

18263
EXHIBIT 47
FIRST
SECTION OF 4
SECTIONS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

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RE: BZA Application Number 18263
Applicants: Stephanie and John Lester
Respondents: Charles and Susan Parsons

MOTION FOR RECONSIDERATION

The Respondents, Charles and Susan Parsons, pursuant to District of Columbia Administrative Procedure Act ("DCAPA") § 1-1500 *et seq* and 11-3126.2 of D.C. Zoning Regulations, respectfully move the Board for reconsideration of its Summary Order dated November 17, 2011 issued in the above captioned case.

Reconsideration is respectfully requested because the Board, considering this Application, erroneously excluded two timely-filed submissions: 1) the Respondents' November 3, 2011 Opposition to the Application (**Exhibit 1**), and 2) the Capitol Hill Restoration Society's (CHRS) November 4, 2011 Opposition (**Exhibit 2**.) These submissions addressed the legal merits of a central "trellis issue" in the Application, namely whether a trellis can be treated as a legally cognizable "connection" that overcomes the statutory definition of otherwise separate buildings. On November 8, 2011, in excluding these submissions, the Board erroneously stated it had closed the record on October 25, 2011.

Ironically, the Applicants, on November 4, 2011, filed their own submission in which they admitted that the Board had "left the record open" for additional information on "the trellis issue." **Exhibit 3**. As will appear hereafter, the transcript of the October 25, 2011 hearing (**Exhibit 4**) unequivocally demonstrates that the record on this application was kept open to receive submissions and for further discussion on the "trellis issue."

Indeed, the Board had directed that any submissions related to the trellis issue had to be filed on or before November 4, 2011. Exhibit 4, page 104. Thus, both Exhibit 1, Exhibit 2 and Exhibit 3 were all timely filed with the Office of Zoning in accordance the Board's deadline. The trellis issue was ripe for discussion at the Hearing on November 8, 2011.

Upon analysis, the October 25, 2011 transcript (Exhibit 4) shows that the Board sought information on whether Applicant's "trellis issue" constituted a "meaningful connection between structures" was a legal issue that was squarely before the Board for consideration. Exhibit 4, page 89. The Office of Planning had been requested to a legal briefing on the trellis issue, but had not done so. Exhibit 4, page 90. Instead of providing a proper legal briefing, the Office of Planning merely suggested a theory that the trellis was somehow a "meaningful connection." Exhibit 4, page 89. It opined that it "believed there was a case," but never provided any citation. Exhibit 4, page 90-91.

In light of this shortfall on the merits, the Board Chairman expressed genuine concern that she was "trying to look at that issue right now, so that would be one of my questions as to where this at least 51-percent coverage concept came from." Exhibit 4, page 91. Thus, when the October 25, 2011 hearing was concluded, the transcript is very clear that the Board recognized that the legal merits of the trellis issue had not been adequately addressed. One of the Board members even stated that, on the merits of the trellis, he was not sure what decision had been made elsewhere. Exhibit 4, page 94.

Another Board member suggested that “we leave the record open in a way that allows the neighbors to submit any materials..” Exhibit 4, page 103. Ultimately, the Board Chairperson stated “So we won’t close the record at all.” Exhibit 4, page 104. The Chairperson stated that the Board was giving “everybody a full two weeksto get information into our office..” Exhibit 4, page 104.

Both the Respondent and the CHRS relied upon the Board commitment to receive briefing and decide the trellis issue on the merits. Both the Respondents and the CHRS explained in detail in their submissions how the Applicants had improperly framed their application as one for a special exception. On the merits, under the zoning regulations, the Applicants were required to seek a variance. Exhibit 1 and 2.

However, at the Hearing on November 8, 2011, the Board advised both the Respondents and the CHRS who were present that it would not consider their two submissions in its deliberations. The Board stated that the reason for refusing to consider Exhibit 1 and 2 was the belief that it had formally closed the record at the end of its October 25, 2011 proceeding. Given the volume of work imposed upon the Board, they may well have been misled by an erroneous entry in the file jacket. See Exhibit 5. Upon inspection, Exhibit 5 suggesting record closure cannot be squared with the transcript, Exhibit 4.

Admittedly, Exhibit 5 was a handwritten entry made without the benefit of the typed transcript of the October 25, 2011 hearing. Nevertheless, Exhibit 5 cannot be reconciled with the Board’s unequivocal invitation for “additional submissions.” The transcript makes clear that the Board left the record open and preserved the

right of all parties, including the Applicant, to file additional submissions based on the legal merits of the trellis issue. Exhibit 4, page 104.

The Board Chairman stated:

“So we won’t close the record at all. So this case will be put on the Decision Calendar with the record being left open.” Exhibit 4, Transcript pages 104-105

Brief Procedural History.

On July 28, 2011, Applicants filed an application with the Board seeking two special exceptions and a variance. Among other things, the Lesters sought to add a “two story addition to the existing one-family row dwelling.” Of particular interest in this case is that the Lesters also sought: 1) a special exception “to construct a two story accessory garage not meeting the lot occupancy requirements: 2) a special exception “from the accessory building one-story height limitation”; and 3) a variance “from the building lot control restrictions to allow apartment use of the second story of the proposed two story accessory garage.”

The Applicants’ proposed a two-story garage/apartment which does not qualify as an accessory building under either 11 DCR 2500.4 or 2500.5. Indeed, the Applicants unequivocally stated in their original application on July 28, 2011 that they sought a variance. Their original application identified their need to secure a variance to construct a garage with a second floor accessory apartment without any connection to the main house. As such, their proposed structure would be considered a second principal building and use requiring a variance. The Applicants were correct, because their garage/apartment structure simply does not qualify as an “accessory building,” and they are required to present: 1) substantial evidence that they would suffer

“financial hardship” in using the property consistent with the Zoning Regulations, and 2) it would be difficult for them to build upon the property in compliance with the Zoning Regulations. *See* 11 DCR 404.1.

The Applicants recognized that they could not meet the heavy burden imposed for obtaining a variance because on October 11, 2011, they amended their zoning application. The Applicants’ amended application presented a novel trellis artifice, connecting their existing building with their proposed building. This device was not present in their original application.

At the October 25, 2011 Hearing, the Applicants urged that they could avoid the variance requirement by claiming the trellis was created a “physical connection” of their proposed separate two-story garage/accessory apartment building with their main house. Applicants presented their trellis as a one-story 23-foot, 6-inch long trellis, called a “covered path,” and locating along the eastern side of their rear yard. The Applicants claim this “covered walkway” miraculously transformed the garage they propose to build into a unitary part of their main house. They theorized that their proposed two-story garage should now be treated as an addition to their main house. However, Applicants’ trellis artifice cannot be squared with the zoning regulations and has been rejected by other courts. The trellis issue cried out for a full legal briefing for the Board.

In Exhibits 1 and 2, Respondents and CHRS explained how, on the merits, the Applicants’ theory fails to qualify for a special exception. Under the law, the Applicants cannot so simply circumvent a required variance.

The Hearings of October 25, 2011 and November 8, 2011

On October 25, 2011, Application No. 18263 came before the Board for Hearing. At this hearing, the CHRS urged that the Applicant were required to satisfy the burden of a variance to obtain permission for their two-story garage/apartment. The CHRS argued that Applicants' trellis did not create a "legitimate connection" between the house and the proposed two-story garage, because the trellis did not meet the "definition of a building or structure." Exhibit 4, Transcript page 86. The CHRS felt that the Application for a two-story garage apartment does "absolute violence" to the Zoning Regulations and the Zoning Map. Exhibit 4, Transcript page 88.

Applicant steadfastly resisted any suggestion that the applicant was required to seek a variance. Exhibit 4, Transcript page 101. The Applicant protested that a "special exception under 223" was the proper basis for the consideration of their application. Exhibit 4, Transcript page 101.

As the Chairperson stated, the merits of "this trellis issue and a meaningful connection" were not at all clear. Exhibit 4, Transcript page 90. The Office Planning failed to provide the "briefing" the Board had earlier requested in order to properly consider the legal merits on the issue. Exhibit 4, Transcript page 90.

At the conclusion of the October 25th hearing, the Chairperson specifically stated: "it would behoove the Board to at least leave the record open.." Exhibit 4, Transcript page 103. With this clear expression of the need to develop the merits of the trellis connection, the Chairwoman set a deadline of November 4, 2011 for all parties to file additional submissions. Exhibit 4, Transcript page 104.

Respondents filed their Opposition (Exhibit 1) and the CHRS also filed its Opposition to the Application. Exhibit 2. Without serious dispute, these submissions carefully analyzed the legal merits of Applicants' trellis connection in a manner needed by the Board.

However, at the November 8, 2011 hearing, the Chairwoman advised that the Board would not consider either the Respondents' or the CHRS' submissions.

After the Board excluded the submissions, it proceeded to deliberate, and reach a resolution without the briefing on the legal merits that it had requested earlier from the Office of Planning. At the November 8, 2011 Hearing, the Board failed to consider the central issue of whether the application should be one for a variance. Instead, the Board, without the benefit of a legal briefing, summarily treated the zoning application, and the trellis, as a proper subject for a special exception. The Board then based its decision on the perception that the applicant had met the burden of a special exception, and granted this exception.

ARGUMENT

The Order of November 17, 2011 should be vacated for want of a proper legal predicate. This Application should be remanded for a hearing on the merits of whether the Applicant's application was properly one for a special exception. Notably, Applicant's original application admitted that a variance was necessary.

It is well settled that a BAZ decision "must be accompanied by written "findings of fact and conclusions of law which are supported by and in accordance with reliable, probative, and substantial evidence. *Citizens Coalition v. District of Columbia Bd. of Zoning Adjustment*, 619 A.2d 940, 946 (D.C. App.,1993).

Moreover, Citizens Coalition specifies that”

Three requirements are inherent in this “substantial evidence” test which has been articulated by this court: (1) findings must be made on each contested issue of fact; (2) the decision must rationally follow from the facts; i.e., there must be a “ ‘rational connection between the facts found and the choice made... and (3) there must be sufficient evidence to support each finding, i.e., “ ‘such relevant evidence as a reasonable mind might accept as adequate....’ *Citizens Coalition* at page 946

Here, the Board had stated in the record that it wished a “briefing” on the trellis issue which is at the heart of this case. Essentially, the Board wanted to know whether Applicants’ one-story trellis could be construed as making their main house and their requested two-story structure into one building. Exhibit 4, Transcript page 90. The Respondents and CHRS, in filing their submissions, sought to assist the Board in making a proper judgment on the merits.

Unfortunately, the Respondents and the CHRS legal briefings on the contested legal issues of the trellis were never considered. It is very clear that the merits of the trellis issue were never properly addressed before the November 17, 2011 Order was issued.

On the requirement for “substantial evidence” in a proper appellate record, this Board’s attention is invited to the commendable logic of *Johnson v United States*, 398 A 2d 354, 365 (D.C. App, 1979) in which abuse of discretion by a trial court necessitated a new trial. The *Johnson* court observed that: “Abuse of discretion is a discretion exercised to an end or purpose not justified by and clearly against reason and evidence. It is abused where a court does not exercise a discretion in the sense of being discreet, circumspect, prudent and cautious.”

The *Johnson* court went on to enumerate several considerations, but, in particular discussed whether “substantial evidence” had been properly developed to enable a judge (or Board) to properly exercise discretion:

“..In many respects this test of the sufficiency of the record underlying a trial court’s discretionary action is comparable to the “substantial evidence” test of the record in the judicial review of an administrative action. In both the judicial and administrative spheres the requirement that the decision-maker compile a record makes certain that the facts of the case do not escape his attention and makes it more probable that the decision-maker will exercise his discretion in a proper manner. “

Had the Board permitted consideration on the merits of Applicants’ trellis on November 8, 2011, there was a reasonable expectation that a different result would have attached. The Board should have received and considered the Respondents and CHRS submissions, especially since the Board had earlier acknowledged the need for a briefing on the trellis issue.

Under the zoning regulations’ definition of “building,” the construction of a trellis, providing “communication” between the main house and the proposed two-story structure, cannot be construed as making the main house and the two-story structure one building. *See Goto v. D.C. BZA*, 423 A.2d 917, 927 & n. 1(D.C. 1980) (Kelly, J., concurring in part and dissenting in part), wherein Judge Kelly noted that:

The Board interpreted the term “building,” defined as a “structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattel” in § 1202 [now § 199] of the Zoning Regulations, to include the kiln. It rejected petitioner’s argument that a kiln is *not* for sheltering, supporting, or enclosing pots but for *firing*, or “cooking” them, and that it is thus most comparable to a backyard barbecue. The Board also found that the gas pipes running from the main building to the kiln constituted such “communication” between them as to make them one building, despite the following language in the

Regulations: "The existence of communication between separate portions of a structure below the main floor shall not be construed as making such structure one building" (§ 1202) and despite the absence of any statutory or case law referring to pipes or plumbing as a means of "communication" between buildings. ("Communication" normally appears to be used as an equivalent term for "access.") In my judgment, the Board's interpretation of the terms "building" and "communication" are not only contrary to common sense but also plainly erroneous and inconsistent with the Zoning Regulations. . . .
(Emphasis in original and citation omitted.)

Moreover, other courts that have reviewed the merits of the issue of an Applicant's use of a trellis or covered walkway or breezeway to connect a garage or other outbuilding to the main house does not make that garage an addition to the house. This is especially so where, as here, especially the Applicants' trellis is transparently intended to circumvent the restrictions of the zoning ordinance.

For example, in *Evans v. ZHB of Borough of Spring City*, 732 A.2d 686 (Pa. Cmwlth Ct. 1999), the plaintiffs (the Evans) obtained a building permit for the construction of an accessory building to the rear of their residential lot zoned R-3, to be used for parking and storage. The plaintiffs later constructed a three-bedroom apartment, for their daughter, her husband, and her child, above the garage without obtaining a proper permit from the borough.

The borough-zoning officer issued a notice of violation on the grounds that the use of the accessory building as an apartment violated the zoning ordinance. The plaintiffs appealed to the zoning hearing board, seeking an interpretation that their proposed construction of an enclosed 50-foot breezeway connecting the main single-family dwelling and the accessory building containing the apartment should be interpreted as creating a two-family dwelling on the lot permitted by right in the R-3

zoning district. The Evans also requested a variance from the 25-foot or 20-foot rear yard requirement for a two-family dwelling which the zoning board rejected.

On appeal the *Evans* court affirmed, stating as follows:

With or without a breezeway, the main dwelling and the apartment above the accessory building are two separate single-family dwellings, not a two-family dwelling. The Board thus properly rejected the interpretation of the Ordinance urged by the Evans. The Evans were therefore required to obtain a use variance to maintain the two separate single-family dwellings on the lot.

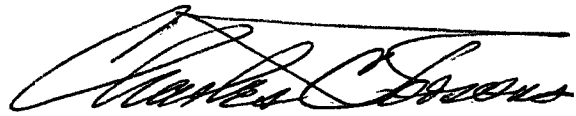
732 A.2d at 690.

Other courts have similarly held that “[a]n accessory building or out building does not lose its character as such for purposes of the applicable setback or building location [or building height] restrictions, merely because it has been attached to the main building by, for example, the construction of a covered breeze way, particularly where the motivation for such construction is to circumvent the applicable restrictions.” *Turner v. Sellers*, 878 So.2d 300, 305 (Ala. Civ. App. 2003) (proposal to connect proposed accessory building, to be used as a children’s playroom and storage room, to the existing house by a covered, but open, walkway approximately 10 feet wide did not exempt the accessory building from complying with restrictive covenant that outbuildings must be located “to the rear” of the property); *accord, Kamp v. Stebens*, 517 N.W.2d 227, 229 (Iowa App. 1994) (holding garage was an “accessory structure” in violation of zoning ordinance provision restricting height of accessory structures and not part of the house, where the connecting 16-foot long breezeway was an obvious “subterfuge” to circumvent the zoning restrictions); *see also Daughters of St. Paul, Inc. v. ZBA of Town of Trumbull*, 17 Conn. App. 53, 67, 549 A.2d 1076, 1083 (1988) (order of nuns proposed constructing a convent with a garage connected to the main building by a 18 and ½ foot long glass-

enclosed, covered walkway; court held that garage was an “accessory building” that required only a 20-foot rear yard setback, not the 50-foot setback applicable to the main building; “[i]t does not comport with common sense to construe the term ‘accessory building’ so as to exclude a freestanding garage that is unmistakably a separate building, merely because there is an eighteen foot, six inch long, glass-enclosed, covered walkway between the garage and the main building.”).

FOR THE FOREGOING REASONS, Respondents respectfully pray that their Motion for Reconsideration of the November 17, 2011 Order be granted. Respondents pray that the Board vacate the November 17, 2011 Order. Respondents pray that this Board reconvene a Hearing for full consideration of the merits of the trellis issue, and order the Applicants to submit proof on its burden for a variance on their proposed two-story garage/apartment.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was mailed, postage pre-paid, this

1st day of November, 2011, to:

Jennifer Cox Fowler. A.I.A.
Fowler Associates
1819 D Street SE
Washington DC 20003

Stephanie and John Lester
117 C Street SE
Washington, D.C. 20003

Gary M. Peterson, Esq.
Capitol Hill Restoration Society
810 Massachusetts Avenue NE
Washington, D.C. 20002

A handwritten signature in black ink, appearing to read "Charles C. Parsons", written in a cursive style.

Charles C. Parsons

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**

RE: BZA Application Number 18263
Applicants: Stephanie and John Lester
Respondents: Charles and Susan Parsons

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**RESPONDENTS' OPPOSITION TO APPLICANTS' REQUEST
FOR SPECIAL EXCEPTION**

Come now, Charles and Susan Parsons, respondents and neighbors residing at 129 C Street SE, and respectfully oppose the amended application filed in BZA App. # 18263. The applicants improperly request this Board to consider their application as one for special exceptions to allow their proposed construction at 117 C Street SE. As will appear hereafter, Applicants are actually required to seek a variance from the lot control restriction for their proposed use. Indeed, their original application so stated. They should be estopped to employ the artifice of a trellis, disclosed in their amended application, to circumvent the wording and spirit of the zoning regulations. Under the zoning regulations and the case law, the application should be denied.

