



CAPITOL HILL RESTORATION SOCIETY
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November 4, 2011

Meridith Moldenhauer
Chair, District of Columbia
Board of Zoning Adjustment
Suite 210
441 4th Street, NW
Washington, DC 20001

RE: BZA #18263

Dear Chair Moldenhauer,

The Board of Zoning Adjustment (BZA) heard this case on October 18, 2011. The BZA decided to give the parties until November 4, 2011 to file additional information and arguments. This letter is that response by the Capitol Hill Restoration Society (CHRS).

CHRS has three additional points to make after reviewing the amended plans submitted by the applicant that are dated 10-11-11.

1. Measurement problems. The subject property is one of a row of 12 buildings constructed at the same time soon after the Civil War (109 through 131 C Street, SE). The buildings 109 through 129 C Street, SE, are three-story in front and then step down to two-story in the rear. All have open courts on the west side of the two-story portion of the buildings. Attached as Exhibit A is a plan showing the footprint of these buildings. You can observe that the north wall of the courts all line up and are the same distance from C Street. As supplemental proof, attached is Exhibit B, an aerial photograph of the C Street properties. The subject property is marked by the letter "S" and has an open court that is identical to the others in the row. Sheet C-3 of the amended plans shows the proposed footprint of the existing house and the additions. The open court is shown 5 to 6 feet deeper than the other courts on the block providing less building coverage and distorting the figures presented for lot occupancy. A copy of a Office of the Surveyor's plat was filed with the application. You will recall that earlier this year we had a case from Capitol Hill where the official plat gave the property 10 feet more of depth than existed. There may be an error here as well. These measuring problems need to be resolved before the Board goes forward.
2. Main floor problems. Section 199 of the Zoning Regulations defines a building as "**Building** - a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate

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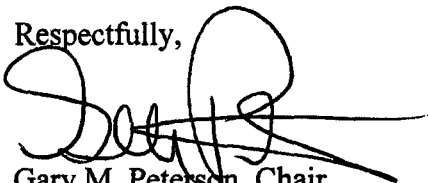
building, except as provided elsewhere in this title. *The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.*" (Italics added) The topography drops dramatically from the C Street frontage to Rumsey Court. This drop allows the property to have a walkout cellar. In the same section above, main floor is defined as "**Main floor** – the floor of the story in which the principal entrance of the building is located." The main floor or principal entrance of the building is located on C Street. The proposed trellis will run from a new door in the cellar to the proposed new building and by definition this structure below the main floor cannot make the two buildings into one building. The applicant must apply for a variance in this case and not for a special exception.

3. Trellis problem. The definition of a trellis is "**1 a** : a structure or frame of latticework used as a screen or as a support for climbing plants **b** : a construction (as a bower or summerhouse) chiefly or wholly of latticework **c** : an arrangement that forms or gives the effect of lattice." **Webster's Third New International Dictionary**, unabridged, 1993. As we argued in our letter of October 24, 2011, a trellis, by definition, cannot, by a reasonable person be considered either a structure or a building. The applicant relies on the fact that the proposed walkway would provide 51% coverage. This coverage could be 100% on the north 51% of the trellis and no coverage of the south 49%, showing the absurd outcomes that can be achieved by fooling with the zoning regulations.

Granting the special exceptions in this case is not in "harmony with the general purposes and intent of the Zoning Regulations and Zoning Maps" and will set a destructive precedent for all of Capitol Hill. 11 DCMR section 3104. The applicant is using a clever trick to harm the general purposes and intent of the Zoning Regulations and the special exceptions must be denied.

For these reason, we urge the Board to approve the application.

Respectfully,



Gary M. Peterson, Chair
Capitol Hill Restoration Society
Zoning Committee

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