

Attachments to Appeal

Attachment 1.....1 – 3

Zoning Administrator LeGrant Letter of November 19, 2009

Attachment 2.....4

Subdivision Recorded at Office of Surveyor on February 23, 2010

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District Government Zoning Map

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Raze Notice Showing Original (Undivided) Lot Number

Attachment 5.....7

Raze Permit Application Showing Original (Undivided) Lot Number

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Raze Permit Showing Original (Undivided) Lot Number

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Aerial Photograph of Lot in Question and Surrounding Area

Attachment 8.....10

Analysis of Density Versus Surrounding Community: Map

Attachment 9.....11

Analysis of Density Versus Surrounding Community: Data Table

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18108

EXHIBIT NO. 3

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Board of Zoning Adjustment
District of Columbia
CASE NO. 18108
EXHIBIT NO. 3

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

★ ★ ★

November 19, 2009

By US Mail and Email PDF

Jeffrey Utz
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037

Re: Subdivision of 2918 Garfield Street, NW, Washington, DC (Square 2113, Lot 828) – Approval of Subdivision and Granting of Zoning Administrator Flexibility Provided Under Section 407.1 of the Zoning Regulations

Dear Mr. Utz:

The purpose of this letter is to confirm the matters discussed in our meeting on Friday, November 13, 2009, concerning the above-referenced subject. Specifically, the issues discussed were whether the Property can be subdivided into two (2) record lots and if the Zoning Administrator's flexibility described in Section 407.1 of the Zoning Regulations can be granted for lots within two percent (2%) of the minimum lot area threshold under Section 401.3 of the Zoning Regulations.

As you know, the R-1-B Zone District requires a lot area of 5,000 square feet and a minimum lot width of 50 feet. Your proposal shown on Exhibit A is comprised of Lot A which contains 5,045 square feet and a lot width of 51.9 feet and Lot B which contains 4,901 square feet and a lot width of no less than 65.31 feet.

The Zoning Administrator is authorized to permit a deviation not to exceed two percent (2%) of the area requirement of Section 401.3 provided that (a) a building shall be allowed to deviate from the requirements of not more than two (2) of Sections 401, 403, 404, 405 and 406 and (b) the deviation shall be deemed by the Zoning Administrator not to impair the purpose of the otherwise applicable regulations. The configuration shown on Exhibit A satisfies both of these elements of Section 407.1 since you are not requesting any other area of deviation from the Zoning Regulations and since your request will not impair the purpose of the otherwise applicable Zoning Regulations. Therefore, the configuration shown on Exhibit A is approved as shown.

Further, the method of calculation of the width of Lot A on Exhibit A is approved. As you know, the required lot width may be met, in the case of an irregularly shaped lot such as Lot A, by an average width of lot calculation, as further described in this letter. Section 199.1 of the Zoning Regulations defines "lot width" as follows:

941 North Capitol Street, N.E., Suite 2000, Washington, D.C. 20002
Phone: (202) 442-4576 Fax: (202) 442-4871

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"the distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines...."

As a matter of standard interpretative practice, the Zoning Administrator has determined average width of lot by a method which (a) draws lines perpendicular to and intersecting the side property lines at ten (10) foot intervals, starting from and parallel to the front property lot line, (b) sums up the linear distance of drawn lines, and (c) divides the total linear distance by the number of lines drawn to arrive at the average width of lot. Further, the definition of lot width under Section 199.1 of the Zoning Regulations clearly defines lot width as "the distance between the *side* lot lines" (emphasis added). Therefore, additional ten (10) foot distance measurements are not required for portions of the lot that do not include side lot lines, such as the rear portion of Lot A.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely,