Statement of Facts

According to D.C. records, Stephanie and John Lester purchased the property at 117 C Street SE on April 23, 2001. The Lester's' property is located in an R-4 zone in the District of Columbia. The premises at 117 C Street SE is part of a historic row of twelve (12) buildings on the south side of the 100 block of C Street SE. These buildings were all constructed together in 1868. Each of the historic buildings, which are interconnected, has an odd numbered address, the westmost building being numbered 109 C Street SE, and extending to 131 C Street SE on the east. The buildings are squarely in the district created by the Capitol Hill Historic Landmark and Historic District Protection Act of



1978, 5 D.C. Code § 1001 et seq. See **Exhibit 1**, a plat of Square 733 that was part of an application in the same square in 2009.

The premises at 117 C Street SE is a row house i.e., if occupied by one family, a “row dwelling”. See 11 DCR 199 (defining a “**Dwelling, Row**” as a “one-family dwelling having no side yards”). All of the interconnected historic buildings in the subject row face north, and each building, except 131 C Street SE, is nineteen feet wide. Each building comprises three above ground floors, and a basement. The lots on each of the historic building (except 109, 111 and 113 C Street SE) extend southward from the facade approximately 119 ft., 6 inches and end on a thirty-foot (30 ft.) wide east-west extending alley.

According to D.C. records, the basement of 117 C Street SE has been a rental unit for over twenty-five years. **Exhibit 2**. Thus, the Lesters own a “flat” or two-family dwelling on their property, a permitted use in an R-4 zone. See 11 DCR 330.5(f) (a “Flat” is permitted as of right in an R-4 district); 11 DCR 199 (defining a “**Flat**” as a two-family dwelling.) A two-family dwelling is defined as “a dwelling used exclusively as a residence for two (2) families living independently of each other.” 11 DCR 199 (definition of “**Dwelling, two-family**”).

With the exception of 131 C Street SE, each of the historic buildings in the row has a uniform “dog leg” courtyard. The northmost face of each courtyard is 30 feet back from the front of the building, and each courtyard is 6’6” wide. **Exhibit 1** shows the actual dog-leg configuration of 117 C Street SE with clarity lacking in the applicant’s drawing.

The Lester's application did not include a drawing of the basement apartment in their building. Even so, according to the First Floor Plan of their application, the Lester's main or primary residence is located on the floor above the basement apartment. The Lesters enter their primary residence from a front door elevated landing, and their main floor includes a deck that extends from the existing first-floor kitchen into the dog leg court yard. This deck includes an exterior staircase that allows the Lesters to descend to their rear yard.

The lot at 117 C Street SE comprises 2,270.5 square feet (19 ft. wide x 119.5 ft. long). Each row house, when originally constructed, extended 50'6" from the north façade on C Street. Overtime, additions or extensions were added to some of the premises lengthening the buildings southward. At some time before the Lesters purchased their property, an extension was added to the rear of 117 C Street SE. This extension increased the depth of their existing structure to approximately 72 feet from the original dimension of 50'6" feet from the north face of the building. See Exhibit 1. Under the R-4 zoning laws, the owners of one of the historic building are entitled to occupy 1,362.3 square feet (60%) as a matter of right. It is noteworthy that § 223.3 mandates that all new and existing structures "shall not exceed.... seventy percent (70%) in the R-3, R-4, and R-5 Districts."

On July 28, 2011, the Lesters filed their application with the Board seeking two special exceptions and a variance. Among other things, the Lesters sought to add a "two story addition to the existing one-family row dwelling." Of particular interest in this case is that the Lesters also sought: 1) a special exception "to construct a two story accessory garage not meeting the lot occupancy requirements: 2) a special exception "from the

accessory building one-story height limitation”; and 3) a variance “from the building lot control restrictions to allow apartment use of the second story of the proposed two story accessory garage.”

In their application, the Lesters claimed that their existing lot occupancy comprised only 1005.2 sq. ft. However, upon closer inspection and after properly accounting for their dog-leg courtyard, the Lester’s current building area actually covers 1095 sq. ft. This is no trifling error, because their original application, as does their amended application, seeks to cover 1,665 sq. ft. or occupy 73.3% of the lot. This coverage would clearly violate the mandatory limitations of § 223.3.

An accessory apartment is defined as “a complete apartment unit *contained within a one-family detached dwelling*. The premises at 117 C Street SE is clearly not a detached dwelling. An accessory apartment requires a kitchen and bath facilities separate from the principal dwelling and may have a separate entrance.” 11 DCR 199 (definition of “Accessory apartment”). An accessory apartment is one of a number of accessory uses that are permitted in the District’s R-1 zone. *See* 11 DCR 202.10; *DuPont Circle Citizens’ Association v. D.C. BZA*, 749 A.2d 1258, 1262 & n. 9 (D.C. 2000).

While an accessory apartment may be a permitted accessory use in a R-4 zone under certain circumstances that are not present here, because the property at 117 C Street SE is not a “a one-family detached dwelling.” The subject premises is clearly a row house sharing common walls on both sides with its neighbors. Although it does not apply, it should be observed that 117 C Street SE cannot satisfy the conditions set forth in 11 DCR 202.10. *See* 11 DCR 331(a) (permitting “[a]ny accessory use or accessory building

permitted in R-3 Districts under § 321”); *see* 11 DCR 321(a) (permitting “[a]ny accessory use or accessory building permitted in R-1 Districts under §§ 202 and 204”).

The D.C. zoning regulations further provide that “[a]n accessory building in any zone district *shall not exceed one (1) story or fifteen feet (15 ft.) in height, except as provided in 2500.5.*” 11 DCR 2500.4 (emphasis added). Section 2500.5 further provides that “[i]n an R-1-A or R-1-B District only, an accessory private garage may have a second story used for sleeping or living quarters of domestic employees of the family occupying the main building.” 11 DCR 2500.5 (emphasis added).

The Lesters proposed two-story garage/apartment does not qualify as an accessory building under either 11 DCR 2500.4 or 2500.5. Indeed, they recognized as much when they originally applied for a variance on July 28, 2011. Initially, the Lesters correctly applied for a variance to allow them to have two principal residential uses or buildings on the same lot.

Without serious dispute, if the Lesters obtained permission to construct a garage with a second floor accessory apartment without any connection to the main house, it would be considered either a second principal use requiring a use variance, or a second principal building requiring a special exception under 11 DCR 2516. Moreover, because the Lester’s garage/apartment structure does not qualify as an “accessory building,” they would be required to obtain a dimensional or area variance from the R-4 zone’s 20-foot rear yard setback requirement. *See* 11 DCR 404.1.

On October 11, 2011, evidently recognizing that they could not meet the heavy burden imposed for obtaining a variance, the Lesters amended their zoning

application. The Lester's amended application now presents a novel artifice. The Lesters now seek to connect their separate two-story garage/accessory apartment building to their main house using a 23-foot, 6-inch long trellis or "covered path" located over the eastern side of their rear yard.

In their amended application, the Lesters now urge that the two story garage they propose should be deemed an addition to their main house because their "covered walkway" would connect it to their main house. Plainly, by urging that their trellis transforms their proposed two-story garage into an "addition", rather than remaining a second principal building or a second principal use on their R-4 lot, the Lesters seek to circumvent a required variance. Contrary to their original application, the Lesters suggest that what is now needed is a special exception under 11 DCR 223.1 from the rear yard requirements of 11 DCR 404.1. With this elastic interpretation, the Lesters claim they should be allowed to construct their two-story garage at the rear of the property.

The Lester's proposal is flawed because it runs afoul of both the wording and spirit of the zoning regulations for a number of material reasons. First, an accessory apartment can only be added within an existing "one-family detached dwelling." See 11 DCR 199, defining a "**Dwelling, one-family detached**" as "a one-family dwelling, *completely separated from all other buildings and having two (2) side yards.*" As previously stated, the Lesters, who have three children, own and occupy a flat or two-family dwelling on their property. Even if the Lesters were to immediately discontinue the rental of their basement apartment, their home nevertheless remains a row house, which is not "completely separated from all other buildings"

and does not have any side yards. Thus, even if the Lester's proposed garage/accessory apartment building could somehow be deemed to be an "addition" to their main house for purposes of Section 223.1, the proposed accessory apartment cannot be reconciled with a "one-family detached dwelling" as required by the zoning regulations. Thus the Lesters are required to seek an application for a use variance.

Secondly, even if the Lesters' house were somehow accepted as a one-family detached dwelling, their proposed accessory apartment requires the issuance of a special exception plus at least one waiver. The special exception would have to be issued by the Board of Adjustment pursuant to Section 3104 of the zoning regulations. See 11 DCR 202.10. A waiver would also be needed since the new apartment is to be built over the proposed garage, not through internal conversion of the house, and will involve additional lot occupancy and gross floor area. See 11 DCR 202.10(d). Additional waivers would be required if, for example, the number of persons occupying the main house and the apartment exceeded six (6) persons. See 11 DCR 202.10(g). If more than two waivers are required, the Lesters' application would be deemed one for a use variance. See 11 DCR 202.10(i)(3).

Third, the Lesters proposed trellis or "covered pathway" connecting the garage/accessory apartment building¹ to the main house is insufficient to make the former an "addition" to the latter. The D.C. zoning regulations do not define the term "addition." The term "building", however, is defined as follows:

¹ The term "**Garage, private**" is defined as meaning "*a building or other structure, or part of a building or structure, not exceeding nine hundred square feet . . . in area, used for the parking of one (1) or more motor vehicles and having no repair or service facilities.*" *Id.* (emphasis added).

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 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 (1) building.*

11 DCR 199 (emphasis added).

The “main floor” of a building is “the floor of the story in which the principal entrance of a building is located.” 11 DCR 199 (definition of “Main floor”). In this case, the main floor of the Lesters’ house is actually the second floor, or the floor above their basement apartment. Their proposed trellis over their back yard would not connect to or be aligned with their primary or main residence floor. In short, the Lester’s main floor remains fully one story above their proposed garage/accessory apartment building.

Additionally, under the zoning regulations’ definition of “building,” the construction of a trellis, providing “communication” between the main house and the proposed two-story structure, cannot be construed as making the main house and the two-story structure one building. *But see Goto v. D.C. BZA*, 423 A.2d 917, 927 & n. 1 (D.C. 1980) (Kelly, J., concurring in part and dissenting in part), wherein Judge Kelly noted that:

The Board interpreted the term “building,” defined as a “structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattel” in § 1202 [now § 199] of the Zoning Regulations, to include the kiln. It rejected petitioner’s argument that a kiln is *not* for sheltering, supporting, or enclosing pots but for *firing*, or “cooking” them, and that it is thus most comparable to a backyard barbecue. The Board also found that the gas pipes running from the main building to the kiln constituted such “communication” between them as to make them one building, despite the following language in the Regulations: “The existence of communication between separate portions

of a structure below the main floor shall not be construed as making such structure one building" (§ 1202) and despite the absence of any statutory or case law referring to pipes or plumbing as a means of "communication" between buildings. ("Communication" normally appears to be used as an equivalent term for "access.") In my judgment, the Board's interpretation of the terms "building" and "communication" are not only contrary to common sense but also plainly erroneous and inconsistent with the Zoning Regulations. . . .

(Emphasis in original and citation omitted.)

Finally, even if the requirement that the "communication" between the main house and the two-story garage/apartment structure exist at or above the main floor, could somehow be met (e.g., a two-story trellis or an elevated, covered walkway), the two-story/apartment structure located at the rear of the property does not otherwise qualify as an "addition," but rather would be a separate building.

While the D.C. Court of Appeals has yet to address this question, case law from other jurisdictions strongly supports the conclusion that the use of a lengthy covered walkway or breezeway, such as the proposed trellis, to connect a garage or other outbuilding to the main house does not make the garage an addition to the house. This is especially so where, as here, especially the Lester's construction of the covered walkway is transparently intended to circumvent the restrictions of the zoning ordinance.

For example, in *Evans v. ZHB of Borough of Spring City*, 732 A.2d 686 (Pa. Cmwlth Ct. 1999), the plaintiffs (the Evans) obtained a building permit for the construction of an accessory building to the rear of their residential lot zoned R-3, to be used for parking and storage. The plaintiffs later constructed a three-bedroom apartment,

for their daughter, her husband, and her child, above the garage without obtaining a proper permit from the borough.

The borough zoning officer issued a notice of violation on the grounds that the use of the accessory building as an apartment violated the zoning ordinance. The plaintiffs appealed to the zoning hearing board, seeking an interpretation that their proposed construction of an enclosed 50-foot breezeway connecting the main single-family dwelling and the accessory building containing the apartment should be interpreted as creating a two-family dwelling on the lot permitted by right in the R-3 zoning district. The Evans also requested a variance from the 25-foot or 20-foot rear yard requirement for a two-family dwelling.

The zoning hearing board concluded that the use of the accessory building for a dwelling was not permitted under the Ordinance; that the two separate free-standing dwellings in a residential lot were not permitted either by right or by a special exception; that the proposed construction of a breezeway connecting the two separate dwellings would not create one two-family dwelling permitted by the Ordinance; and that the plaintiffs failed to establish entitlement to a variance. The board affirmed the enforcement notice, rejected the interpretation of the zoning ordinance urged by the plaintiffs and denied the application for a variance. On appeal, the trial court affirmed.

On appeal the *Evans* court affirmed, stating as follows:

With or without a breezeway, the main dwelling and the apartment above the accessory building are two separate single-family dwellings, not a two-family dwelling. The Board thus properly rejected the interpretation of the Ordinance urged by the Evans. The Evans were therefore required to obtain a use variance to maintain the two separate single-family dwellings on the lot.

732 A.2d at 690.

Other courts have similarly held that “[a]n accessory building or out building does not lose its character as such for purposes of the applicable setback or building location [or building height] restrictions, merely because it has been attached to the main building by, for example, the construction of a covered breeze way, particularly where the motivation for such construction is to circumvent the applicable restrictions.” *Turner v. Sellers*, 878 So.2d 300, 305 (Ala. Civ. App. 2003) (proposal to connect proposed accessory building, to be used as a children’s playroom and storage room, to the existing house by a covered, but open, walkway approximately 10 feet wide did not exempt the accessory building from complying with restrictive covenant that outbuildings must be located “to the rear” of the property); *accord*, *Kamp v. Stebens*, 517 N.W.2d 227, 229 (Iowa App. 1994) (holding garage was an “accessory structure” in violation of zoning ordinance provision restricting height of accessory structures and not part of the house, where the connecting 16-foot long breezeway was an obvious “subterfuge” to circumvent the zoning restrictions); *see also Daughters of St. Paul, Inc. v. ZBA of Town of Trumbull*, 17 Conn. App. 53, 67, 549 A.2d 1076, 1083 (1988) (order of nuns proposed constructing a convent with a garage connected to the main building by a 18 and ½ foot long glass-enclosed, covered walkway; court held that garage was an “accessory building” that required only a 20-foot rear yard setback, not the 50-foot setback applicable to the main building; “[i]t does not comport with common sense to construe the term ‘accessory building’ so as to exclude a freestanding garage that is unmistakably a separate building, merely because there is an eighteen foot, six inch long, glass-enclosed, covered walkway between the garage and the main building.”).

Here, the Lesters are attempting to circumvent the DC zoning regulations, including the requirement of 11 DCR 2500.4 that an accessory building not exceed one story or 15 feet in height, by attempting to treat the outbuilding as an “addition” through the subterfuge of connecting the outbuilding to the main house by use of a lengthy covered walkway or trellis. This Board should be guided by commendable reasoning in *Evans, Turner, Kamp and Daughters of St. Paul, Inc.* which held that the outbuilding remains a separate building and does not constitute an addition that is integral to the main house, just because it is connected to the main house by use of a long covered walkway or breezeway.

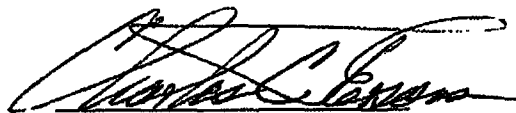
It should also be noted that the D.C. Court of Appeals has recently held that an “accessory building”, to qualify as such, need not be completely detached from the main building. See *Chiapella v. D.C. BZA*, 954 A.2d 996, 1003-1004 (D.C. 2008), wherein the D.C. Court of Appeals upheld the Board of Adjustment’s interpretation that a trash room that shared a common wall with and was therefore not physically detached from the main building nevertheless constituted an “accessory building” where the room’s use was incidental to the use of the main building and the roof of the trash room was constructed at grade level. The court reasoned that “[t]he BZA is in the best position to interpret the regulations it is charged with implementing, and absent any reasons grounded in the language of the statute or regulation or their legislative history that accessory buildings must be completely detached, we defer to the BZA's reasonable interpretation.” 954 A.2d at 1004.

Very simply, this BZA panel should conclude on the facts of this case that there are two separate, principal buildings, and the artifice of constructing a trellis simply does

not overcome this logical interpretation merely because separate structures are not completely detached.

For the foregoing reasons, Respondents respectfully pray that BZA Application No. 18263 be denied, and Applicants should be required to apply for appropriate use and dimensional variances.

