

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

APPEAL OF:

WALTER PARRS, ET AL

**From the Zoning Administrator's
Decision of April 8, 2011 and Issuance
of Building Permit No. B1104635 and
Elevator Permit No. EN1101667
regarding the construction of a
"material lift" structure
at 3307 M Street, N.W., in the C-2-A
District (Square 1205, Lot 79)**

**BZA Appeal No. 18257
ANC 2E**

Hearing Date: November 1, 2011

RECEIVED
D.C. OFFICE OF ZONING
2011 OCT 31 PM 2:46

APPELLANTS' SUPPLEMENTAL PRE-HEARING STATEMENT

The Location of the Structure at the Rear of 3307 M Street Violates 11

DCMR 2500.2 Requiring Accessory Buildings to be Located Only in a Rear

Yard

On October 18, 2011, Appellants Walter Parrs, Dorina Kanopka, and Zdenek Nikodem (hereinafter "Appellants"), through undersigned counsel, submitted a pre-hearing statement in support of their appeal of the April 8, 2011, administrative decision of Matthew Le Grant, Zoning Administrator, in which he determined that the elevator or "material lift" structure at the rear of 3307 M Street, NW, complies with all applicable zoning regulations. Since that filing, and filings by the Zoning Administrator and CB2, Appellants have determined that the structure violates an additional and significant regulation.

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO.

18257

EXHIBIT NO.

27

11 DCMR provides that an accessory building shall be located only in a rear yard.

(The regulation provides for exceptions not relevant here.)

A rear yard is defined in 11 DCMR 199.1 as follows:

Yard, rear - a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

Yard is defined as follows:

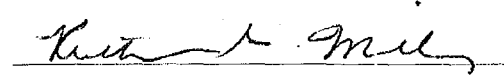
Yard - an exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title.

As is evident in the exhibits that have been filed, particularly Appellants' Exhibit (D) - plat of the property, CB2's Exhibit C - three dimensional overview drawing, and CB2's Exhibit A "Rooftop Level Plan," the property does not have a rear yard. The building is L-shaped in the rear with approximately half of the building extending all the way from the front ((M Street) to what is identified as the driveway on CB2s Exhibit A. The Zoning Administrator agrees that the property does not have a rear yard. The District of Columbia states in its pre-hearing statement, as follows: "The building on the property extends all the way to the east and north property lines, which abut Appellants properties. Accordingly, the Property does not have a side or rear yard. (District of Columbia's Pre-hearing Statement at 2, emphasis added.)

The structure at issue meets the definition of an accessory building as set forth in Appellants' pre-hearing statement at 9-10. Accordingly, as the Property does not have a rear yard and an accessory building may only be located in a rear yard, then location of

the accessory building on the courtyard in the rear of the building is in violation of 11
DCMR 2500.2

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ruthanne G. Miller", is written over a horizontal line.

Ruthanne G. Miller, Esq.

Sullivan & Barros, LLP

1990 M Street, N.W., Suite 200

Washington, D.C. 20036

(202) 503-1705

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Appellants' Supplemental Pre Hearing Statement was served this 31st day of October, 2011, by e-mail, on the following:

Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia
matthew.legrant@dc.gov

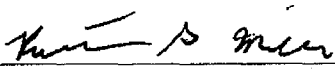
Melinda Bolling, Esq.
General Counsel
Department of Consumer and Regulatory Affairs
Government of the District of Columbia
Melinda.bolling@dc.gov

Jay Surabian, Esq.
Assistant Attorney General
Office of the Attorney General
Jay.surabian@dc.gov

Leila M. Jackson Batties
Holland & Knight
Leila.batties@hklaw.com

Ron Lewis, Chair
Advisory Neighborhood Commission 2E
Arc2e@dc.gov
ronlewis@anc.gov

Commissioner Bill Starrels,
SMD ANC 2E05
Bill.starrels@anc.dc.gov


Ruthanne G. Miller, Esq.