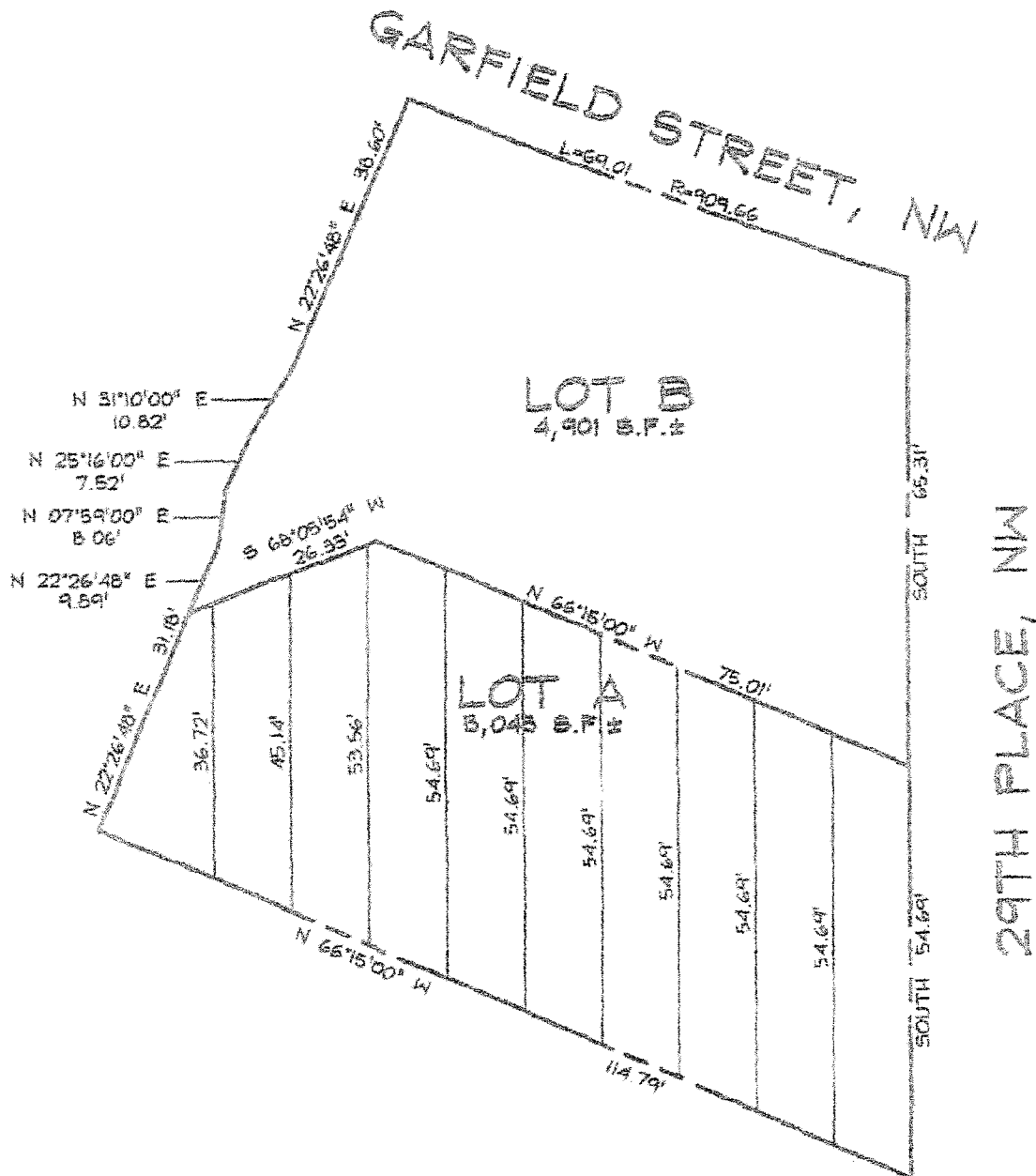


Matthew Le Grant
Zoning Administrator

File : Determination Letter re 2910 Garfield St NW to Utz 11-19-09

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Exhibit A



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AVERAGE INTERVAL METHOD

$$36.72' + 45.14' + 53.56' + 54.69' + 54.69' + 54.69' + 54.69' + 54.69' + 54.69' + 54.69' = 518.25$$

$$518.25 / 10 = 51.825$$

51.9 > 50 - THEREFORE, GOOD



CAS ENGINEERING

CIVIL - SURVEYING - LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.
108 West Ridgewille Blvd Mount Airy, NC 27771
DC Metro (301) 807-8031 FAX (301) 807-8045

2910 GARFIELD STREET, NW
LOT 628, SQUARE 2113
SUBDIVISION CONCEPT SKETCH "A"

SCALE: N.T.S.
DRAWN BY: DCL
JOB NO.: 09-174

[illegible]

1. Conducting research with a friend 2/19/10
 2. Conducting research with a friend 3/31/10
 3. Conducting research with a friend 3/12/10

APPROVED FOR RELEASE BY THE NATIONAL ARCHIVES
ON 08-22-2013
[Signature]

2:22 PM

Zoning District: **R-1-B**
 Plan: **Grantee 407.1**


 ANDREW
 PRESIDENT

OFFICE OF THE SURVEYOR

⁴ *Journal of Analytical Chemistry* 1992, 47, 1049-1052.