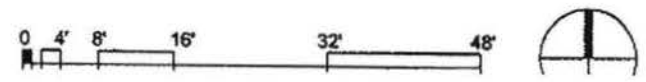
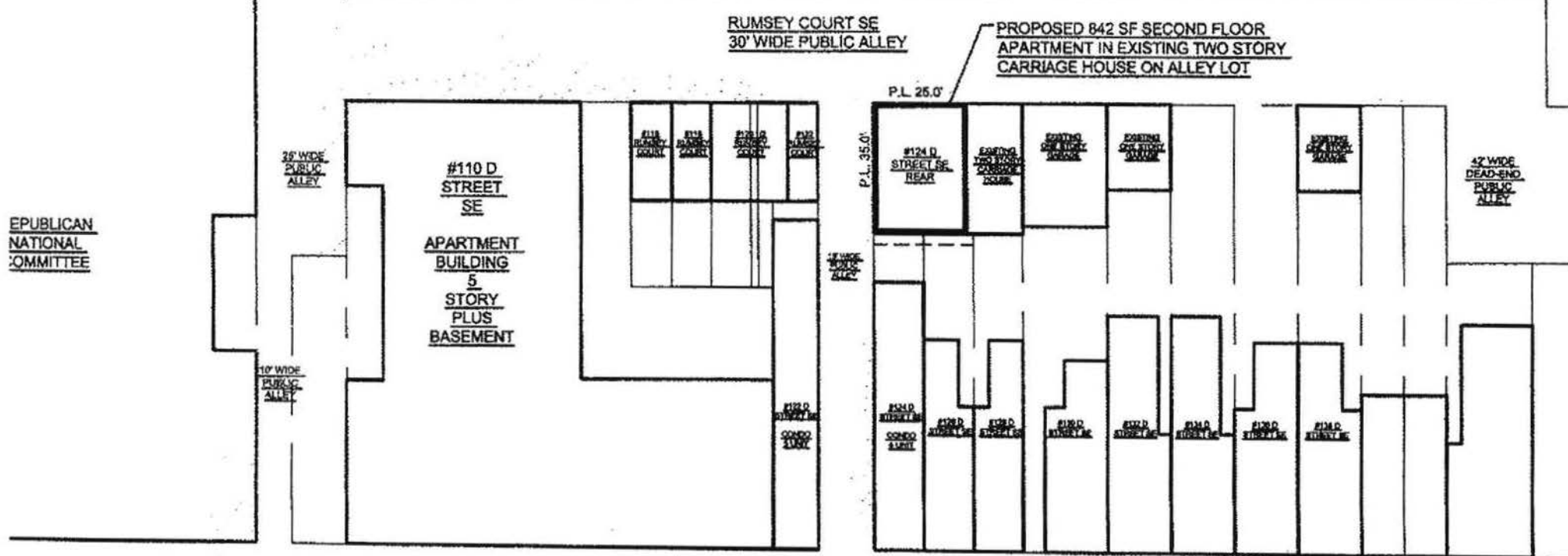
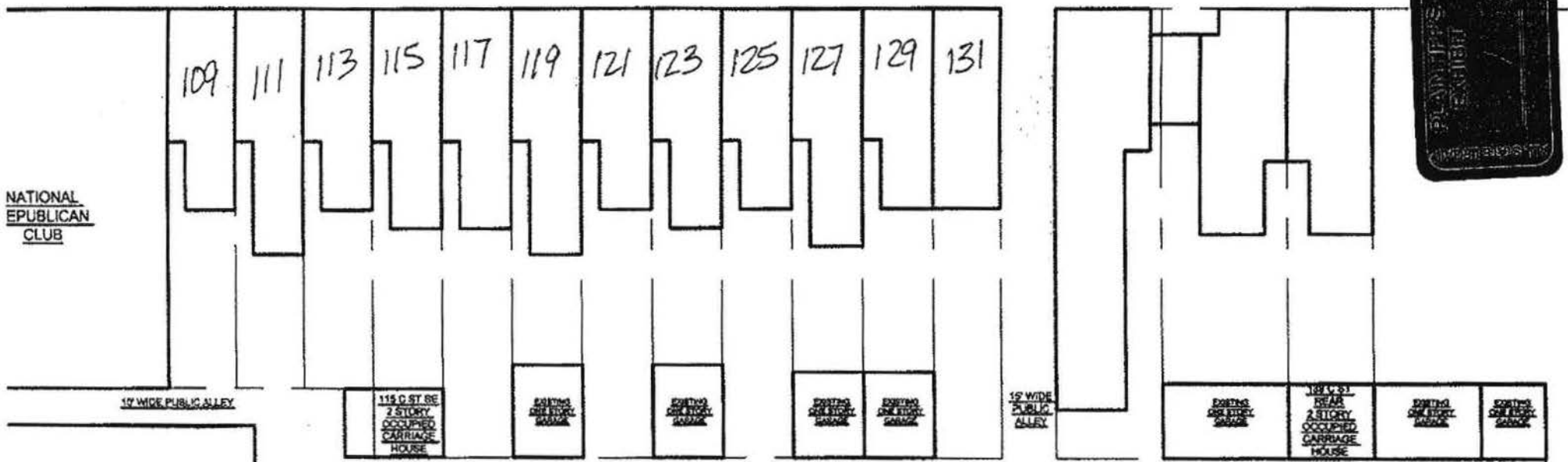
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles C. Parsons', written over a horizontal line.

Charles C. Parsons
129 C Street SE
Washington, D.C. 20003
202-544-8236
cparsons@cparsonslaw.com

SECOND SECTION
OF
4 SECTIONS

100 BLOCK OF C STREET SE



DC HOME

DC GUIDE

RESIDENTS

BUSINESS

VISITORS

DC GOVERNMENT

Kids



CFO HOME

TAXPAYER SERVICE
CENTERREAL PROPERTY
SERVICES

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Property Tax Rates
and Calculators
Property Assessment
Process
Property Assessment
Appeals
Tax Relief Credits
Search Real Property
Sales Database
Search Real Property
Assessment Database

CFO / QTR Search

Prev

Property Detail

Address: 0117 C ST SE

SSL: 0733 0023

Record Details

Neighborhood:	CAPITOL HILL	Sub-Neighborhood:	A
Use Code:	11 - Residential- Row-Single-Family	Class 3 Exception:	No
Tax Type:	TX - Taxable	Tax Class:	001 - Residential
Homestead Status:	** Currently receiving the Homestead Deduction*		
Assessor:	MITCHELL HAMBURGER		
Gross Building Area:		Ward:	6
Land Area:	2.271	Triennial Group:	2

Owner and Sales Information

Owner Name: STEPHANIE L HOFFMAN-LESTER
Mailing Address: 117 C ST SE; WASHINGTON DC 20003-1806
Sale Price: \$649,000
Recordation Date: 04/23/2001
Instrument No.: 37578

Tax Year 2012 Preliminary Assessment Roll

	Current Value (2011)	Proposed New Value (2012)
Land:	\$394,790	\$407,550
Improvements:	\$506,680	\$557,000
Total Value:	\$901,470	\$964,550
Taxable Assessment: *	\$754,661	\$830,127

* Taxable Assessment after Tax Assessment Credit and after \$67,500 Homestead Credit, if applicable. ([Click here for more information](#)).

** This property is currently receiving tax relief through the Homestead deduction program. If you are not domiciled in the District or the property is not your principal place of residence, you are obligated to inform the Office of Tax and Revenue. This can be done by accessing the link below and completing the necessary form and returning it per the instructions. You may also write to the Office of Tax and Revenue, Real Property Administration, P.O. Box 176, Washington, DC 20044. For additional information regarding the Homestead program, call (202)727-4TAX. [Click here to download the Homestead Deduction and Senior Citizen Tax Relief cancellation application](#) *

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John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004



Person Investigations Results

Records: 1 to 25 of 64

Search Terms Used - Street: 117 C; City: WASHINGTON; State: DC; Zip: 20003;

Result Page: 1 2 3 *

	Full Name	SSN	Address	Phone	Next Steps
1.	JOHN MATTHEW LESTER JOHN M LESTER JOHN LESTER JACK MATTHEW LESTER JACK M LESTER JACK LESTER DOB: 3/xx/1964 Age: 47 Gender - Male View Sources (~7) Setup Alert	152-50-xxxx Link ID: 1505047459	5501 GLENWOOD RD BETHESDA MD 20817-3747 Nov 98 - 2010 117 C ST SE WASHINGTON DC 20003-1806 Mar 01 - Oct 11	202-544-9506 - EDT LESTER JACK (Current Listing Name) phone number and zip code combination is invalid. phone and address are geographically distant (greater than 10 miles). 202-544-9506 - EDT LESTER JACK Active Phone	Learn how Risk Investigations Reports can assist you: See Examples
2.	EVAN NICHOLAS QUASNEY EVAN N QUASNEY EVAN QUASNEY EVAN N QUASNEY DOB: 12/xx/1984 Age: 26 Gender - Male View Sources (~5) Setup Alert	090-70-xxxx Link ID: 32835980557	511 N DIVISION ST ANN ARBOR MI 48104-1135 May 11 117 C ST SE # B WASHINGTON DC 20003-1806 Apr 10 - Oct 11	202-544-9506 - EDT LESTER JACK Active Phone 240-271-6882 - EDT phone number and zip code combination is invalid.	Learn how Risk Investigations Reports can assist you: See Examples
The following are possible PEOPLE AT WORK results for the subject searched:					
	Company: DELOITTE LLP	FEIN: 1633 BROADWAY NEW YORK NY 10019	212-436-2000		
	Company: DELOITTE LLP	FEIN: 1633 BROADWAY NEW YORK NY 10019	212-436-2000		
	Company: CATERPILLAR INC.	FEIN: 100 NE ADAMS ST PEORIA IL 61629	309-675-1000		
3.	LINDSEY K RAY RAY K LINDSEY RAY KATHY DOB: 1/xx/1985 Age: 26 Gender - Female View Sources (~6) Setup Alert	464-73-xxxx Link ID: 2085765117	6 LAS COLINAS CT AMARILLO TX 79124-7800 Aug 05 - 2010 121 C ST SE WASHINGTON DC 20003-1806 Apr 10 - Oct 11 117B C ST SE	806-352-4153 - CDT WATSON AMY F (Current Listing Name)	Learn how Risk Investigations Reports can assist you: See Examples

WASHINGTON DC 20003-1806
Jul 07 - Apr 10

PO BOX 50614
AMARILLO TX 79159-0614
2005 - 2010

806-352-4153 - CDT
WATSON AMY F
(Current Listing Name)
☛ phone number and
zip code
combination is
invalid.

117 C ST SE
WASHINGTON DC 20003-1806
Aug 07 - Dec 07

The following are possible PEOPLE AT WORK results for the subject searched:

Company: J AND J FEIN:
CHIMNEY SWEEP, INC.

4. STEPHANIE L LESTER 216-06-xxxx
STEPHANIE LEE H
LESTER Link ID: 1148431702 117 C ST SE 202-544-9506 - EDT
STEPHANIE L H WASHINGTON DC 20003-1806 LESTER JACK
LESTER Mar 01 - Oct 11 ☛ Active Phone Learn how Risk
STEPHANIE H LESTER Investigations
STEPHANIE LESTER Reports can assist
STEPHANIE L you: See Examples
HOFFMAN 202-226-3082 - EDT
STEPHANIE L ☛ phone number and
HOFFMAN-LESTER zip code
STEPHANIE L combination is
HOFFMANLESTER invalid.
STEPHANIE LEE
HOFFMAN
STEPHANIE LEE
HOFFMAN LESTER
STEPHANIE LEE
HOFFMANLESTER
STEPHANIE HOFFMAN
DOB: 10/xx/1969
Age: 42
Gender - Female
View Sources (-9)
Setup Alert
5. JEFFREY PAUL 116-40-xxxx
COMAN Link ID: 492411006 110 UNION ST 603-501-0247 - EDT
JEFFREY P COMAN PORTSMOUTH NH 03801-4346 KIMBALL LESLEY
JEFFREY COMAN Mar 06 - Oct 11 ☛ Active Phone Learn how Risk
DOB: 8/xx/1947 Investigations
Age: 64 Reports can assist
Gender - Male you: See Examples
View Sources (-5)
Setup Alert
- 4235 N OLD STATE ROAD 37
BLOOMINGTON IN 47408-9237
Dec 06 - Aug 11
- 9900 BLUNDON DR APT 102
SILVER SPRING MD 20902-5218
Feb 05 - Aug 11
- 117 C ST SE 202-544-9506 - EDT
WASHINGTON DC 20003-1806 LESTER JACK
Dec 88 - Aug 11 ☛ Active Phone

6.	JACQUELINE R KLINGEBIEL JACQUELINE KLINGEBIEL DOB: 12/xx/1983 Age: 27 *View Sources (~3) Setup Alert	539-96-xxxx Link ID: 8901315190	1817 VERNON ST NW WASHINGTON DC 20009-1216 Aug 09 - Oct 11 117 C ST SE # B WASHINGTON DC 20003-1806 Jun 11 - Aug 11 2025 16TH ST NW APT 3 WASHINGTON DC 20009-3441 Jul 10 - Jun 11	202-544-9506 - EDT LESTER JACK * Active Phone	Learn how Risk Investigations Reports can assist you: See Examples
7.	IRENE MIALGO Gender - Female *View Sources (~4) Setup Alert	139-28-xxxx Link ID: 186185339232	117 C ST SE WASHINGTON DC 20003-1806 May 08 - Aug 11	202-544-9506 - EDT LESTER JACK * Active Phone	Learn how Risk Investigations Reports can assist you: See Examples
8.	LEE H LESTER *View Sources (~2) Setup Alert	Link ID: 165760470596	117 C ST SE WASHINGTON DC 20003-1806 Aug 01 - Jun 11	202-544-9506 - EDT LESTER JACK * Active Phone	Learn how Risk Investigations Reports can assist you: See Examples
9.	JOHN M LESTER Gender - Male *View Sources (~1) Setup Alert	Link ID: 187624474596	117 C ST SE WASHINGTON DC 20003-1806 Sep 10	301-634-8616 - EDT * phone number and zip code combination is invalid.	Learn how Risk Investigations Reports can assist you: See Examples
10.	ERICA M BATTAGLIA ERICA M LESLIE ERICA M MOZER ERICA J MOZER ERICA MOSER ERICA MOZER DOB: 7/xx/1958 Age: 53 Gender - Female *View Sources (~7) Setup Alert	128-52-xxxx 138-52-xxxx Link ID: 154016064	4625 SUTTON OAKS DR CHANTILLY VA 20151-2527 Sep 90 - Oct 11 ✓ Probable current address 117 C ST SE WASHINGTON DC 20003-1806 Aug 81 - Jul 10	703-803-0343 - EDT LESLIE WILLIAM * Active Phone 703-416-2246 - EDT * phone number may be disconnected. * phone number and zip code combination is invalid. 516-627-5547 - EDT MOZER ROBERT J (Current Listing Name) * phone number and zip code combination is invalid. * phone and address are geographically distant (greater than 10 miles). 202-544-4551 - EDT	Learn how Risk Investigations Reports can assist you: See Examples

211 C ST NE
WASHINGTON DC 20002-5717
Dec 85 - Jul 90

803-7428

The following are possible PEOPLE AT WORK results for the subject searched:

Company: NATIONAL ASSOCIATION FOR HOME CARE & HOSPICE
FEIN: 228 7TH ST SE
WASHINGTON DC 20003
202-547-7424

- | | | | | | |
|-----|--|--|--|---|---|
| 11. | <p>NINA ANDREWS
NINA J ANDREWS
NINA M ANDREWS
NINAMARIE ANDREWS
NINAMARIE J ANDREWS
J ANDREWS
DOB: 4/xx/1982
Age: 29
Gender - Female
*View Sources (-7)
 Setup Alert</p> | <p>436-95-xxxx
Link ID: 31482254512</p> | <p>2851 MOREAU CT
FORT WORTH TX 76118-7404
Mar 11 - Oct 11

709 BEDFORD CT W
HURST TX 76053-4321
Mar 10 - Aug 11

308 N GARDEN CLUB DR
OVERTON TX 75684-1231
Aug 05 - Jul 11</p> | <p>903-834-6682 - CDT
ANDREWS SCOTT & MAYBELL
 Active Phone</p> | <p>Learn how Risk Investigations Reports can assist you: See Examples</p> |
| | | | <p>117 C ST SE APT B
WASHINGTON DC 20003-1806
Aug 07 - Jun 10</p> | | |
| 12. | <p>GARY J MEYERS
DOB: 1990
Age: 21
Gender - Male
*View Sources (-5)
 Setup Alert</p> | <p>640-14-xxxx
640-14-xxxx
Link ID: 112048936020</p> | <p>617 DOVE HILL CIR
ROCKWALL TX 75082-1930
Feb 09 - Oct 11
 Probable current address</p> | <p>972-772-8001 - CDT
MEYERS C
 Active Phone</p> | <p>Learn how Risk Investigations Reports can assist you: See Examples</p> |
| | | | <p>117 C ST SE
WASHINGTON DC 20003-1806
Feb 09 - Jul 09</p> | | |
| 13. | <p>JOHN M LESTER
JOHN LESTER
Gender - Male
*View Sources (-1)
 Setup Alert</p> | <p>Link ID: 112448286309</p> | <p>117 C ST SE
WASHINGTON DC 20003-1806
Jul 03 - Apr 09</p> | | <p>Learn how Risk Investigations Reports can assist you: See Examples</p> |
| 14. | <p>CHRISTIN D DAVIS
CHRISTIN C DAVIS
CHRISTIN DAVIS
CHRISTIN D CUMMINGS
CHRISTIN CUMMINGS
DOB: 10/xx/1974
Age: 37
Gender - Female
*View Sources (-6)
 Setup Alert</p> | <p>465-37-xxxx
Link ID: 551792416</p> | <p>301 E SCOTLAND DR
IRVING TX 75062-8604
2008 - Oct 11

117 C ST SE APT B
WASHINGTON DC 20003-1806
Oct 01 - Aug 08

117B C ST SE
WASHINGTON DC 20003-1806
Jul 01 - Dec 02</p> | <p>972-255-2725 - CDT
 phone number may be disconnected.</p> | <p>Learn how Risk Investigations Reports can assist you: See Examples</p> |
| 15. | <p> JOAN LESTER
JOAN E LESTER
JOAN M LESTER
DOB: 6/xx/1930
Age at death: 77
Gender - Female
*View Sources (-4)</p> | <p>155-22-xxxx
Link ID: 1505256571</p> | <p>10450 LOTTSFORD RD APT 2012
BOWIE MD 20721-2734
Dec 00 - Oct 11
 Probable current address</p> | | <p>Learn how Risk Investigations Reports can assist you: See Examples</p> |



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you:See Examples

10450 LOTTSFORD RD APT 2108
BOWIE MD 20721-2747
Jan 11 - Aug 11

117 C ST SE
WASHINGTON DC 20003-1806
May 08

16. DONALD R TOSO JR 435-37-xxxx

DOB: 5/xx/1979
Age: 32
Gender - Male
*View Sources (~5)



Setup Alert

Link ID: 2543287389

500 THROCKMORTON ST APT 906
FORT WORTH TX 76102-3743
*Photocopy or duplication service.
Aug 10 - Oct 11

4645 OCEAN DR APT 5A
CORPUS CHRISTI TX 78412-2522
Oct 03 - Apr 11

1002 HARWOOD CT
EULESS TX 76039-3921
Jun 10 - Mar 11

117 C ST SE APT B
WASHINGTON DC 20003-1806
Jun 06 - Aug 07

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you:See Examples

17. KEVIN DAVID DOUGHERTY 212-94-xxxx

KEVIN D DOUGHERTY
KEVIN DOUGHERTY
KEVIN D DOUGHERM
KEVIN D DOUGHERY
DOB: 10/xx/1978

Age: 33
Gender - Male
*View Sources (~10)



Setup Alert

Link ID: 674774820

3136 WHISPERING DR
PRINCE FREDERICK MD 20678-3396
2008 - Oct 11
✓ Probable current address

117 C ST NW
WASHINGTON DC 20001-2135
Jul 05 - Jul 07

117 C ST SE # B
WASHINGTON DC 20003-1806
Jun 05 - Feb 07

443-968-2227 - EDT
DOUGHERTY KEVIN
Active Phone

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you:See Examples

202-543-8648 - EDT
phone number may
be disconnected.

