. 17327

Exhibit No. 3

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

**Appeal of Advisory
Neighborhood Commission 2E**

BZA Appeal No. 17519

**APPELLANT'S SUPPLEMENTAL FILING
IN SUPPORT OF APPEAL**

I. Introduction

This is an appeal by the Advisory Neighborhood Commission 2E (hereinafter "ANC 2E") of the administrative decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs ("DCRA") to issue Building Permit No. 89770 (the "Permit"), allowing further additions to an existing semi-detached single family dwelling in violation of the lot occupancy, side yard, and nonconforming structure provisions of the Zoning Regulations (11 DCMR §§ 403, 405 and 2001.3). A hearing on this matter is presently scheduled for October 17, 2006.

II. Summary of Facts

The subject property is located at 1812 35th Street, N.W. (Square 1296, Lot 802) (the "Subject Property"). The site is within an R-3 zone and is presently occupied by a semi-detached single-family dwelling. The lot of the Subject Property is approximately 2,400 square feet in size and, prior to improvements commencing in 2004, was improved with a one and one-half story masonry dwelling that was built around 1910. On the north side of the Subject Property, the dwelling is situated on the side lot line. On the south side of the property, the dwelling has a nonconforming side yard setback that is between two and one-half and three feet along the southern property boundary. The original dwelling occupied approximately 31% of the lot.

The present owner of the Subject Property, 1812 35th Street, LLC (the “Owner”), commenced renovations pursuant to several earlier building permits. The Owner repaired fire damage to the structure, constructed a one and one-half story addition on the existing dwelling, and a three-story addition in the rear. The rear addition is twenty-seven and one-half feet deep and is situated directly on the lot line with the property to the north. The renovated structure has a lot occupancy of approximately 44%. A nonconforming side yard remains on the south side of the Subject Property.

Such construction and permits already have been the subject of two prior BZA proceedings. At the insistence of neighbors and DCRA, the Owner filed an application for special exception (No. 17327) in an effort to obtain approval of the largely completed addition to the rear of the main dwelling. The BZA considered the Owner’s application for special exception under 11 DCMR §§ 223 and 3104.1 to construct an addition that would not conform to the lot occupancy requirements or minimum side yard requirements of sections 403 and 405 of the Zoning Regulations. With respect to Application No. 17327, the Board denied the special exception on June 23, 2005 and issued a Decision and Order on September 13, 2005. In part, that decision was premised upon the unduly adverse impact of the rear addition upon the light and air of the properties to the north. The Board also based its decision upon the substantial visual intrusion of the renovated structure upon the character, scale and pattern of the houses along the street frontage. See Decision and Order for Application No. 17327, dated September 13, 2005.

Thereafter, the Owner did not endeavor to comply with the BZA decision in Application No. 17327 by, for example, altering the size or shape of the rear addition to

increase light and air to the northern neighbors. Instead, the Owner obtained a new building permit for a trellis, and then an “eave”, over the nonconforming side yard. Such alterations were intended to “convert” the dwelling into a row house and, according to the Owner’s theory, to justify the previously rejected rear addition.

The Board considered this approach in Appeal No. 17310. In a decision on November 8, 2005, the Board granted the appeal relating to DCRA’s issuance of building permits to the Owner. In part, the Board made the following finding in a written decision:

The Board concludes that the addition permits of November 5, 2004 and September 2, 2005 were issued in error. The dwelling with the addition is not a row dwelling under the Zoning Regulations. It is a ‘semi-detached one-family dwelling.’ The term ‘row dwelling’ is defined in the Zoning Regulations as ‘a one-family dwelling having no side yards’ *See*, 11 DCMR 199.1. As explained above, one side of the property has a lot line wall. The other side of the property has a side yard, albeit a small nonconforming one. Had DCRA properly considered the structure as a semi-detached dwelling, it would have found that the maximum lot occupancy limitation – 40% -- had been exceeded.

The Owner and DCRA contend that the proposed ‘eave’ or ‘overhang’ transforms the structure into a row dwelling because it extends to the lot line and eliminates the small but existing side yard. The Board finds to the contrary for the following reasons:

First, a roof overhang is not part of the dwelling structure. DCRA concedes that the proposed overhang is merely a continuation of the roof and provides no living space or functional purpose. As such, it would be unreasonable to conclude that the overhang alters the zoning classification.

Appeal No. 17310, Decision and Order (dated June 13, 2006). The Board rejected the Owner’s efforts to “circumvent the limits on lot occupancy.” *Id.*

Since November 8, 2005, when the Board announced the above decision, the Owner has completed renovations to the semi-detached structure. The nonconforming

side yard and huge rear addition remain unaltered. Although the prior Appeal was granted, the structure has never been modified.

The current appeal relates to the latest attempt by the Owner to preserve the identical structure that has been rejected twice by the BZA. Because the BZA previously rejected a trellis or eave as a mechanism for converting a semi-detached dwelling into a row house, DCRA has issued yet another building permit to the Owner. Once again, the Owner and DCRA are trying to reclassify the structure as a row dwelling. Yet, the Subject Permit is for an “alteration and repair”, rather than an addition. See Exhibit 1. According to the Permit, the described work would constitute a “conversion as per plans to change single family dwelling into a row house.” (sic) Id.