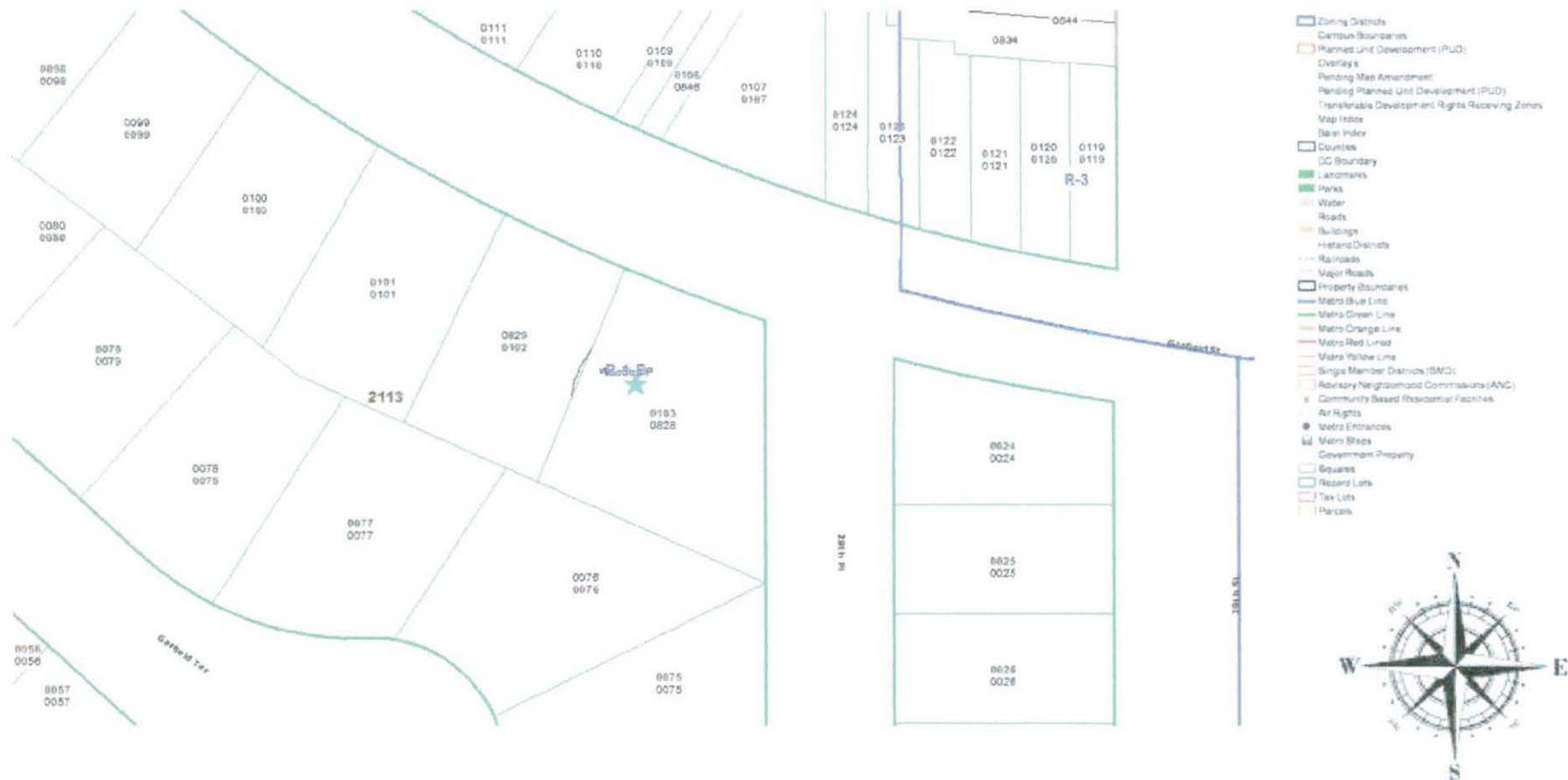
Robert L. Dwyer
R.D. 1, P.O.