18. JANETH M ASTO 578-43-xxxx

SANTILLAN
JANETH M
SANTILLAN
JANETH M ASTO
JANETH M
ASTOSANTILLAN
SANTILLAN JANETH
ASTO
JANETH M ASTO
DOB: 1987
Age: 24
Gender - Female
*View Sources (~4)



Setup Alert

Link ID: 145057746749

6215 WILSON BLVD APT 201
FALLS CHURCH VA 22044-3217
Sep 09 - Oct 11

6205 WILSON BLVD APT 101
FALLS CHURCH VA 22044-3213
Jan 08 - Aug 11

3614 BARCROFT VIEW TER APT
303
FALLS CHURCH VA 22041-1578
Oct 07 - Aug 11

20004 FREDERICK RD
GERMANTOWN MD 20878-4074
Oct 07 - Apr 11

117 C ST SE
WASHINGTON DC 20003-1806
Mar 07

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Investigations
Reports can assist
you:See Examples

19. I MINALGO *View Sources (~2) Link ID: 101176647738



Setup Alert

117 C ST SE
WASHINGTON DC 20003-1806
Jan 08 - Sep 08

Learn how Risk

			Investigations Reports can assist you: See Examples	
20.	KRISTIN L DOUGHERTY KRISTIN D DOUGHERTY KRISTIN DOUGHERTY KRISTIN L DOUGHERY KRISTIN L VOLMAR KRISTIN LYNN VOLMAR KRISTIN VOLMAR KRISTIN VOLMER KRISTEN VOLMAR DOB: 6/xx/1978 Age: 33 DOB: 9/xx/1978 Age: 33 Gender - Female *View Sources (~10)  Setup Alert	133-70-xxxx Link ID: 2624782385	3136 WHISPERING DR PRINCE FREDERICK MD 20678-3398 2008 - Oct 11 ✓ Probable current address 117 C ST SE # B WASHINGTON DC 20003-1806 Jun 05 - Aug 06 117 C ST SE APT BSMT WASHINGTON DC 20003-1806 Jul 05 - Nov 05	443-968-2227 - EDT DOUGHERTY KEVIN Active Phone Learn how Risk Investigations Reports can assist you: See Examples
21.	GLENN J VOELZ GLENN VOELZ GLENN J VODZ GLENN J VOLEZ DOB: 12/xx/1969 Age: 41 Gender - Male *View Sources (~7)  Setup Alert	289-82-xxxx Link ID: 2622061869	7297 SILVER KING DR SPARKS NV 89436-8460 2008 - Oct 11 1301 S JOYCE ST APT 4435 ARLINGTON VA 22202-2087 Nov 08 - Aug 11 15195 TIMBER CREST TRL RENO NV 89511-8224 May 01 - Jun 11 117 C ST SE APT BSMT WASHINGTON DC 20003-1806 Aug 04 - Jun 06	Learn how Risk Investigations Reports can assist you: See Examples
22.	JANAINA DASILVA Gender - Female *View Sources (~2)  Setup Alert	Link ID: 61474192883	117 C ST SE WASHINGTON DC 20003-1806 Dec 04 - Jan 06	Learn how Risk Investigations Reports can assist you: See Examples
23.	LESTER JOHN Gender - Male *View Sources (~2)  Setup Alert	Link ID: 112750950586	117 C ST SE WASHINGTON DC 20003-1806 Apr 01 - Dec 05	Learn how Risk Investigations Reports can assist you: See Examples
24.	PAUL C WEYRAUCH PAUL C WEEYRAUCH PAUL C WEYRAUCHU DOB: 7/xx/1972 Age: 39 Gender - Male *View Sources (~5)  Setup Alert	511-74-xxxx Link ID: 9107429240	600 RIVER DOWN RD GEORGETOWN TX 78625-8239 Aug 11 - Oct 11 ✓ Probable current address 181 MORRIS RD WAIHAWA HI 96786-5821 Aug 09 - Aug 11 117 C ST SE WASHINGTON DC 20003-1806 Sep 02 - Sep 05	512-869-2855 - CDT WEYRAUCH PAUL Active Phone 808-744-1028 - HAST WEYRAUCH PAUL Active Phone Learn how Risk Investigations Reports can assist you: See Examples

117B C ST SE
WASHINGTON DC 20003-1806
Sep 02 - Oct 03

25.

LESTER STEPHANIE

Gender - Male

*View Sources(-1)



Setup Alert

Link ID: 112747579528

117 C ST SE

WASHINGTON DC 20003-1806

2004 - 2005

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Records: 1 to 25 of 64

Result Page: 1 2 3 ▶

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Person Investigations Results

Records: 26 to 50 of 64

Search Terms Used - Street: 117 C; City: WASHINGTON; State: DC; Zip: 20003;

Result Page: 4 1 2 3 >

Full Name	SSN	Address	Phone	Next Steps
26. PAUL T WEYRAUCH PAUL TURNEY WEYRAUCH PAUL C WEYRAUCH PAUL WEYRAUCH DOB: 7/xx/1941 Age: 70 Gender: Male *View Sources (~8) Setup Alert	079-34-xxxx 511-74-xxxx Link ID: 2688367697	600 RIVER DOWN RD GEORGETOWN TX 78628-8239 Feb 06 - Oct 11 Probable current address	512-869-2955 - CDT WEYRAUCH PAUL Active Phone 512-864-2882 - CDT KILTZ JOHN Active Phone	Learn how Risk Investigations Reports can assist you: See Examples
We Also Found: ☐ Property Records ☐ Motor Vehicles ☐ Business Affiliations ☐ Email Address Get Selected Results				
		181 MORRIS RD WAHIAWA HI 96786-5821 Aug 09 - Oct 11	808-744-1028 - HAST WEYRAUCH PAUL Active Phone	
		320 S RIDGE CIR GEORGETOWN TX 78628-8213 Jan 90 - Aug 11	512-863-0058 - CDT TEMPLETON JILL Active Phone	
			512-869-2955 - CDT WEYRAUCH PAUL (Current Listing Name)	
		117B C ST SE WASHINGTON DC 20003-1806 Sep 02 - Aug 04		
		117 C ST SE B WASHINGTON DC 20003-1806 Jan 03 - Jan 04		
27. ROBERT J MOZER ROBERT MOZER ROBERT J MOZER ROBERT J MAZER ROBERT J MOSER ESQ DOB: 12/xx/1931 Age: 79 Gender: Male *View Sources (~9) Setup Alert	074-24-xxxx 050-22-xxxx 074-24-xxxx Link ID: 1793705835	15 VAN ARSDALE PL MANHASSET NY 11030-2225 Dec 88 - Oct 11 Probable current address	516-627-5547 - EDT MOZER ROBERT J Active Phone 703-416-2246 - EDT phone number may be disconnected. phone number and zip code combination is invalid.	Learn how Risk Investigations Reports can assist you: See Examples

202-544-4551 - EDT

117 C E ST NW
WASHINGTON DC 20001
May 99

The following are possible PEOPLE AT WORK results for the subject searched:

Company: SENIOR
CITIZENS HEALTH AND
SAFETY
CORPORATION INC

FEIN: 52-
2347491

16011 SW 151ST TER
MIAMI FL 33196

Company: SENIOR
CITIZENS HOUSING
DEVELOPMENT
INSTITUTE, I

FEIN: 52-
1271071

925 15TH ST NW
WASHINGTON DC 20005

28.

JAMES M LESTER
JAMES E LESTER
JOHN M LESTER
JOHN LESTER
DOB: 6/xx/1962
Age: 49
*View Sources (~7)



Setup Alert

152-50-xxxx

Link ID: 1504646574

3700 BREAKNOCK RD
BUMPASS VA 23024-9544
Apr 07 - Aug 11

✓ Probable current address

540-895-5598 - EDT
LESTER JOHN

✦ Active Phone

Learn how Risk
Investigations
Reports can assist
you: See Examples

202-544-9506 - EDT

LESTER JACK
(Current Listing Name)

✦ phone number and
zip code
combination is
invalid.

✦ phone and address
are geographically
distant (greater than
10 miles).

3140 CRESWELL DR
FALLS CHURCH VA 22044-1704
Jun 08 - Oct 11

6967 FAIRFAX DR
ARLINGTON VA 22213-1708
Nov 03 - 2010

117 C ST SE
WASHINGTON DC 20003-1806
Jun 01 - Aug 02

301-656-4026 - EDT

✦ phone number and
zip code
combination is
invalid.

29.

DANIEL J SCHULDER
DANIEL J SCHELDER
DOB: 4/xx/1935
Age: 76
Gender - Male
*View Sources (~5)



Setup Alert

115-26-xxxx

Link ID: 2278025820

202 HALE AVE
HARRISBURG PA 17104-1517
Jul 92 - Oct 11

✓ Probable current address

717-238-2489 - EDT
SCHULDER DANIEL J

✦ Active Phone

Learn how Risk
Investigations
Reports can assist
you: See Examples

117 C ST SE
WASHINGTON DC 20003-1806
Aug 93 - Jun 02

30.

CARYN E KELLEY
CARYN M KELLEY
CARYN E MOZER

089-64-xxxx

Link ID: 1369513554

1014 KIMBERLY PL

703-430-7353 - EDT

	CARYN E MOZERKELLEY CARYN EILEEN MOZER CARYN MOZER KELLEY CARYN MOZER KELLEY KELLEY CARYN MOZER KELLEY C MOZER DOB: 2/xx/1965 Age: 46 Gender - Female *View Sources (~6) Setup Alert	GREAT FALLS VA 22066-1545 2003 - Oct 11 ✓ Probable current address 117 C ST SE WASHINGTON DC 20003-1806 Jan 83 - Sep 01	KELLEY MICHAEL ✦ Active Phone 715-9730	Learn how Risk Investigations Reports can assist you: See Examples
31.	JOHN MATTHEW LESTER DOB: 10/xx/1969 Age: 42 Gender - Male *View Sources (~1) Setup Alert	Link ID: 72237218164 117 C ST SE WASHINGTON DC 20003-1806 Aug 01		Learn how Risk Investigations Reports can assist you: See Examples
32.	PATRICIA M MOZER PATRICIA R MOZER P MOZER DOB: 1/xx/1933 Age: 78 Gender - Female *View Sources (~6) Setup Alert	050-22-xxxx Link ID: 1794067831 15 VAN ARSDALE PL MANHASSET NY 11030-2225 Oct 86 - Oct 11 ✓ Probable current address 117 C ST SE # CE WASHINGTON DC 20003-1806 Nov 73 - May 01	516-627-5547 - EDT MOZER ROBERT J ✦ Active Phone 516-627-5547 - EDT MOZER ROBERT J (Current Listing Name) ✦ phone number and zip code combination is invalid. ✦ phone and address are geographically distant (greater than 10 miles).	Learn how Risk Investigations Reports can assist you: See Examples
33.	GENE THOMAS FISHER GENE T FISHER GENE FISHER DOB: 7/xx/1949 Age: 62 Gender - Male *View Sources (~7) Setup Alert	231-88-xxxx Link ID: 816017765 814 CONSTITUTION AVE NE WASHINGTON DC 20002-6004 2001 - Oct 11 ✓ Probable current address 117 C ST SE WASHINGTON DC 20003-1806 Oct 84 - Jan 01	202-225-2261 - EDT ✦ phone number may be disconnected. ✦ phone number and zip code combination is invalid. ✦ phone and address are geographically distant (greater than 10 miles).	Learn how Risk Investigations Reports can assist you: See Examples
34.	KEVIN A MOZER K MOZER KEVIN MOZER	089-64-xxxx Link ID: 1791807020 40885 FOREST GLEN DR APT 360 LEESBURG VA 20175-6557	703-709-5988 - EDT	

DOB: 4/xx/1966
 Age: 45
 Gender - Male
 *View Sources (-5)
 Setup Alert

Apr 98 - Oct 11
 Probable current address

703-327-2317 - EDT

Learn how Risk
 Investigations
 Reports can assist
 you: See Examples

117 C ST SE
 WASHINGTON DC 20003-1806
 Feb 89 - Jul 99

709-5968

117 C E ST NW
 WASHINGTON DC 20001
 Jun 95

The following are possible PEOPLE AT WORK results for the subject searched:

Company: MOZER
 CONSULTING INC
 FEIN: 40885 FOREST GLEN DR
 LEESBURG VA 20175

35. GILBERT RICHARD 164-36-xxxx

NELMES
 GILBERT R NELMES
 GILBERT R NELMES
 GILBERT R NELMES
 GILBERT V NELMES
 RICHARD N GILBERT
 DOB: 6/xx/1946
 Age: 65
 Gender - Male
 *View Sources (-7)
 Setup Alert

Link ID: 1823929743

802 WALNUT AVE
 NORTH BEACH MD 20714-9615
 Jul 97 - Oct 11
 Probable current address

443-864-4215 - EDT
 KARPEN HEIDI
 Active Phone

Learn how Risk
 Investigations
 Reports can assist
 you: See Examples

806 WALNUT AVE
 NORTH BEACH MD 20714-9615
 Jan 05 - 2010

804 WALNUT AVE
 NORTH BEACH MD 20714-9615
 Jan 05 - 2010

117 C ST SE
 WASHINGTON DC 20003-1806
 1983 - Apr 98

117 C ST NW
 WASHINGTON DC 20001-2135
 Jan 83

The following are possible PEOPLE AT WORK results for the subject searched:

Company: CAPITAL
 HILL ORTHOPEDICS
 FEIN: 600 PENNSYLVANIA AVE SE
 WASHINGTON DC 20003 202-544-5858

Company: CAPITAL
 HILL ORTHOPEDICS
 FEIN: 901 A ST NE
 WASHINGTON DC 20002 202-544-5858

Company: CAPITAL
 HILL ORTHOPEDIC
 REHABILITATION PLLC
 FEIN: WASHINGTON DC

Company: TOWNE
 SQUARE VILLAS
 CONDOMINIUMS, INC.
 FEIN: 59-
 1520602 6325 E PROVIDENCE ST
 NEW PORT RICHEY FL 34652

Company: CAPITAL
 HILL ORTHOPEDICS
 FEIN: 600 PENNSYLVANIA AVE SE STE
 202 202-544-5858
 WASHINGTON DC 20003

Company: CAPITAL
 HILL ORTHOPEDIC
 REHABILITATION PLLC
 FEIN: WASHINGTON DC

36. TODD T PANTEZZI 117-48-xxxx

TODD T PANTEZZI
 TODD T PANTEZZI
 TODD T PANTEZZI
 DOB: 7/xx/1969
 Age: 42
 Gender - Male
 *View Sources (-6)

Link ID: 1911599568

16028 BONNIEBANK TER
 GERMANTOWN MD 20874-3118
 2001 - Oct 11
 Probable current address

301-519-2230 - EDT
 PANTEZZI TODD
 Active Phone

Learn how Risk
 Investigations
 Reports can assist
 you: See Examples

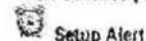


Setup Alert

117 C ST SE
WASHINGTON DC 20003-1806
Jul 96 - Nov 97

37. ERNEST E POST 517-30-xxxx

DOB: 3/xx/1931
Age at death: 76
Gender - Male
*View Sources (-3)



Setup Alert

Link ID: 2032973522

301 SYCAMORE ST # 150
ANACONDA MT 59711-1837
Apr 99 - Oct 11

406-563-3452 - MDT

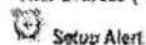
phone number may
be disconnected.

Learn how Risk
Investigations
Reports can assist
you: See Examples

117 C ST SE
WASHINGTON DC 20003-1806
Oct 96

38. MOZER SWETNICK 074-24-xxxx

*View Sources (-1)



Setup Alert

Link ID: 2475571146

117 C ST SE
WASHINGTON DC 20003-1806
Jan 93 - Jan 95

Learn how Risk
Investigations
Reports can assist
you: See Examples

39. JOHN MARK GOODE 444-70-xxxx

JOHN MARK GOODE JR

JOHN M GOODE
JOHN M GOODE JR
JOHN GOODE

JOHN M GOODE JR

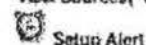
J M GOODE JR

DOB: 1/xx/1961

Age: 50

Gender - Male

*View Sources (-6)



Setup Alert

Link ID: 965695537

1010 WISCONSIN AVE NW STE 620
WASHINGTON DC 20007-3676

*Hotel or motel.