In the latest set of plans, the Owner has proposed largely superficial and non-functional modifications to the dwelling in an effort to expand the structure to the southern lot line. More particularly, the plans show that the basement and first floor structure would be unaffected by the addition. On the south side of the property, there still would be an exterior walkway along the side yard. Four piers would be added on the Owner’s property near the side lot line, with dimensions of 16” by 8”. In light of these piers in the side yard, the width of the walkway would be less than two and one-half feet. On the second floor, the new addition would be a façade with absolutely no living space or functional purpose. On that level, the two and one-half foot space above the side yard would be occupied by an apparently empty structure. There would be no access to this addition from the interior of the dwelling. The third floor alterations purportedly would add closets. Given the size of the existing side yard and the proposed dimensions on the plans, the maximum depth of the new “closets” would be less than two feet deep.

The Owner is also adding a huge, second story “covered” deck to the rear of the Property, thereby stripping the neighbor to north, Deidre Stancioff, of further light and privacy. The proposed cost of the renovations, including the new deck, is \$20,000 or less.¹

The application and plans for the latest building permit include several irregularities. For example, the plans improperly state that the proposed alterations and repairs to the structure will expand the lot occupancy from 44% to 48%. This proposition and the plans themselves presuppose that the current structure is a properly permitted building with an existing lot occupancy of 44%. In fact, the existing structure is not the subject of any validly issued permit. The prior permits were expressly rejected by the BZA in Appeal No. 17310. Accordingly, the DCRA’s latest permit would, in effect, expand the structure from 31% to 48%.

The application also states that the proposed work is a “conversion As per board of Appeals to Row House” (sic). Yet, the BZA’s written decision in Appeal No. 17310 had not been released when DCRA issued the Permit. Moreover, the earlier BZA decisions did not authorize these plans.

Inexplicably, the application states that the alterations will not involve disturbing the earth or the placement of any footings or columns. The Owner also indicated on the Environmental Intake Form that the project was “solely an interior renovation with no change in the use or capacity of the structure being renovated.” Although the Owner checked “yes” to that question, she added the following comment next to her response: “converting into a RowHouse”.

¹ The Contract Agreement included a cost estimate of “\$15,000.”

Moreover, DCRA's files do not include any written consent by the adjacent neighbors to the south, Mr. and Mrs. Richard Schmidt.

In sum, the latest Permit seeks to "convert" a semi-detached dwelling into a row dwelling by means of a third floor closet that is less than two feet deep. The Permit is intended to justify all prior additions by the Owner.

III. Legal Argument

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

The latest 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,² 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

² Churches and public schools are also permitted to exceed the forty percent lot occupancy. *Id.*

accessory buildings’’. 11 D.C.M.R. § 199.1 (definition of “Building area”); (definition of “Percentage of lot occupancy”).

Based upon these definitions and the particulars of the Subject Property, DCRA erred by classifying the property as a row dwelling. The earlier BZA decisions and the facts in this case establish that the Subject Property had a side yard before issuance of the latest building permit.

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 Owner 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 the revised plans pursuant to a special exception application. Instead, the Permit 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 be required to obtain a special exception or variance.

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. The Owner's latest proposal does not provide additional living space. There is no credible basis with which to find that the retrofitted two-foot addition will add living space to the structure. Instead, the Owner seeks to preserve benefits of its side yard, while reclassifying itself as a row dwelling. Notably, the structure still would include an exterior passage to the rear yard. Moreover, the second floor addition will be a façade.

The addition of shallow closets should not justify a reclassification of the structure as a row dwelling. Owners should not be allowed to circumvent the regulations relating to semi-detached dwellings with such superficial changes to a structure. Once again, the Owner and DCRA have disregarded the spirit and letter of the zoning regulations.

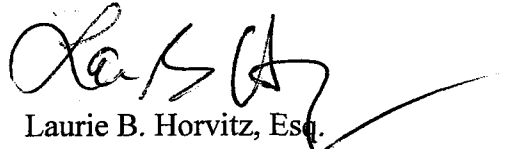
VI. Conclusion

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 with great specificity to submit revised plans that modify the structure in a manner that fully complies with the zoning laws of the District of Columbia. The dwelling should not exceed the permissible

lot occupancy of forty percent (40%) for semi-detached dwellings and should preserve the existing side yard.

Respectfully Submitted,



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 October 3, 2006, via first class mail, postage prepaid to the following:

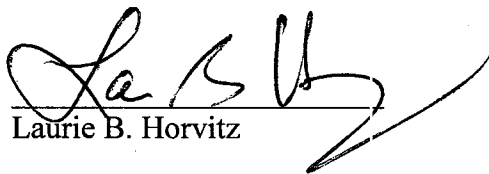
Gisela Garcia-Tunon/Andres Dan
6504 Millwood Road
Bethesda, Maryland 20817

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