A black and white photograph of a street map. The map is tilted and shows a grid of streets and lots. The main street shown is Garfield Street, N.W. Other streets visible include 1st St, 2nd St, and 3rd St. Lot numbers 134 and 135 are clearly marked. The map also shows various street names like 1st St, 2nd St, and 3rd St. The map is tilted and shows a grid of streets and lots.

2962 PLACE, NW
N.W.

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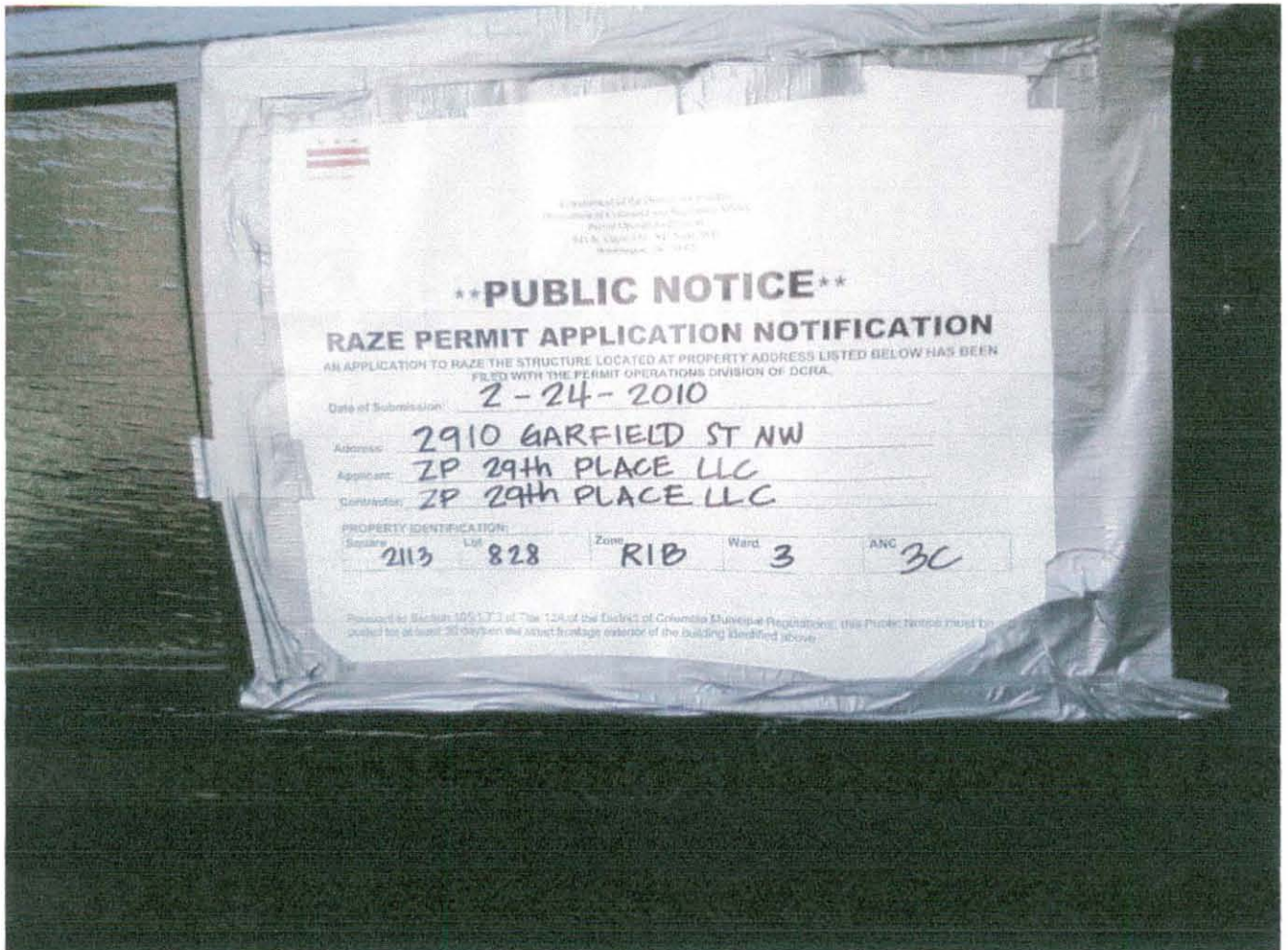
District of Columbia Zoning Map