Nov 01 - Oct 11

Learn how Risk
Investigations
Reports can assist
you: See Examples

300 S POINTE DR APT 907
MIAMI BEACH FL 33139-7353
Nov 04 - Nov 10

117 C ST SE
WASHINGTON DC 20003-1806
Jul 95

The following are possible PEOPLE AT WORK results for the subject searched:

Company: PENINSULA LIFE SOLUTIONS, LLC FEIN: 1010 WISCONSIN AVE NW STE 620 WASHINGTON DC 20007

Company: PENINSULA LIFE SOLUTIONS, LLC FEIN: 1010 WISCONSIN AVE NW STE 620 WASHINGTON DC 20007

Company: PENINSULA LENDING GROUP, LLC FEIN: 1010 WISCONSIN AVE NW STE 620 WASHINGTON DC 20007

Company: PENINSULA LIFE SOLUTIONS, LLC FEIN:

Company: SECONDARY LIFE CAPITAL, LLC FEIN:

Company: SECONDARY LIFE CAPITAL, LLC FEIN: 1010 WISCONSIN AVE NW STE 620 WASHINGTON DC 20007 202-464-1061

Company: SECONDARY LIFE CAPITAL, LLC FEIN: 1010 WISCONSIN AVE NW STE 620 WASHINGTON DC 20007 202-464-1061

Company: PENINSULA LENDING GROUP LLC FEIN: 1010 WISCONSIN AVE NW STE 620 WASHINGTON DC 20007

Company: PENINSULA LIFE SOLUTIONS LLC FEIN: 1010 WISCONSIN AVE NW STE 620 WASHINGTON DC 20007

Company: PENINSULA LIFE SOLUTIONS LLC FEIN: 1010 WISCONSIN AVE NW STE 620 WASHINGTON DC 20007

Company: PENINSULA LIFE SOLUTIONS LLC FEIN: 1010 WISCONSIN AVE NW STE 620 WASHINGTON DC 20007

40. ANDREW VITALI 229-29-xxxx

ANDREW VITALI 3 033-28-xxxx

ANDREW VITALI III

ANDREW VITALI JR

ANDY VITALI

A VITALI JR

Link ID: 2602606928

2655 COLLINS AVE APT 1606
MIAMI BEACH FL 33140-4718
Aug 09 - Oct 11

Learn how Risk
Investigations
Reports can assist

ANDREW VITALLI JR
DOB: 7/xx/1938
Age: 73
Gender - Male
*View Sources (-6)

 Setup Alert

4822 OCEAN BLVD APT 5E
SARASOTA FL 34242-1305
Apr 05 - Aug 11

941-349-3780 - EDT
phone number may
be disconnected.

you:See Examples

4822 OCEAN BLVD APT 5F
SARASOTA FL 34242-1305
2006 - 2010

941-349-3780 - EDT
phone number may
be disconnected.

117 C ST SE
WASHINGTON DC 20003-1806
Jan 88 - May 95

The following are possible PEOPLE AT WORK results for the subject searched:

Company: AVITA
MARINE ASSOC INC

FEIN:
SARASOTA FL

Company: AVITA
MARINE ASSOCIATES,
INC.

FEIN:

41. GAYNELL R DUDROW 224-58-xxxx

GAYNELL R AUDR
GAYNELL R COWAN
GAYNELL R
DUDROWFERRIE
GAYNELL D FERRIE
GAYNELL COWAN
DOB: 8/xx/1946
Age: 65
Gender - Female
*View Sources (-4)

 Setup Alert

Link ID: 94174076 2163 LIMA LOOP # 71335
LAREDO TX 78045-6420
Jan 09 - Oct 11

22 AUBURN CT APT A
ALEXANDRIA VA 22305-2935
Jan 05 - Aug 11

9488 CLIFF MILLS RD
WARRENTON VA 20186-7412
Nov 01 - May 11

540-428-4450 - EDT
THEOLOGUS GEORGE
Active Phone

Learn how Risk
Investigations
Reports can assist
you:See Examples

117 C ST SE
WASHINGTON DC 20003-1806
Nov 87 - Jan 95

820-5452

42. PETER A MOZER 129-62-xxxx

DOB: 4/xx/1962
Age: 49
Gender - Male
*View Sources (-5)

 Setup Alert

Link ID: 1794143432 8 MORGAN LN
LOCUST VALLEY NY 11560-2417
Jul 03 - Oct 11

117 C ST SE
WASHINGTON DC 20003-1806
Nov 90 - Sep 93

883-6592

Learn how Risk
Investigations
Reports can assist
you:See Examples

43. THOMAS W 350-36-xxxx

BATTAGLIA
THOMAS M
BATTAGLIA
THOMAS BATTAGLIA
TOM BATTAGLIA
THOMAS W
BATTAGLIA
THOMAS BATTAGUA
DOB: 8/xx/1945
Age: 65
Gender - Male
*View Sources (-8)

 Setup Alert

350-36-xxxx
Link ID: 109941022 6154 STRASBURG DR UNIT 63A
CENTREVILLE VA 20121-2242
2010 - Oct 11

42886 IRON BIT PL
CHANTILLY VA 20152-6367
Dec 05 - Aug 11

703-830-0168 - EDT
HERRITY MATALYN
Active Phone

703-754-1574 - EDT
LEHMAN CINDY
Active Phone

Learn how Risk
Investigations
Reports can assist
you:See Examples

117 C ST SE
WASHINGTON DC 20003-1806
Oct 89 - Dec 92

211 C ST NE
WASHINGTON DC 20002-5717

Mar 85 - Dec 92

The following are possible PEOPLE AT WORK results for the subject searched:

Company: W30HEL, FEIN: 550 WARRENVILLE RD STE 400
INC. Lisle IL 60532

44. MARIA STEIN
Gender - Female
*View Sources (~1)
 Setup Alert
Link ID: 2428152710
117 C ST SE
WASHINGTON DC 20003-1806
Jan 92 - Dec 92
Learn how Risk Investigations Reports can assist you: See Examples

45. SUSAN G SILER
SUSAN G SILVER
DOB: 10/xx/1954
Age: 57
DOB: 1955
Age: 56
Gender - Female
*View Sources (~7)
 Setup Alert
302-56-xxxx
Link ID: 2333993081
16011 SW 151ST TER
MIAMI FL 33196-6430
Jul 02 - Oct 11
✓ Probable current address
305-251-6031 - EDT
SILER SUSAN G
☎ Active Phone
Learn how Risk Investigations Reports can assist you: See Examples
305-232-5080 - EDT
SILER SUSAN G
☎ Active Phone

16011 SW 151ST AVE
MIAMI FL 33196
Sep 02 - Aug 11
✓ Probable current address
305-251-6031 - EDT
SILER SUSAN G
☎ Active Phone

305-232-5080 - EDT
SILER SUSAN G
☎ Active Phone

117 C ST SE
WASHINGTON DC 20003-1806
Jul 84 - Dec 91

The following are possible PEOPLE AT WORK results for the subject searched:

Company: SILER & FEIN:
ASSOC LLC MIAMI FL

Company: SILER & FEIN: 20- 305-232-5080
ASSOCIATES, LLC 3809660

46. DOUGLAS J
LAMPMAN
DOB: 2/xx/1961
Age: 50
Gender - Male
*View Sources (~8)
 Setup Alert
328-60-xxxx
Link ID: 1459291281
452 SOUTHWELL ST
MIDDLETON ID 83844-5961
Jul 11 - Oct 11
Learn how Risk Investigations Reports can assist you: See Examples
PO BOX 609
NEW MEADOWS ID 83654-0609
Jun 08 - Aug 11
4480 VARDON DR
NEW MEADOWS ID 83654
Oct 06 - Jul 11
1818 N MIDLAND BLVD
Nampa ID 83651-1747
Oct 09 - Apr 11
208-442-8500 - MDT
HOMES OF IDAHO
☎ Active Phone
4480 VARDON RD
NEW MEADOWS ID 83654

Feb 11

117 C ST SE APT 25
WASHINGTON DC 20003-1806
Apr 91 - Dec 91

The following are possible PEOPLE AT WORK results for the subject searched:

Company: LAMPMAN PROPERTIES, INC.	FEIN:	1015 CALDWELL BLVD NAMPA ID 83651	208-467-4455
Company: HOMES OF IDAHO, INC.	FEIN:	1015 CALDWELL BLVD NAMPA ID 83651	208-467-3867
Company: HOMES OF IDAHO	FEIN:	NAMPA ID	
Company: REMAX ADVANTAGE	FEIN:	NAMPA ID	
Company: GARY PEARSON REALTY	FEIN:	NAMPA ID	
Company: HOMES OF IDAHO	FEIN:	CALDWELL ID	
Company: RE/MAX OF NAMPA CALDWELL	FEIN:	1015 CALDWELL BLVD NAMPA ID 83651	208-467-4455
Company: SOUND FACTORY	FEIN:	PO BOX 609 NEW MEADOWS ID 83654	
Company: SOUND FACTORY	FEIN:	PO BOX 609 NEW MEADOWS ID 83654	
Company: DEBBIE LAMPMAN REAL ESTATE	FEIN:	PO BOX 609 NEW MEADOWS ID 83654	
Company: DEBBIE LAMPMAN REAL ESTATE	FEIN:	PO BOX 609 NEW MEADOWS ID 83654	
Company: HOMES	FEIN:		208-467-3867
Company: HOMES OF IDAHO	FEIN:	NAMPA ID	

47. CHRISTI D RHODES 412-17-xxxx
CHRISTIE DENISE RHODES
CHRISTIE D RHODES
DENISE RHODES
C DENISE RHODES
C D RHODES
CHRISTI DENISE GENTSCH
CHRISTI D GENTSCH
DENISE GENTSCH
C DENISE DRHODES
DOB: 6/xx/1958
Age: 53
Gender - Female
*View Sources (-8)
 Setup Alert

Link ID: 682648543 8700 LITTLE LAURA DR
AUSTIN TX 78757-6860
May 04 - Oct 11
✓ Probable current address

512-458-8991 - CDT
GENTSCH DENISE &
BRYAN
Active Phone

512-458-1338 - CDT
RHODES DENISE &
BRYAN
Active Phone

Learn how Risk Investigations Reports can assist you! See Examples

117 C ST SE
WASHINGTON DC 20003-1806
Sep 91

The following are possible PEOPLE AT WORK results for the subject searched:

Company: CDR LEGISLATIVE GROUP FEIN: AUSTIN TX

48. STEVEN J HARGAN 089-44-xxxx
STEVE HARGAN
DOB: 7/xx/1952
Age: 59
DOB: 7/xx/1952
Age: 59

Link ID: 1056861272 310 AVONDALE DR
STERLING VA 20184-1207
Feb 04 - Oct 11

Learn how Risk Investigations Reports can assist

DOB: 1953
Age: 58
Gender - Male
*View Sources (-4)
 Setup Alert

2160 ASTORIA CIR APT 301
HERNDON VA 20170-4082
May 01 - Aug 11

you:See Examples

117 C ST SE
WASHINGTON DC 20003-1806
Oct 89

49.  ROBERT DANIEL 529-22-xxxx

GORDON
ROBERT D GORDON Link ID: 633960191
DOB: 4/xx/1926
Age at death: 84
Gender - Male
*View Sources (-6)
 Setup Alert

4540 SIERRA MADRE DR
RENO NV 89502-6423
Nov 88 - Oct 11

702-825-0119 - PDT

✖ phone number and
zip code
combination is
invalid.
✖ phone area code is
changing.

Learn how Risk
Investigations
Reports can assist
you:See Examples

117 C ST SE
WASHINGTON DC 20003-1806
Nov 88

50. TRACEY ANNE 045-58-xxxx

MCKNIGHT
TRACEY A MCKNIGHT Link ID: 1680963699
TRACEY MCKNIGHT
TRACEY ANNE MC
KNIGHT
TRACEY A JOHNSON
TRACEY MCKNIGHT
DOB: 5/xx/1960
Age: 51
*View Sources (-6)
 Setup Alert

10908 PEBBLE RUN DR
SILVER SPRING MD 20902-3685
2003 - Oct 11
✓ Probable current address

301-649-7526 - EDT
JOHNSON RYLAND D
✖ Active Phone

Learn how Risk
Investigations
Reports can assist
you:See Examples

117 C ST SE
WASHINGTON DC 20003-1806
Apr 88

Records: 26 to 50 of 64
Result Page: 4 1 2 3 4

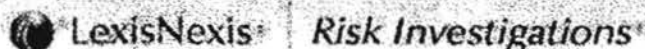
Your OPPIA Permissible Use: Licensed Private Investigations or Security Services

Your GLBA Permissible Use: Legal Compliance



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Person Investigations Results

Records: 51 to 64 of 64

Search Terms Used - Street: 117 C; City: WASHINGTON; State: DC; Zip: 20003;

Result Page: 4 1 2 3

Full Name	SSN	Address	Phone	Next Steps
51. VINCENT M VERSAGE VINCENT VERSAGE VINCENT M KUSUMOTO DOB: 6/xx/1955 Age: 56 DOB: 1/xx/1956 Age: 55 Gender - Male View Sources (-7) Setup Alert	072-52-xxxx Link ID: 2612731992	211 DUKE ST ALEXANDRIA VA 22314-3805 Apr 96 - Aug 11 ☒ Probable current address We Also Found: ☐ Property Records Get Selected Results	703-684-3616 - EDT	Learn how Risk Investigations Reports can assist you: See Examples
		818 CONNECTICUT AVE NW 110 WASHINGTON DC 20006-2702 Oct 11 818 CONNECTICUT AVE NW STE 1100 WASHINGTON DC 20006-2702 Aug 01 - Oct 11 22743 MARSHALL LN WITTMAN MD 21676 Nov 05 - 2010 22741 MARSHALL LN WITTMAN MD 21676 Aug 86 - 2010	410-745-9304 - EDT VERSAGE VINCENT ☒ Active Phone	
		117 C ST SE WASHINGTON DC 20003-1806 Jan 88		
The following are possible PEOPLE AT WORK results for the subject searched:				
Company: NATIONAL GROUP LLC Company: THE NATIONAL GROUP	FEIN: FEIN:	WASHINGTON DC 818 CONNECTICUT AVE NW STE 1100 WASHINGTON DC 20006	202-468-3774	
52. JULIE L CORDELL JULIE B CORDELL JULIE CORDELL JULIE C LAPEROUSE JULIE LAPEROUSE DOB: 2/xx/1963 Age: 48 Gender - Female View Sources (-7) Setup Alert	439-04-xxxx Link ID: 511883022	512 JANNEYS LN ALEXANDRIA VA 22302-4004 Nov 02 - Oct 11 ☒ Probable current address	703-739-7665 - EDT CORDELL JULIE & RUFFIN ☒ Active Phone 703-519-6282 - EDT ☒ phone number may be disconnected.	Learn how Risk Investigations Reports can assist you: See Examples
		117 C ST SE WASHINGTON DC 20003-1806		

Jan 86 - Apr 86

53. AARON A HUGHES 579-96-xxxx
 AARON HUGHES 578-86-xxxx
 AARON HUGHES 71 W BIG SPRING AVE
 AARON HUGHES Link ID: 1186306322 NEWVILLE PA 17241-1336
 AARON HUGHES Oct 07 - Oct 11
 AARON HUGHES DOB: 5/xx/1964 69 W BIG SPRING AVE
 Age: 47 NEWVILLE PA 17241-1336
 Gender - Male 2004 - May 11
 *View Sources (-5)
 Setup Alert 117 C ST SE
 WASHINGTON DC 20003-1806
 Jan 86 - Apr 86

Learn how Risk Investigations Reports can assist you: See Examples

54. TARYN FONTENOT Link ID: 833633339
 Gender - Female 117 C ST SE
 *View Sources (-1) WASHINGTON DC 20003-1806
 Setup Alert Apr 86

Learn how Risk Investigations Reports can assist you: See Examples

55. ROBERT D GORDON 074-20-xxxx
 ROBERT D GORDON III Link ID: 970406228 203 WOODSIDE LN # 501
 ROBERT D GORDON IV RUTHER GLEN VA 22546-1314
 DOB: 11/xx/1927 Jan 04 - Oct 11
 Age: 84 ✓ Probable current address
 Gender - Male 804-448-2944 - EDT
 *View Sources (-6) GORDON ROBERT
 Setup Alert ✓ Active Phone

Learn how Risk Investigations Reports can assist you: See Examples

117 C ST SE
 WASHINGTON DC 20003-1806
 Jul 84

117 C ST SE
 WASHINGTON DC 20003
 Apr 84

The following are possible PEOPLE AT WORK results for the subject searched:

Company: NATIONAL FEIN: WASHINGTON DC
 LAW ENFORCEMENT
 OFFICERS MEMORIAL
 FUND INC

56. CAROLE C 220-38-xxxx
 MONTGOMERY Link ID: 1758705179 5526 MAPLEFIELD PL
 DOB: 12/xx/1942 ALEXANDRIA VA 22310-1892
 Age: 68 Dec 88 - Oct 11
 Gender - Female ✓ Probable current address
 *View Sources (-5) 703-313-8983 - EDT
 Setup Alert MONTGOMERY C
 ✓ Active Phone

Learn how Risk Investigations Reports can assist you: See Examples

117 C ST SE
 WASHINGTON DC 20003-1806
 Jul 84

57. TERRI A 217-82-xxxx
 MONTGOMERY Link ID: 1759931688 6221 GLENVIEW CT
 TERRI MONTGOMERY ALEXANDRIA VA 22312-1214
 DOB: 3/xx/1961 Jul 91 - Oct 11
 Age: 50 ✓ Probable current address
 Gender - Female 703-354-2224 - EDT
 *View Sources (-6) MONTGOMERY TERRI
 Setup Alert ✓ Active Phone

Learn how Risk Investigations Reports can assist you: See Examples

703-354-2223 - EDT
 FURNITURE &
 MATTRESS OUTLET
 (Current Listing Name)

117 C ST SE
 WASHINGTON DC 20003-1806
 Apr 84

The following are possible PEOPLE AT WORK results for the subject searched:

Company: JUST 4 KIDS FEIN: 6221 GLENVIEW CT 703-354-2224
 INC. ALEXANDRIA VA 22312

Company: JUST 4 KIDS FEIN: 6221 GLENVIEW CT 703-354-2224
 INC. ALEXANDRIA VA 22312

58.	JARRETT WISE Gender - Male *View Sources (~1) Setup Alert	Link ID: 2750146724	117 C ST SE WASHINGTON DC 20003-1806 Apr 84		Learn how Risk Investigations Reports can assist you: See Examples
59.	PHILLIP CHARLES HEIDT PHILIP C HEIDT DOB: 8/xx/1928 Age at death: 82 Gender - Male *View Sources (~5) Setup Alert	096-22-xxxx 096-22-xxxx Link ID: 1096049703	12422 FELDON ST SILVER SPRING MD 20906-4377 Dec 80 - Oct 11	301-946-9106 - EDT phone number may be disconnected. Phone Disconnected 10/26/2010	Learn how Risk Investigations Reports can assist you: See Examples
60.	PAUL C WEYRAUCH		117 C ST SE WASHINGTON DC 20003-1806 Nov 02 - Jul 04	202-546-4220 - EDT phone number may be disconnected.	Learn how Risk Investigations Reports can assist you: See Examples
61.	CHRISTINE H ZIMMERMAN CHRISTINE CHRISTINE ZIMMERMAN CHRISTINE ZIMMERMAN CHRISTINE HUTZAYLUK DOB: 3/xx/1958 Age: 53 Gender - Female *View Sources (~5) Setup Alert	189-48-xxxx Link ID: 1201072932	6597 WILD CHERRY DR COOPERSBURG PA 18036-1824 Feb 97 - Oct 11 ✓ Probable current address	610-282-4170 - EDT ZIMMERMAN JOSEPH A Active Phone	Learn how Risk Investigations Reports can assist you: See Examples
62.	SUSAN E MCCOSKRIE SUSAN E MC COSKRIE DOB: 9/xx/1955 Age: 56 Gender - Female *View Sources (~6) Setup Alert	204-44-xxxx Link ID: 1657815092	2310 JOHN MARSHALL DR ARLINGTON VA 22205-3418 Jan 09 - Oct 11 ✓ Probable current address	703-532-1218 - EDT TUCKER L E Active Phone	Learn how Risk Investigations Reports can assist you: See Examples
			6026 20TH ST N ARLINGTON VA 22205-3404 Apr 98 - Oct 11		
			1117 C ST NE WASHINGTON DC 20002-6303 Jan 92 - Nov 97	547-5378	
			117 C ST NE WASHINGTON DC 20002-5600 Apr 88		
63.	CAROL W MCCOSKRIE C W MCCOSKRIE	169-46-xxxx Link ID: 1656716981	6026 20TH ST N ARLINGTON VA 22205-3404	703-536-0859 - EDT MCCOSKRIE C W	

CAROL W MCCOCHIE
 CAROL WINFIELD
 MCCOSRIE
 MCCOSRIE CAROL
 WINFIELD
 DOB: 2/xx/1957
 Age: 54
 Gender - Female
 *View Sources (-6)
 Setup Alert

Oct 97 - Oct 11
 Probable current address

(Current Listing Name)

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 you: See Examples

1117 C ST NE
 WASHINGTON DC 20002-6303
 May 88 - Jun 02

117 C ST NE
 WASHINGTON DC 20002-5600
 Apr 88 - Sep 88

64. CARY EINHAUS 353-54-XXXX
 CARY R EINHAUS 332-32-XXXX
 RONALD F EINHAUS
 R C EINHAUS Link ID: 735192159
 R C EINHAUS
 DOB: 6/xx/1963
 Age: 48
 DOB: 6/1961
 Age: 50
 *View Sources (-4)
 Setup Alert

20 MAIN ST
 EXETER NH 03833-2438
 *Elementary or secondary school.
 Aug 97 - Oct 11

P.O. BOX 108
 SENECA IL 61360-0108
 Aug 11 - Oct 11

1018 D ST NE
 WASHINGTON DC 20002-6130
 Mar 91 - Aug 11

1117 C ST NW
 WASHINGTON DC 20002
 Feb 88

117 C ST NE
 WASHINGTON DC 20002-5600
 Feb 88

1117 C ST NE
 WASHINGTON DC 20002-6303
 Mar 86 - Jan 88

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 Reports can assist
 you: See Examples

The following are possible PEOPLE AT WORK results for the subject searched:

Company: PHILLIPS	FEIN:	20 MAIN ST	603-772-4311
EXETER ACADEMY		EXETER NH 03833	

Records: 51 to 64 of 64
 Result Page: 4 1 2 3

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CAPITOL HILL RESTORATION SOCIETY

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www.chrs.org • info@chrs.org

November 4, 2011

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

RECEIVED
D.C. OFFICE OF ZONING
2011 NOV -4 AM 9:14

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

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18263

1

EXHIBIT NO.

39

PLAINTIFF'S
EXHIBIT

2

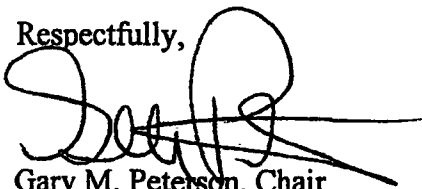
building, except as provided elsewhere in this title. *The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.* " (Italics added) The topography drops dramatically from the C Street frontage to Rumsey 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

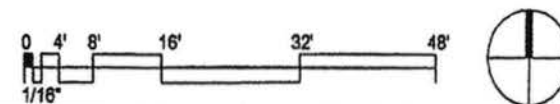
CC: Jennifer Cox Fowler
1742 D Street, SE
Washington, DC 20003

Charles C. Parsons
129 C Street, SE
Washington, DC 20003

John Lester
117 C Street, SE
Washington, DC 20003



100 BLOCK OF D STREET SE



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John and Stephanie Lester
117 C Street, S.E.
Washington, D.C. 20003

November 4, 2011

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

Re: BZA Case No. 18263 – John and Stephanie Lester
117 C Street, S.E. (Square 733, Lot 23)

RECEIVED
C. OFFICE OF ZONING
2011 NOV -4 PM 1:41

Dear Board Members:

At the conclusion of the hearing on October 25, 2011, in the above-referenced case, the Board of Zoning Adjustment left the record open for the receipt of the following additional information: (i) the trellis issue; (ii) the position taken by Mr. Joseph Wall, an neighbor on Rumsey Court; (iii) compliance with the special exception standard; and (iv) any additional support letters from the applicant. This letter responds to those issues.

1. The Trellis Issue

We note for the record that the Board addressed this issue in BZA Case No. 17331. There, the applicant proposed a two-story addition to a single-family house at 1229 E Street, S.E. The house and addition would be connected by a trellis. The Board questioned whether a trellis could be deemed a "building" for purposes of establishing a meaningful connection and requested the applicant and the Office of Planning to brief the issue. The Board ultimately concluded that

based on past precedent, the trellis proposed by the Applicant meets the definition of building under section 199.1 because the trellis will have a roof that provides at least 51 percent coverage and is supported by columns for the shelter, enclosure or support of persons. As such, the trellis provides an adequate connection between the existing single-family house and the addition to the rear to constitute one building under the Zoning Regulations.

BZA Order No. 17331, effective July 6, 2005, at 2. A copy of the order is attached.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18263
EXHIBIT NO. 40



This decision reconfirmed the decades-long interpretation of the Zoning Regulations on this matter. Consequently, this issue has not come before the Board since 2005. This long-standing interpretation continues to inform current rulings of the Zoning Administrator.

2. Position Taken by Mr. Wall

On Tuesday, November 1, my wife and I met with Mr. Wall and his sister Brigid Hollinger, who together own three of the five alley dwellings. They confirmed for us that they support our project.

3. Compliance with the Special Exception Standards

The test for special exception relief, as requested in our application, encompasses both the standards enumerated in section 223 of the regulations as well as the provisions of section 3104.1. Section 3104.1 provides that the Board is authorized to grant special exceptions where, in its judgment, the special exceptions “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of the neighboring property....” The general purpose and intent of the Zoning Regulations and Maps are to provide adequate light and air, prevent undue concentration of population and the overcrowding of land; and provide distribution of population, business and industry and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services. This standard is very similar to section 223, which provides that any proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, that light and air available to neighboring properties shall not be unduly affected, and that the privacy of use and enjoyment of neighboring properties shall not be unduly compromised. As set forth in the materials we previously submitted and the testimony at the hearing, we have met these tests.

The R-4 District in which our property is located is designed for two-family dwellings. Our proposed addition along the alley will allow two families to reside on our property. Consequently, it is in harmony with the distribution of population intended for the R-4 District. The addition abuts a 30-foot wide named alley across which is a five story apartment building, thereby not impacting its light and air. The light and air of the alley dwellings farther east, abutting the five story apartment building, and again across the 30-foot wide alley are similarly not impacted. To the east and west, the alley addition will abut garage structures and thus will not block the light and air of neighboring properties. Our abutting neighbors agree in this assessment, as evidenced by their letters of support and as discussed below.

The addition on the top of the rear of the house does not unduly affect or compromise light, air, or privacy of use or enjoyment of the adjacent properties. Our architect noted in her testimony that the courtyard is 7' wide, which is unusually wide, and is entirely on our property. The relief we are seeking to avoid the 2' setback and allow for a straight, load-bearing wall will have no discernible effect on the neighbor's light and air.

4. Additional Support Letters

In addition to the support letters previously submitted to the record from owners of 115 C Street, S.E., 119 C Street, S.E., and 127 C Street S.E., we have obtained additional support letters from Ms. Heather Podesta, owner of 131 C Street, S.E., and Rev. Louis Sheldon, owner of 139 C Street, S.E. Copies of those letters are attached.

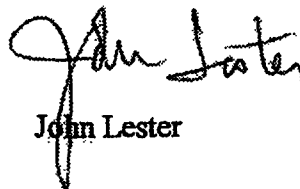
In total, we have received five support letters from immediate neighbors (including our two adjacent neighbors), three unanimous votes in support from the ANC and its subcommittees, the endorsement of the Historic Preservation Office and the L'Enfant Trust, which holds a preservation easement on our house, and a recommendation for approval from the Office of Planning.

While we recognize that our neighbor Mr. Parsons objects to our two-story addition along Rumsey Court, we note that the concerns he raised at the hearing related to the activities generated by the "commercial" uses in the alley and the fear that the addition would aggravate an already crowded alley. Yet, the addition of a flat in the R-4 District, which is expressly permitted by the Zoning Regulations, will not contribute to commercial activities or otherwise aggravate conditions in the alley. Rather, the new flat will enhance and reinforce the residential quality of the named alley. Further, as was noted at the hearing, Mr. Parsons recently sought and received a Variance, over the objection of the Office of Planning, to allow a rental unit on the second floor of his garage structure on Rumsey Court. Similarly, we note that the Capitol Hill Restoration Society's objections stemmed from the trellis connection, which is a question that has already been resolved by this Board and the long-standing interpretations of the Zoning Regulations. CHRS also objected on the grounds that the relief requested would undermine the general purposes and intent of the zoning regulations and maps by allowing this addition within the Capitol Hill Historic District. We note that the purposes and intent of the zoning regulations, cited above, do not address additions within the historic districts. The District's historic preservation law and regulations do, however, and the staff responsible for interpreting those regulations and law supports the addition as consistent with the character of the historic district.

Lastly, we request the Board grant the flexibility to modify the design of the building to address any comments from the D.C. Historic Preservation Review Board during final review of the project so long as the modifications do not require any additional areas of zoning relief.

Based on the foregoing, we respectfully request the Board to grant our application.

Very truly yours,



John Lester

THIRD SECTION
OF
4 SECTIONS
—

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning
Board of Zoning Adjustment

PUBLIC MEETING
OF THE BOARD OF ZONING ADJUSTMENT

9:42 a.m. through 1:34 p.m.
Tuesday, October 25, 2011

441 4th Street, N.W.
Jerrily R. Kress Memorial Room
Second Floor Hearing Room, Suite 220-South
Washington, D.C. 20001

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Board Members:

MERIDITH MOLDENHAUER, Chairperson
NICOLE SORG, Vice-Chairperson
JEFFERY HINKLE, National Capital Planning
Designee
LLOYD JORDAN, Mayoral Appointee
ANTHONY HOOD, Chairman, Zoning Commission

Office of Planning:

PAUL GOLDSTEIN
ARTHUR JACKSON
STEVE COCHRAN
MATT JESSICK

Also Present:

CLIFFORD W. MOY, Secretary to the Board
SHERRY GLAZER, ESQ.,
Office of Attorney General
MARY NAGLEHOUT, ESQ.
Office of Attorney General

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C O N T E N T S

	Page
Introductory Remarks.	4
A.M. Session	
Application No. 18265	9
Application No. 18266	.19
Application No. 18267	.36
Application No. 18263	.59
P.M. Session	
Appeal No. 18256.	110
Application No. 18280	117
Conclusion of Meeting	127

1 in support of the motion, Mr. Hood, Mr. Jordan,
2 and Mr. Hinkle. Again, the final vote is 5 to 0
3 to 0. The motion carries, Madam Chair.

4 CHAIRPERSON MOLDENHAUER: Thank you very
5 much, Mr. Moy.

6 And seeing that there's no opposition, I
7 would like to request that we waive our
8 requirements and ask that a summary order be
9 issued.

10 MR. MOY: Thank you, Madam Chair.

11 CHAIRPERSON MOLDENHAUER: Thank you.

12 MR. BRAMMER: Thank you, Madam Chair,
13 members of the Board. Appreciate it.

14 CHAIRPERSON MOLDENHAUER: Thank you very
15 much.

16 MS. HAM: Thank you.

17 CHAIRPERSON MOLDENHAUER: Thank you.

18 Application No. 18263

19 MR. MOY: The next and final application
20 before the Board in its morning session is
21 Application No. 18263. This is the application
22 of Stephanie and John Lester, pursuant to 11 DCMR

1 1202.1, 3104.1, and 3103.2. This is for a
2 special exception under Section 223 to allow a
3 two-story addition to an existing one-family row
4 dwelling and to construct a two-story accessory
5 garage, not meeting the lot occupancy (Section
6 403) requirements, a special exception from the
7 accessory building one-story height limitation
8 under Subsection 2500.4, and the variance from
9 the building lot control restrictions to allow
10 apartment use of the second story of the proposed
11 two-story accessory garage. This is under
12 Subsection 2516.1 in the CAP/R-4 District at
13 premises 117 C Street, S.E., property located in
14 Square 733, Lot 23.

15 CHAIRPERSON MOLDENHAUER: Good morning.
16 If the parties can please introduce themselves?

17 MR. LESTER: Good morning, my name is
18 John Lester.

19 MS. FOWLER: Good morning. Jennifer
20 Fowler.

21 CHAIRPERSON MOLDENHAUER: Good morning.
22 I think we have just a couple of

1 questions on this application. Either I can open
2 it up for Board questions, or I can ask if you
3 can provide a brief presentation.

4 VICE-CHAIRPERSON SORG: Madam Chair, I
5 have some confusion about the project and the
6 intent of the different additions here, so I
7 think I would appreciate a presentation from the
8 Applicant or Ms. Fowler.

9 MR. LESTER: Well, I just wanted to say
10 one sentence. My name is Jack Lester. My wife
11 and I have lived here for nearly 11 years. We
12 have three children. We are very pleased to have
13 the support of our adjoining neighbors and four
14 of our neighbors within the block, the unanimous
15 support of the ANC Planning and Zoning, the
16 unanimous support of the full ANC, and the full
17 support of the Office of Planning.

18 And I'll let Jennifer make the
19 presentation.

20 MS. FOWLER: Okay. Good morning again.

21 So we originally started this application
22 with some variances. The intent was to create a

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1 rear two-story garage, meeting the height
2 restrictions of a garage, the 15-foot height
3 restriction; however, filling in the full second
4 floor. So we were asking for relief under 2500.4
5 for a full second floor, and we were also -- we
6 were kind of in the middle of working with Mr.
7 Jessick figuring out the use variance relief that
8 was required.

9 As we move forward and kind of working
10 with Office of Planning, it was suggested to us
11 that we should consider connecting the structure
12 to the main house in order to basically change
13 the concept into an addition to the main
14 structure. So that's what we've done. We've
15 revised the application basically down to special
16 exceptions for rear yard relief, lot occupancy --
17 sorry -- and open court requirement for the rear
18 addition.

19 So, Matt Jessick was very helpful in
20 working with us and trying to figure out a way to
21 make this work for this family, and so we've
22 revised the plans with the connection, which

1 eliminates the need for the -- it's no longer an
2 accessory structure, so it eliminates the
3 variances in the project.

4 We did submit drawings electronically
5 last week, and I don't know if everybody has a
6 copy of those. I'm not sure how that -- how that
7 works with the October 19th plans.

8 CHAIRPERSON MOLDENHAUER: I believe we
9 did. That was the partial October 11th, I think
10 -- I've got an October 11th-dated plans.

11 MS. FOWLER: Yeah. October 11th shows
12 the overall concept correctly. The only
13 additional change we made was to make sure there
14 was a physical connection between the two
15 structures with doors on either ends.

16 I have copies if anybody needs some.

17 CHAIRPERSON MOLDENHAUER: I think maybe
18 just two -- we'll need two copies.

19 MS. FOWLER: Two copies? Okay. Of the
20 current.

21 [Pause.]

22 MS. FOWLER: We apologize for the

1 confusion. This has been kind of a moving target
2 trying to work out the relief that we need.

3 [Pause.]

4 CHAIRPERSON MOLDENHAUER: I think we're
5 all just kind of looking through the drawings and
6 also in regards to the use. So, if you can walk
7 us through that, that would be appreciated.

8 MS. FOWLER: Okay. Well, regarding the
9 drawings, the only difference on this latest set
10 is that we've basically created doorways on
11 either end of the trellis connection, so that it
12 be a meaningful connection between the house and
13 the rear structure. So that's really the only
14 difference between that and the October 11th
15 drawings.

16 So the use variance is eliminated by
17 creating one structure. Instead of a garage, it
18 becomes an addition. The two-family flat is an
19 allowed use in the R-4 District. So instead of
20 your typical basement apartment rental unit, this
21 is placing the rental unit on the second level of
22 the addition at the rear of the property.

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1 So then we're asking for rear yard relief
2 and lot occupancy relief, and then there's open
3 court requirement relief for the addition to the
4 main house.

5 CHAIRPERSON MOLDENHAUER: And the rear
6 yard going from a 20-percent requirement to a
7 zero-percent proposed is due to the fact that now
8 the garage addition structure is going to be
9 considered part of the structure or part of the
10 house that's going to zero?

11 MS. FOWLER: That's correct. That's
12 correct.

13 CHAIRPERSON MOLDENHAUER: And can you
14 talk a little bit about any of the neighboring
15 support that you have for this application?

16 MR. LESTER: I'll -- as I mentioned, the
17 ANC unanimous support, the Office of Planning and
18 the neighbors, the two adjoining neighbors
19 support this. We're at 117. The one at 115 has
20 a taller two-story structure with a rental unit.

21 You should know the context. This alley
22 is really -- it's a named alley. It's called

1 Rumsey Court. There are 9 two-story dwelling
2 units on the Rumsey Court -- I guess 9, so ours
3 would be the 10th, 9th or the 10th. So it really
4 feels like a street with all the residential uses
5 there.