Note 1: Development restrictions depend on a combination of zoning and overlays. Where overlays are present, refer to the zoning regulations for more detailed information.

Note 2: The Data displayed in the report applies to the use described, for other uses please consult the zoning regulations.

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APPLICATION FOR RAZE PERMIT

Application can be downloaded and is fillable except for signature area. If not filling out on computer, please type or print legibly in ink. Please provide **detailed information**. Write N/A (non-applicable) for items that do not apply. Erasing, crossing out, whitening out, or otherwise altering any entered information will void this application. The owner of record must sign the application with an original signature.

Applicable code sections are in the 2008 DC Building Code Supplement Chapter 1 § 105.1.7, 105.1.7.1, 105.1.7.1.1, 105.1.7.1.2, 105.1.7.2, and Section 155A.

R1000054

Application Date: 2/24/10

1. INFORMATION ON PROPERTY

1. Address of Proposed Work	2. Quad	3. Ward	4a. Square	4b. Suffix	5. Lot
2910 Garfield Street	NW	Three	2113		828

2. APPLICANT INFORMATION

6. Property Owner	7. Complete mailing address (include zip)	8. Phone Number(s)	9. Email
ZP 29th Place LLC	5603 Glenbrook Rd. - Chevy Chase 20015	301-351-3552	
10. Agent/Contractor for Owner (if applicable)	11. Complete mailing address (include zip)	12. Phone Number(s)	13. Email
Mary Clute	4817 Bending Ln, NW - 20007	202-342-8222	maryclute@aol.com

3. TYPE OF PERMIT

14. Check all that apply:
☒ Raze Permit

4. DESCRIPTION OF BUILDING

15. Description of Building to be Razed (e.g., two story brick single family dwelling)		16. Existing Number of Stories of Bldg:	
3-story brick single family dwelling		3	
17. Use(s) of Property (specifically indicate if any use is residential.)		18. Materials of Building (brick, wood, etc.)	
Residential - SFD		brick and frame	
19. Bldg Length (ft)	20. Bldg Width (ft)	21. Bldg Height (ft)	22. Bldg Volume (cu ft) (L x W x H)
35'	40'	30'	42,000 cu ft

OFFICIAL USE ONLY

CONDITIONS/COMMENTS:

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Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862