6 We back up to a -- our home backs up to a
7 six-story apartment building right to our rear.
8 To the right is the five-story Republican
9 National Club. So it's a very dense area and
10 again lots of dwelling units.

11 The three neighbors that have written
12 letters of support, again, support more
13 activation in the alley and enhancement to our
14 block. One of the neighbors came to the Capitol
15 Hill Restoration lives in one of the dwelling
16 units -- excuse me -- alley dwelling units.
17 There are five alley units on Rumsey Court, and
18 they were supportive of the concept as well,
19 again.

20 CHAIRPERSON MOLDENHAUER: Who was that,
21 that lived on Rumsey Court?

22 MR. LESTER: Mr. Wall is -- owns one or

1 two of the five alley dwelling units.

2 CHAIRPERSON MOLDENHAUER: And are those
3 one of the, I guess, rear garage structure
4 dwelling units --

5 MR. LESTER: No.

6 CHAIRPERSON MOLDENHAUER: -- or those are
7 actually one of the dwelling units that are on
8 the far side of the alley that I'm looking at?

9 MR. LESTER: On the far side of the
10 alley. 115 owns a unit with -- right next to
11 ours. It has a two-story garage on the ground
12 floor and an apartment above.

13 CHAIRPERSON MOLDENHAUER: And just for
14 other Board members, I'm looking at Exhibit 7.
15 On like the third page, there's a picture of the
16 alley, and you can see like a green/blue/white
17 and some other houses that are on that, on Rumsey
18 Court, which is referred to as the "alley."

19 MS. FOWLER: Yeah. Those are actually
20 row dwellings on individual lots.

21 CHAIRPERSON MOLDENHAUER: On individual
22 lots.

1 MS. FOWLER: Yeah. They're not connected
2 to any of the houses on D Street.

3 CHAIRPERSON MOLDENHAUER: And those are
4 one of the ones that Mr. Wall owns that you were
5 referencing?

6 MR. LESTER: That's right. He did not
7 provide a letter, but he did come to the Capitol
8 Hill Restoration. He expressed a concern, just
9 as he and his four dwelling unit neighbors, just
10 about trash in the alley, and what I have
11 discussed is building these units and allowing us
12 to get the trash cans off the alley, all the
13 homes. It would be an enhancement, and he agrees
14 with that.

15 And he's also testified in support of
16 another residential use on the alley previously.

17 CHAIRPERSON MOLDENHAUER: So, since you
18 brought up the question of trash, where would you
19 keep your trash, and then where would you put
20 your trash on -- what is it? -- Mondays and --

21 MR. LESTER: Well, right now, we have a
22 parking pad, so the cans sit in the parking pad.

1 Many folks that do have garages leave theirs
2 just in the alley or Rumsey Court. We would keep
3 ours inside of the garage and just take it out on
4 Mondays and Thursdays and bring it back in, in
5 the evening.

6 CHAIRPERSON MOLDENHAUER: I understand
7 that from your application that you were planning
8 on renting the above flat. How would a potential
9 tenant be? How would they handle their trash as
10 well?

11 MR. LESTER: Well, they would come down
12 the steps from the above unit, come down into the
13 garage. There would be -- I think we showed two
14 doors. So there would be a door into the garage
15 space where the cans would be kept, put whatever
16 trash they have in those cans, and then we, my
17 wife or I, would take the trash out, again,
18 Sunday nights and Wednesday nights.

19 MS. FOWLER: It's a wide garage for a
20 one-car garage, so there's plenty of room for
21 cans in addition to a car, so we're not trying to
22 squeeze too much into the space.

1 CHAIRPERSON MOLDENHAUER: Do any Board
2 members have any other questions for the
3 Applicant?

4 VICE-CHAIRPERSON SORG: Madam Chair, I
5 actually have two questions.

6 Continuing on the line of questioning
7 about the neighbors, it looks like we have one
8 letter from a trust that owns several properties
9 in and around the alley, and they make three
10 points in their letter that you submitted. It
11 doesn't look entirely like support; it doesn't
12 look entirely like opposition.

13 Perhaps you can address how you've, you
14 know, worked with this neighbor who seems to have
15 some issue with the height of the addition to the
16 existing dwelling.

17 MR. LESTER: Well, the first point is
18 this is the neighbor that the property is owned
19 in a trust. It operates as an absentee landlord.
20 There's probably six or eight guys that live
21 there, including a person in the unit above the
22 garage, in the rear, and you may have that

1 picture.

2 So, as I recall, he's supportive of the
3 two-story structure. He did raise a concern
4 about the additions we're proposing to the back
5 of the home on the court, and maybe it's a more
6 technical point for me. Maybe Jennifer can
7 address that, and perhaps Matt.

8 MS. FOWLER: Right. The rear addition to
9 the main house, we're asking for open court
10 relief. Technically, we could build the addition
11 by right, except that we would have to set back a
12 foot or two from the party -- from the side wall.

13 So, you know, as you get taller up in the
14 court, we have to set over further, so we can
15 build that addition. Just it makes more sense to
16 try to get the relief to build straight up from a
17 structural perspective and from a space planning
18 perspective to bring that wall directly up.

19 So I don't think that the difference
20 between the by-right and the proposed is very
21 much of an impact on the neighbor, especially
22 considering the tall building behind, the five-

1 to six-story building that sits behind these two
2 neighbors that blocks the majority of the light.

3 And we also have some tall trees, so I don't
4 believe that the sunlight will be unduly impacted
5 by this change from by-right to proposed.

6 MR. LESTER: The only other thing I would
7 add is the court, I think you would agree by
8 standards, is wide at 7 feet, and the entire
9 court is on our property, not the neighbor's
10 property.

11 [Pause.]

12 VICE-CHAIRPERSON SORG: Madam Chair, I
13 just had one other question, going back to the
14 connection between the main house and the garage.
15 There's a condition in the Office of Planning
16 report that they recommend that the roof coverage
17 be 51 percent or more. I think it may be
18 worthwhile getting on the record what the roof
19 looks like and how you plan to achieve that.

20 MS. FOWLER: Currently, we have it drawn
21 as a dense trellis. You know, we're happy to
22 modify that, however it appeases the Board, but

1 we've noted on the plans, it's 51-percent minimum
2 coverage on that trellis. We've also put a
3 meaningful connection on either end with a
4 doorway between the two structures.

5 I believe there is precedent for the 51
6 percent. I believe that's an accepted coverage
7 amount, according to the Zoning Administrator.

8 MR. JORDAN: Let me ask, How wide is that
9 alley?

10 MS. FOWLER: It's a 30-foot-wide alley;
11 however, it doesn't extend 30 feet to the
12 streets. It gets narrow, maybe 15 -- so it goes
13 down to a 10-foot alley on one side, and then
14 another one is 15-feet wide. Facing D and E are
15 both 15-feet wide, but the majority of the alley
16 is 30-feet wide.

17 MR. LESTER: It's 30 feet behind our
18 structure, 30 feet from the back of our property
19 line to the six-story apartments.

20 CHAIRPERSON MOLDENHAUER: I don't think -
21 - for a point of clarification, since it has a
22 name, I think there's been a whole precedent from

1 Office of Planning, since it's a named street,
2 it's actually not considered legally an alley, I
3 don't believe. Is that correct? I think that we
4 -- I think that our Board, actually, got a
5 presentation in one of our training classes, and
6 they're talking about how they're naming the
7 alleys. And since this has a name, that it's not
8 legally considered an alley. It's considered a
9 street, since it has "Rumsfeld" --

10 MS. FOWLER: Rumsey.

11 CHAIRPERSON MOLDENHAUER: Rumsey. I'm
12 sorry.

13 [Laughter.]

14 CHAIRPERSON MOLDENHAUER: Hey, I'm
15 throwing out names here.

16 Rumsey. Is it Rumsey Court? Rumsey
17 Court. Correct me if I'm wrong. I'll just turn
18 to OP quickly. We'll jump.

19 MR. JESSICK: Good morning, Madam Chair,
20 members of the Board. My name is Matt Jessick.

21 I have to admit I've never heard that
22 interpretation before, so I can't say whether

1 it's correct or not.

2 CHAIRPERSON MOLDENHAUER: So, is OP
3 looking at this then as an alley and not as a
4 court or a street?

5 MR. JESSICK: That's how we viewed it,
6 yes.

7 CHAIRPERSON MOLDENHAUER: Okay. I guess,
8 then, Mr. Jordan, your comment might be about
9 putting a dwelling on an alley that's less than
10 30 feet?

11 Does Ms. Fowler want to address that?

12 MS. FOWLER: Well, if it were an alley, a
13 separate alley lot, you would have the 15 --
14 sorry -- the 30-foot minimum alley width
15 requirement leading all the way to the street.

16 For instance, on the carriage house down
17 the way, 124 D Street Rear, we went for a
18 variance for alley width requirement in order to
19 convert that garage into a living space. So you
20 would have to go through a variance for alley
21 width, but in this case, because we're not asking
22 for -- it's not a separate alley lot. It's part

1 of their property. It's a little bit of a
2 different situation.

3 MR. LESTER: And again, I would
4 underscore that there are at least eight dwelling
5 units on Rumsey Court now, two stories or
6 greater, if you consider the apartment building,
7 which I didn't include in that number.

8 CHAIRPERSON MOLDENHAUER: Do Board
9 members have any other questions for the
10 Applicant?

11 [No audible response.]

12 CHAIRPERSON MOLDENHAUER: Then at this
13 point in time, we'll turn to see if there's any
14 individuals in support or in opposition of this
15 case. Any individuals in support?

16 MR. PARSONS: Ladies and gentlemen, my
17 name is Charles Parsons. My wife and I live at
18 129 C Street, S.E. We've lived there since 1978.

19 Unfortunately, we have a factual dispute
20 in this case already, and I had tried to get Mr.
21 Wall to come to the meeting this morning.
22 Unfortunately, his mother had to be transfused at

1 G.W. So, if anything, if you want to keep the
2 record open and I'll get a letter, because he
3 does not support the application.

4 Let me just say this, that you've heard -
5 -

6 CHAIRPERSON MOLDENHAUER: For a point of
7 reference, since you have this lovely
8 demonstrative, can you actually point out where
9 your house is?

10 MR. PARSONS: Yes, ma'am.

11 CHAIRPERSON MOLDENHAUER: That would just
12 help me.

13 MR. PARSONS: Over here --

14 CHAIRPERSON MOLDENHAUER: Actually, we
15 have a mobile microphone.

16 MR. PARSONS: Do you have an easel?

17 CHAIRPERSON MOLDENHAUER: We do. They
18 are over there against the wall.

19 MR. PARSONS: Oh, thanks. I didn't see
20 that.

21 MR. MOY: Sir, if you could set it right
22 there, it would be fine.

1 MR. PARSONS: Right here?

2 MR. MOY: Yeah. My camera is right

3 behind you.

4 MR. PARSONS: Your camera?

5 MR. MOY: My camera is right behind you,

6 so --

7 MR. PARSONS: Oh. Oh, okay.

8 MR. MOY: That would be lovely. Thank

9 you.

10 MR. PARSONS: All right. Let me just --

11 CHAIRPERSON MOLDENHAUER: Sir, you have

12 to make sure that you have the microphone up and

13 on, so that you're always on the record.

14 MR. PARSONS: Thank you.

15 CHAIRPERSON MOLDENHAUER: I don't believe

16 it's on yet.

17 MR. PARSONS: All right.

18 CHAIRPERSON MOLDENHAUER: I think you got

19 it. Okay.

20 MR. PARSONS: Let me just acquaint you a

21 little bit with our neighborhood and Rumsey

22 Court.

1 To the north, which this is at the top,
2 we have the Madison Annex to the Library of
3 Congress. Over here, opposite 1st Street, is the
4 Cannon Office Building. We have the Capitol
5 South Metro stop right here. This is the
6 Republican National -- this is the Capitol Hill
7 Club, and the Republicans control that as well as
8 this right here. This is the office building
9 that they're referring to.

10 Now, my wife and I live at 129 C Street,
11 right here, and the Lesters live at 117 C Street,
12 right here.

13 Alas, the Lesters and the Parsons are the
14 only families in the block, okay? The rest of it
15 has -- right, for example, at 139, you have the
16 Traditional Values Coalition, the Pentecostal
17 Church of Boise, Idaho. I don't think anybody in
18 this room has not heard of 133 C Street, which is
19 the Cedar Foundation. It's where Mr. -- Senator
20 Coburn and Mark Sanford all have -- and Senator
21 Ensign had all at one time lived.

22 Tony Podesta, the lobbyist, has just

1 bought 131 for his fund-raisers. He's right next
2 to us.

3 There is an Internet group called Taoti
4 that owns 127.

5 125 is a group house. 123 is a group
6 house. 121 or 119, one of the other, is the
7 Coalition for Christian Home.

8 We have the Lesters and one -- and next
9 door to the Lesters, I'm not sure what lobby
10 group is there, but there are -- perhaps that's
11 the one where it's a group house and that six
12 fellows live.

13 But what we have experienced over the
14 last 30 years is sort of a creeping
15 commercialism, if you will, but of concern to us
16 is the alley or Rumsey Court. It's not your
17 typical alley.

18 On each morning, there are trash trucks.
19 There are refrigerated food trucks that pull in
20 to offload their food for the Republican National
21 Committee. The trash trucks come here. When
22 you're in that alley, there's only three ways

1 out: the 15-foot exit onto the 100 block of C,
2 the 15-foot exit onto the 100 block of D, and
3 working your way past the parking spaces and past
4 the Republicans out to D Street at this place.
5 The Republicans have blocked off this area right
6 here.

7 I bring all this up because there are
8 people that reside back there. Each one of these
9 is a separate lot and square. This, which they
10 referred to earlier that my wife and I own, is a
11 lot and square, and the only building that is a
12 two-story building with an apartment is at the
13 back of 115, and it predates 1958 when the Zoning
14 Regs came in. So it's really a monument to the
15 need for zoning in a block that's as active --
16 it's really a beehive of activity in the mornings
17 and throughout the day, really.

18 The problem that I have with the Lesters
19 -- and I sure don't want to lose them, because
20 I'd like to have more families in the block, but
21 this aggravates an already-overcrowded situation.
22 If they build in this right here and match up to

1 the apartment building right here, I said at the
2 Restoration Society meeting, there will be a
3 stampede of everybody else wanting to put two-
4 story -- a second-story apartment or fill in
5 their block area right here with two-story
6 apartments, because, quite frankly, as close in
7 as we are and having the Metro there and having
8 Congress right over here, this is a magnet for
9 lobbyists and uses like that.

10 Now, Mr. Lester at the hearing said,
11 "Well, you know, that's speculative," but I've
12 got applications that were made for 127 sometime
13 ago that were denied seeking essentially the very
14 same sort of structure that the Lesters seek now.

15 This is -- if this structure is granted
16 and they go up vertical two floors, Mr. Wall,
17 were he here, would tell you that the people in
18 that apartment would be looking into his second
19 floor. It would obstruct his light, his privacy.

20 This -- I like the Lesters. I like their
21 children. I think it's great. I'd love to have
22 this as a residential area, stay that way, but if

1 this gets developed up, zoning is forever. And
2 the Lesters are not going to live there forever.
3 None of us are going to live in these blocks
4 forever, but whenever they move, if they -- it's
5 always going to be much more dense, much higher,
6 and this little -- these nice little muse houses
7 here are going to suffer, because I assure you,
8 just as Ms. Fuchs applied and was denied a
9 second-story apartment at 127, the people who own
10 these group houses or lobby groups, it's just an
11 invitation. So we strongly oppose this.

12 As far as a special exception, my wife
13 and I got to build a second-floor apartment here.
14 This is a structure that's 25-feet wide, 35-feet
15 deep, and the only exception we needed was that
16 there was a problem as far as ambulance and
17 emergency vehicles coming up a 15-foot-wide
18 alley. This is a very -- a much, much larger
19 building, and putting an apartment on a second
20 floor, that wasn't even -- we could do that as a
21 matter of right if we could satisfy you folks,
22 and did, that this did not pose a problem as far

FOURTH SECTION

4

OF

SECTIONS

(4 of 4)

1 as emergency vehicles.

2 So those are my points. This is -- this
3 will aggravate an already-overcrowded situation.

4 CHAIRPERSON MOLDENHAUER: Thank you very
5 much, Mr. Parsons, for coming down.

6 Do any Board members have any questions
7 for Mr. Parsons?

8 [No audible response.]

9 CHAIRPERSON MOLDENHAUER: Seeing none, I
10 appreciate you coming down and presenting the
11 information today.

12 Is there any additional individuals that
13 are in support or --

14 MR. JORDAN: If I can, let me make sure
15 I'm clear.

16 CHAIRPERSON MOLDENHAUER: Can you put
17 that on the record?

18 MR. JORDAN: Let me make sure I'm clear.

19 You say that you have a rental unit back
20 there. Is that what that spot is?

21 CHAIRPERSON MOLDENHAUER: You need to
22 have your mic on, sir.

1 MR. PARSONS: Thank you.

2 Yes, sir. My wife and I just got our C
3 of O for our -- found out that a C of O was
4 actually not required for 124 D Street, S.E.,
5 Rear, which is a separate lot and square from the
6 rear of 124 D Street.

7 MR. JORDAN: Okay, thank you.

8 CHAIRPERSON MOLDENHAUER: Any additional
9 questions from any Board members?

10 [No audible response.]

11 CHAIRPERSON MOLDENHAUER: Is there any
12 additional comment -- individuals here in support
13 or in opposition of the case?

14 MR. PETERSON: My name is Gary Peterson.
15 I live at 810 Massachusetts Avenue, N.E., and if
16 you don't have my address memorized by now,
17 there's something wrong with you.

18 I'm Chairman of the Capitol Hill
19 Restoration Society's Zoning Committee, and the
20 Zoning Committee voted unanimously to oppose this
21 application.

22 I have a letter that I would like to

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1 submit right now.

2 CHAIRPERSON MOLDENHAUER: If you could
3 please provide it to Mr. Moy, and he'll
4 distribute that for us. Thank you.

5 [Pause.]