R

RAZE PERMIT

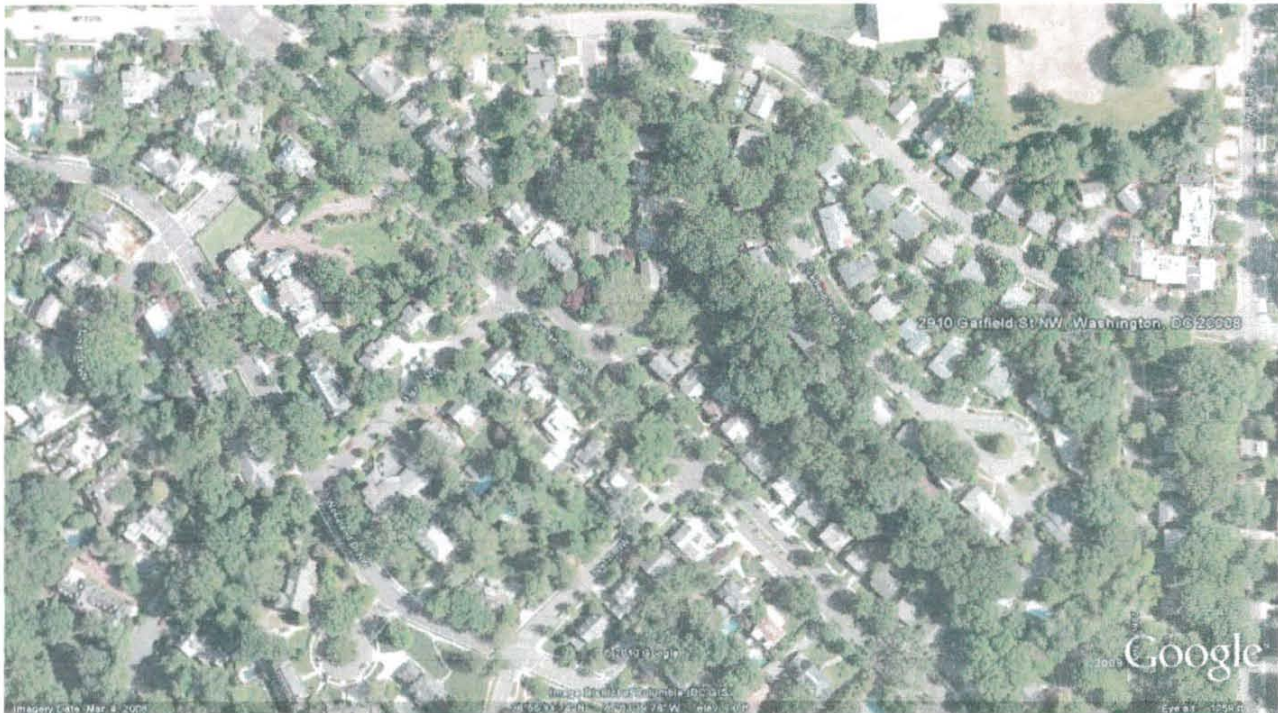
THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK
UNTIL WORK IS COMPLETED AND APPROVED

PERMIT NO. **R1000054**

Date: 05/06/2010

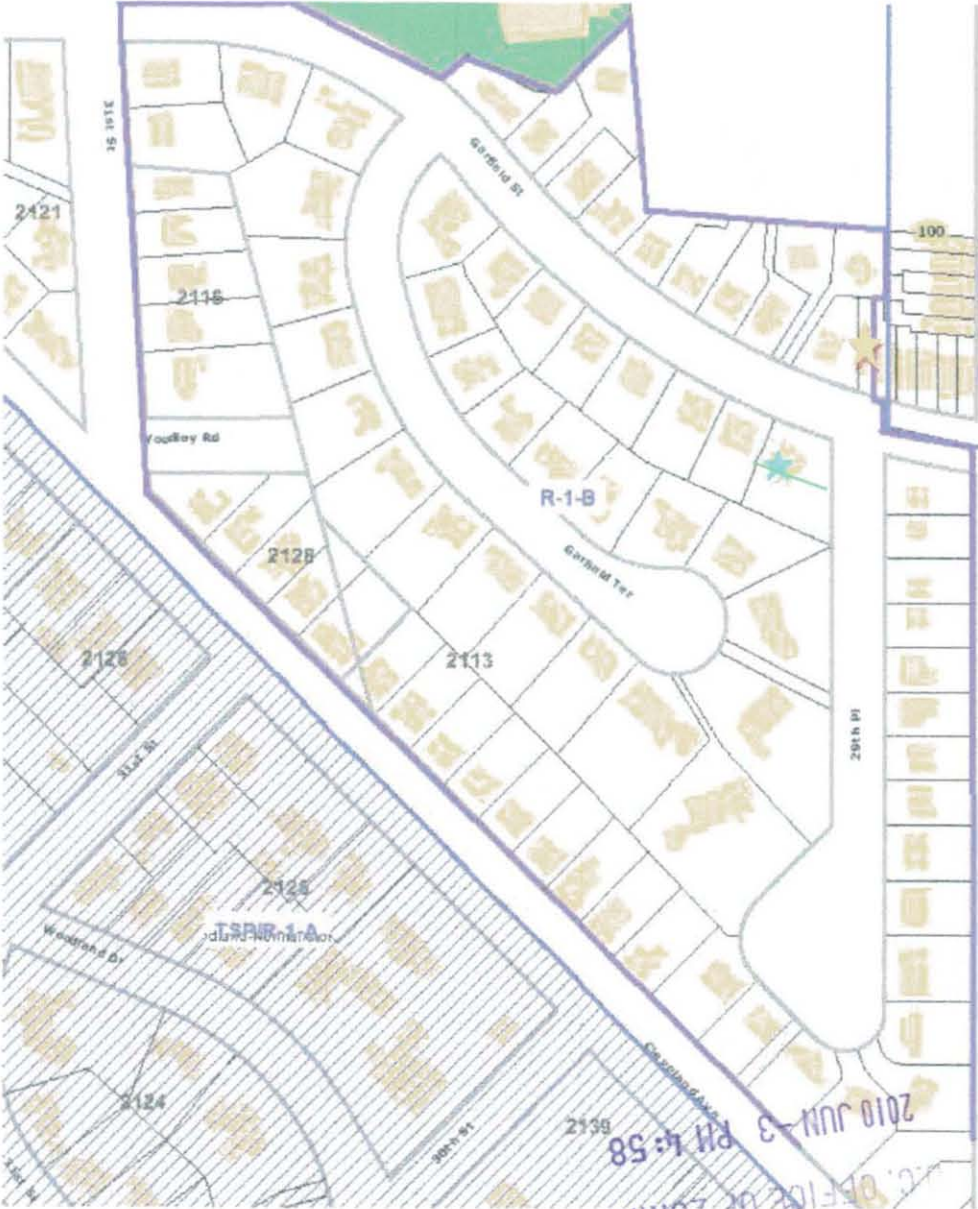
Address of Project: 2910 GARFIELD ST NW				Zone: R-1-B	Ward: 3	Square: 2113	Suffix:	Lot: 0828
Description of Work: raze brick building				Bldg Vacant: Yes	No. of Bldg(s): 1	Raze entire Bldg: Yes		
Permission Is Hereby Granted To Bejnamin D Wood		Owner Address 2910 GARFIELD ST NW WASHINGTON, DC 20008-3536		Length: 35 FT	Width: 40 FT	Height: 30 FT	Vol of Bldg: 42000 CU.FT	PERMIT FEE: \$873.00
Building Material: Brick	Party Wall: No	Existing Use: Single Family Dwelling - R-3		Insurance Co:		Insurance Policy No:		Existing Units: 1
Raze Contractor:			Address:			Tel No: () -		Lic No:
Conditions/ Restrictions: Bldg inspection branch to be notified 24-hours before raze operation. Tel: (202) 442-4641. CONDITIONS: As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under the Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.								
Director: Linda K. Argo			Permit Clerk: Stacie Williams			Expiration Date: 05/06/2011		
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-4460 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557								

Attachment 7



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Attachment 8: Analysis of Density Versus the Surrounding Community



2910 Garfield St. is marked with the pale blue star.

Surrounding community is defined to include all lots within the same zoning district (R-1-B) closest to the proposed subdivision. They number 74 (including 2910 Garfield St), are on Garfield Street, 29th Place, Garfield Terrace, Cleveland Avenue and 31st Street, and are delimited by the purple perimeter on the map.

As noted in the accompanying appeal, the subdivision of 2910 Garfield St. results in 2858 29th Place and 2854 29th Place. The green line representing the subdivision is not precise, but is for illustrative purposes only.

Their relative standing in terms of density (defined as the ratio of house to lot size, each measured in square feet) and lots size, is summarized below.

	Density*	Lot Size**
	=====	=====
2858 29 th Place	2 nd	2 nd
2854 29 th Place	3 rd	6 th

Excluding the unusual instance of 2911 Garfield St (the nonconforming lot across the street and to the right of 2910 Garfield St., marked with the yellow star), the relative standing in the surround community is as follows:

	Density*	Lot Size**
	=====	=====
2858 29 th Place	1 st	1 st
2854 29 th Place	2 nd	5 th

* Density ranking of 1 equals most dense.
** Lot Size ranking of 1 equals smallest lot.

Attachment 9: Analysis of Density Versus the Surrounding Community

Proposed Subdivision	Lot Size =====	House Size =====	House/Lot =====	Surrounding Community*	Lot Size =====	House Size =====	House/Lot =====
2858 29th Pl (Lot 134)	4,908	4,470	91%	Average	7,552	2,304	33%
2854 29th Pl (lot 135)	5,039	5,779	115%	Standard Deviation	3,034	484	10%

Surrounding Community -- Below -- Is Defined and Illustrated Graphically on the Preceding Page

2910 Garfield St	9,946	2,863	29%	2812 29th Pl	8,090	2,312	29%
2914 Garfield St	6,676	3,056	46%	2857 29th Pl	5,652	1,944	34%
2918 Garfield St	7,561	2,952	39%	2853 29th Pl	5,050	1,350	27%
2922 Garfield St	7,245	2,784	38%	2849 29th Pl	5,050	1,350	27%
2926 Garfield St	6,474	2,464	38%	2845 29th Pl	5,049	1,350	27%
2930 Garfield St	6,488	2,616	40%	2841 29th Pl	5,050	1,752	35%
2934 Garfield St	5,084	2,528	50%	2837 29th Pl	5,050	1,834	36%
2949 Garfield Terr	9,625	2,703	28%	2833 29th Pl	5,050	1,968	39%
2960 Garfield St	9,201	2,860	31%	2829 29th Pl	5,050	1,836	36%
3006 Garfield St	9,147	2,648	29%	2825 29th Pl	6,313	2,048	32%
2935 Garfield St	5,511	3,280	60%	2821 29th Pl	6,313	2,456	39%
2933 Garfield St	5,064	2,850	56%	2813 29th Pl	7,575	2,847	38%
2931 Garfield St	8,690	3,792	44%	2809 29th Pl	7,216	1,750	24%
2929 Garfield St	5,006	2,775	55%	2805 29th Pl	8,181	2,163	26%
2927 Garfield St	5,012	2,635	53%	2909 Cleveland Av	7,954	2,010	25%
2925 Garfield St	5,007	2,635	53%	2905 Cleveland Av	6,283	2,160	34%
2923 Garfield St	5,679	2,759	49%	2901 Cleveland Av	5,007	1,632	33%
2921 Garfield St	5,522	2,380	43%	3001 Cleveland Av	6,820	1,332	20%
2919 Garfield St	5,054	2,294	45%	3005 Cleveland Av	6,147	2,772	45%
2915 Garfield St	6,071	2,660	44%	3009 Cleveland Av	6,201	1,775	29%
3006 Garfield St	9,147	2,648	29%	3013 Cleveland Av	6,255	1,968	31%
2911 Garfield St*	2,175	3,270	150%	3017 Cleveland Av	6,309	1,836	29%
2960 Garfield Terr	9,201	2,860	31%	3021 Cleveland Av	6,325	1,836	29%
2950 Garfield Terr	11,990	2,515	21%	3025 Cleveland AV	6,325	2,100	33%
2948 Garfield Terr	9,421	2,260	24%	3029 Cleveland Av	6,325	1,966	31%
2944 Garfield Terr	8,203	2,224	27%	3033 Cleveland Av	6,325	2,726	43%
2940 Garfield Terr	9,675	2,144	22%	3065 Cleveland Av	8,109	2,156	27%
2936 Garfield Terr	11,441	2,080	18%	3069 Cleveland AV	5,985	2,279	38%
2932 Garfield Terr	10,363	1,852	18%	3073 Cleveland Av	5,584	2,483	44%
2928 Garfield Terr	10,021	2,060	21%	3077 Cleveland AV	6,527	2,313	35%
2924 Garfield Terr	10,304	2,186	21%	3081 Cleveland Av	6,072	2,182	36%
2920 Garfield Terr	10,590	2,186	21%	2081 31st St	12,734	2,206	17%
2918 Garfield Terr	17,758	3,237	18%	2805 31st St	7,695	2,129	28%
2912 Garfield Terr	24,283	3,125	13%	2813 31st St	6,283	2,085	33%
2801 29th Pl	9,857	2,023	21%	2817 31st St	5,145	2,080	40%
2800 29th Pl	6,989	2,134	31%	2835 31st St	9,039	2,005	22%
2808 29th Pl	6,000	1,800	30%	2829 31st St	7,879	2,315	29%

* 2911 Garfield St is a nonconforming lot and omitted from the calculation of descriptive statistics.