6 MR. PETERSON: The primary reason for our
7 objection is we do not believe that this type of
8 connection, a trellis, is a legitimate connection
9 between the house and the garage, and we base it
10 on the fact that it really doesn't meet the
11 definition of a building or a structure.

12 If you look at the definition of a
13 "structure," which I think you have to have to
14 make a connection, it says that the building must
15 have a roof supported by walls for shelter,
16 support, or enclosure of persons, animals, or
17 chattels, and we don't think this trellis meets
18 that test.

19 The other thing is that there really
20 isn't any basis for needing more space here. If
21 you look at the Applicant's own plans you have in
22 front of you, on the first page, C-1, it shows

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1 the square footage on the property, on the left-
2 hand side, and because of the topography of this
3 building, the cellar or basement, that I call it,
4 is actually at the ground level in the rear, and
5 there's a door and a window facing the rear. And
6 then in the open court, also, on the west side of
7 the property, there are basement windows.

8 So the property currently has 3,000
9 square feet in it. With the addition to the main
10 house, it will have 3,446 square feet, and left
11 off their calculation was the 500 square feet on
12 the second floor of the garage, which would bring
13 the square footage of this property up to nearly
14 4,000 square feet.

15 I can think of only two other cases in
16 Capitol Hill where a connection between the main
17 building and the accessory building was allowed.

18 In both those cases, the Restoration Society
19 supported those because we believed -- even
20 though it was for a special exception, we
21 believed that they would have met the test for a
22 variance if they had applied.

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1 They were both extremely small
2 structures. One was a one-bedroom, two-story
3 house, if you can imagine how small that was,
4 with a horse trot walk on one side, and the other
5 was a shotgun house that was a one-story shotgun
6 house that basically had one bedroom and a bath
7 and a living room. And we felt that developing
8 the accessory building at both of those cases,
9 since they were in the historic district, was an
10 appropriate function, and we thought that they
11 could qualify, given the oddities of the building
12 on the property, for a variance.

13 We are terribly concerned that granting
14 this particular application will have a serious
15 impact on the historic district, and we believe
16 that this actually falls in the category of doing
17 damage to the general purpose, intent of the
18 Zoning Regulations and the Zoning Map. I think
19 this does absolute violence to it by allowing
20 this within the Capitol Hill Historic District.

21 CHAIRPERSON MOLDENHAUER: Thank you very
22 much, Mr. Peterson.

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1 Are there any questions from Board
2 members?

3 [No audible response.]

4 CHAIRPERSON MOLDENHAUER: Seeing none,
5 thank you so much for coming down.

6 At this point in time, we will turn to
7 the office of planning for their report.

8 MR. JESSICK: Thank you, Madam Chair and
9 members of the Board. Again, my name is Matt
10 Jessick.

11 The Office of Planning recommends
12 approval of this application. The application
13 meets all standards of Section 223. It will not
14 unduly impact light, air, or privacy, and the
15 addition would be in keeping with the character
16 of the surrounding built environment.

17 I want to clarify a couple points. One,
18 the trellis issue, the Board and the Zoning
19 Administrator have previously accepted these
20 sorts of trellises as constituting meaningful
21 connections between structures, such that as in
22 this case, the garage becomes an addition to the

1 main house.

2 Secondly, the use, because the second
3 dwelling unit is now within the same structure,
4 it becomes a flat. A flat is a permitted use in
5 the R-4 zone.

6 So, again, Office of Planning recommends
7 approval of the application, but I'd be happy to
8 take any questions.

9 CHAIRPERSON MOLDENHAUER: Mr. Jessick,
10 you indicated that there is precedent for the 51
11 percent -- we just actually recently had a case
12 where we're talking about this trellis issue and
13 a meaningful connection. We asked for a briefing
14 from that, but in that case, there was actually,
15 I think, a formal roof that was being put on, a
16 metal roof.

17 I haven't seen one where there's actually
18 just simply a trellis, where you're talking about
19 a 51-percent coverage. In that regard, you said
20 that there was precedent. Do you have a case for
21 that, that provides case precedent?

22 MR. JESSICK: I believe there was a case

1 recently, but you may know better than I. Maybe
2 we are referring to the same case.

3 CHAIRPERSON MOLDENHAUER: There has not
4 been a case in the last 3 years that has to do
5 with a trellis covering. The only ones we've had
6 actually have had a formal metal roof on them.
7 So I don't know any that have actually had a
8 trellis covering.

9 MR. JESSICK: I know there have been
10 cases in the past, and I can find those, if the
11 Board would like.

12 CHAIRPERSON MOLDENHAUER: That is my
13 question here. I mean, the only difference that
14 I see from some other cases that we have had are
15 -- this isn't a formal roof structure, a metal
16 structure that's actually kind of satisfying
17 maybe some of the standards, or maybe it does,
18 maybe it doesn't. I'm just trying to look at
19 that issue right now, and so that would be one of
20 my questions as to where this at least 51-percent
21 coverage concept came from.

22 Maybe Ms. Fowler can address that in a

1 moment, but let me see if there's any other
2 questions from Board members.

3 MR. HOOD: Madam Chair, I would agree. I
4 would like to know what was -- I do know of that
5 subject matter about the trellis, making it one
6 structure. That issue has come up before, and I
7 do know it's been over 3 years. I can't remember
8 what the Board did at that time. So, if we could
9 research that -- okay. If we can figure out --
10 I'd just like to be consistent and figure out
11 what the Board did at that time. I do know this
12 was an issue. I just can't remember what
13 decision the Board made at that time.

14 Thank you.

15 CHAIRPERSON MOLDENHAUER: Are there any
16 additional questions from the Board for the
17 Office of Planning?

18 [No audible response.]

19 CHAIRPERSON MOLDENHAUER: Is there any
20 questions of the Applicant of Office of Planning?

21 MS. FOWLER: No specific -- I just wanted
22 to clarify the trellis.

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1 I do have a ruling from the Zoning
2 Administrator that was issued April 27th, 2010,
3 for 1020 Monroe Street, N.W., and this is
4 something I received from Holland & Knight, that
5 they --

6 CHAIRPERSON MOLDENHAUER: 1020 Monroe?

7 MS. FOWLER: Yeah. And it's --

8 CHAIRPERSON MOLDENHAUER: That's a large
9 commercial building that's going to be
10 condominiums.

11 MS. FOWLER: Right. But it specifically
12 talks about the trellis and Matt Le Grant kind of
13 explaining what his -- his opinion is about what
14 a trellis -- or what the connection should
15 entail. I'm not sure if --

16 CHAIRPERSON MOLDENHAUER: That's not even
17 in the same -- I mean, sorry. I do know that
18 property from a personal perspective in my
19 personal business capacity.

20 MS. FOWLER: Okay.

21 CHAIRPERSON MOLDENHAUER: And I just
22 don't see how that project has probably -- I'd

1 like to see that report, but that project is
2 completely different, in my mind, than what we're
3 talking about in a row dwelling. But I think
4 that that would be helpful maybe to see that
5 opinion letter and have all the Board members
6 review it.

7 MR. HOOD: Yeah. But I think, Madam
8 Chair, we need to have apples and apples.

9 CHAIRPERSON MOLDENHAUER: Yeah.

10 MR. HOOD: The case that I'm looking for,
11 I know specifically is exactly dealing with this
12 same specific case, so I know there's a precedent
13 out there. I'm just not sure what the final
14 decision was made.

15 CHAIRPERSON MOLDENHAUER: Similar
16 circumstances.

17 MR. HOOD: Right.

18 CHAIRPERSON MOLDENHAUER: I would be
19 interested to see the April letter from the ZA
20 about 1020 Monroe, but at the same time, I think
21 that that might -- the factual circumstances may
22 be different, just knowing what I know about that

1 project.

2 MS. FOWLER: We are also happy to do a
3 full covered roof if that -- I mean, whatever
4 kind of wording you want to put on the order as
5 far as a coverage is fine with us. We're not
6 going to, you know -- but I think -- should I
7 hand this up to --

8 CHAIRPERSON MOLDENHAUER: If you have --
9 you only have a single copy of it? If you can
10 hand that up, and we'll have to get copies. I
11 think the Board is going to have to review this,
12 anyway. So I don't think we'll be looking at a
13 bench decision today, anyway. So we'll make
14 copies of that and provide that to the Board.

15 Are there any other questions either of
16 the Applicant or the Office of Planning?

17 MR. LESTER: Can -- if you're going --

18 CHAIRPERSON MOLDENHAUER: I'm sorry. Let
19 me just -- we have to go through some additional
20 procedural issues.

21 Is there anybody present from ANC-6 -- I
22 think it's 6C -- 6B? I know we're in the 6s

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1 today.

2 [No audible response.]

3 CHAIRPERSON MOLDENHAUER: Seeing no one
4 present from 6B, we do have a letter in our
5 record which is Exhibit 30, which indicates that
6 at a regularly called and properly noticed
7 meeting that ANC-6B met on October 11th with a
8 quorum present, and that 6B voted unanimously 8
9 to 0 to 0 to support the application presented.
10 So this is -- this letter would receive great
11 weight.

12 We also have a letter from the Assistant
13 to the Architect of the Capitol indicating that
14 this application is not inconsistent with the
15 goals of the CAP Plan.

16 That being said, at this point in time, I
17 would turn back to the Applicant for any closing
18 remarks.

19 MR. LESTER: If I might, I'd like to
20 address a couple of things that were said.

21 As Mr. Parsons noted, he was here just
22 approximately 2 years ago seeking a variance to

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1 allow a rental unit in the garage that he pointed
2 to in the rear of his yard.

3 I know he has expressed a couple of
4 points. One is the activity in Rumsey Court. I
5 mean, I generally think that's a good thing.
6 Activity is a good thing. It deters crime. It
7 enlivens the street. Certainly, his unit adds
8 and contributes to that.

9 I would say just in terms of traffic, we
10 now have a two-car parking pad. We would be
11 going down to one. So, if anything, there would
12 be fewer cars on Rumsey Court, if only for our
13 one-car spot being eliminated by this.

14 The other thing, I know he's raised a
15 concern of precedent. I've learned a little bit
16 through this process. One of the things that I
17 learned is that there is -- you know, precedent
18 is -- every case needs to stand on its own.
19 We've gone through a long and -- a long process,
20 and the facts are evaluated of every case.

21 I would point out that his case in July
22 of '09, Mr. Parsons sought to use precedent in

1 securing his variance for his unit. The Office
2 of Planning opposed their application for a
3 variance, but what he sought to do was reference
4 another case that Office of Planning had opposed
5 and saying, "Well, Office of Planning opposition,
6 there is precedent for the Board approving cases
7 where there's been Office of Planning -- has
8 opposed it."

9 And Mr. Goldstein at the time said,
10 "Well, we do not like to talk about things in
11 terms of precedent. Each case, we like to say
12 kind of rises and falls on its own particular
13 circumstances," and that's certainly been our
14 case and the way we want to be evaluated.

15 I haven't read the Capitol Hill Historic
16 Society letter. I will say the e-mail, when they
17 voted to oppose our application, he noted, "I
18 would suggest to the Applicant that he
19 reconsiders what he wants to accomplish. He
20 could have his addition and build a traditional
21 garage with a mezzanine. If he wants a rental
22 unit, it can go in the basement," and again, our

1 preference is not to put a rental unit in our
2 basement. And we think it's more appropriate,
3 given the other nine dwelling units on Rumsey
4 Court that it be there.

5 MS. FOWLER: Yeah. Just a few other
6 comments as far as Mr. Parsons' concerns. I just
7 wanted to make sure we are focusing on the
8 special exception aspects. It's light, air,
9 privacy, use, and enjoyment.

10 Mr. Parsons is six doors down, so we
11 really don't feel like we're impacting his
12 property, and I feel like the creeping
13 commercialism and the issues with trash trucks
14 and limited access, those are outside of this
15 case. And I think regardless, we're improving
16 the situation. We're going to take the trash off
17 the alley.

18 We are designing what I think is a very
19 nice-looking brick garage that is going to look
20 historical and keeping with the other structures
21 on the alley. We're within the heights of
22 similar structures on the alley.

1 I think overall, it's going to be an
2 improvement, including to the people that live on
3 Rumsey Court that are looking -- currently,
4 they're looking at just a gap between two garages
5 with trash cans that ends up, you know, with
6 litter and all kinds of things.

7 So I just want to focus on the light and
8 air issues rather than the precedent or whether
9 or not this alley should be taken over by
10 lobbyist groups.

11 And we also have the precedent that was
12 provided to us by Mr. Jessick for a case at 654
13 Independent Avenue that was supported, very
14 similar project that came in with the intent of
15 doing a two-story garage and revised their
16 application with a meaningful connection and were
17 approved.

18 Regarding Mr. Peterson's comments, again,
19 I think Mr. Jessick has addressed his concerns
20 regarding the trellis, and that this is a
21 legitimate connection.

22 We are completely flexible in what this

1 trellis looks like, and I assume that Matthew Le
2 Grant would have the final say on what he
3 constitutes coverage.

4 Regarding the space needs of the house,
5 the fact that it's 4,000 square feet, I feel like
6 that's a very subjective thing. You know,
7 everybody has different needs, and the Lesters
8 would love to stay on the Hill and raise their
9 kids there, and they could use the extra space.
10 So, again, I feel like that's something that
11 shouldn't factor into this application.

12 And Mr. Peterson is also applying
13 variance tests to our case. Again, this is a
14 special exception under 223. Those concepts do
15 not come into play in this case.

16 Lastly, I think we are not impacting the
17 historic district in a negative way. We are
18 going to build something that's very much in
19 keeping. We have support of Historic
20 Preservation. They have seen the revised plans
21 and have no issue with it.

22 We also have L'Enfant Trust. The house

1 has an easement on it, and they have offered
2 support. In fact, they asked that we make the
3 addition out of brick on the house, and so we did
4 that. We made that change.

5 And Fine Arts is also aware of the
6 project and has not raised any concerns.

7 Thank you.

8 CHAIRPERSON MOLDENHAUER: Thank you.

9 I think at this point, I think that
10 obviously the Board would like some time to
11 review this submission to take a look and see if
12 there are any cases. Chairman Hood indicated he
13 does potentially remember some cases from a
14 couple of years ago, and I think that we would
15 like to just take a look at that issue in
16 general, and I think we should also potentially
17 leave the record open for any submission from Mr.
18 Wall since there were some conflicting statements
19 in regards to potentially what is or is not his
20 opinion in the case.

21 And I think his properties are more
22 within the zone of impact in regards to a 223

1 standard. I do think it would behoove the Board
2 to at least leave the record open to provide him
3 some time, if he obviously deems it necessary, or
4 if either of the parties here today want to
5 encourage him to submit a letter, obviously that
6 is something that we will look at.

7 Is there anything else Board members
8 would like to see if we leave the record open to
9 provide any clarification before we deliberate on
10 this case?

11 VICE-CHAIRPERSON SORG: Madam Chair,
12 thank you.

13 I don't think I necessarily need to see
14 anything in particular from the Applicant, but I
15 think my feeling would be that if we are leaving
16 the record open in a way that allows the
17 neighbors to submit any materials, that I maybe
18 would suggest that we leave the record open for
19 the Applicant also to submit any other supporting
20 documentation, maybe, you know, looking at the --
21 you know, more closely at the second prong of the
22 -- of the 223, perhaps graphically.

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1 CHAIRPERSON MOLDENHAUER: And just since
2 you mention that issue, I just want to make sure
3 that -- Ms. Fowler, you did identify that this is
4 a 223, and we definitely agree with that, but the
5 third prong of 223 is quite broad. And there are
6 issues in regard to the commercial use, the
7 traffic, things like that, that can come into
8 play in that regards and our evaluation under the
9 third prong regarding whether the public good and
10 things to that effect. So we will leave the
11 record open for anybody to address those issues.

12 So we won't close the record at all. I
13 won't specifically leave the record open for
14 anything specific, but what we will do is -- I
15 think we have -- we have a public hearing for
16 decisions scheduled for November 8th, which gives
17 everybody then a full 2 weeks, I think, to get
18 any additional information into our office, which
19 I think should be sufficient time.

20 So put this down for deliberation on
21 November 8th, and we will ask that any additional
22 submissions be into our office by November 4th.

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1 So this case will be put on the Decision
2 Calendar with the record being left open. Thank
3 you very much.

4 MR. LESTER: Thank you.

5 MS. FOWLER: Thank you for your time.

6 CHAIRPERSON MOLDENHAUER: Thank you.

7 And that concludes our cases for this
8 morning. We will reconvene at one o'clock for
9 our afternoon cases. Thank you.

10 [Luncheon recess taken from 11:31 a.m. to
11 1:15 p.m.]

12 CHAIRPERSON MOLDENHAUER: This hearing
13 will please come to order. Good afternoon,
14 ladies and gentlemen. We are located in the
15 Jerrily R. Kress Memorial Hearing Room at 441 4th
16 Street, N.W. This is October 25th, 2011, Public
17 Hearing in the Board of Zoning Adjustment for the
18 District of Columbia.

19 My name is Meridith Moldenhauer,
20 Chairperson. Joining me today to my left is
21 Vice-Chairperson Nicole Sorg, Mayoral Appointee.
22 To her left is representative of the Zoning

BZA NOTICE OF CLOSED RECORD IN ADVANCE OF DECISION

Case No. 18263 Hearing Date: 10/25/11

☐ The record for this case has been closed in advance of the decision meeting.

☒ The record for this case has been closed in advance of the decision meeting, except for the following information:

1. Post-hearing statement - explanation of 'hellis' N/A
Item Date Due (if applicable)

2. Confirmation of Zol interpretation of 'communication' N/A
Item Date Due (if applicable)

3. Written opposition statement from Walls N/A
Item Date Due (if applicable)

4. Supplemental statements from applicant in response to objections from neighbors N/A
Item Date Due (if applicable)

Please note, per Title 11 DCMR – Zoning Regulations:

3121.5 The record shall be closed following the public hearing, except that the record may be kept open for a stated period for the receipt of specific exhibits, information, or legal briefs, as may be directed by the presiding officer.

3121.6 The Board shall allow all parties to a case an opportunity to file written responses to any exhibits, information, or briefs submitted after the close of the hearing.

3121.7 Written responses shall be filed within seven (7) days after the date by which the exhibits, information, or briefs were due, unless otherwise directed by the presiding officer.

3121.9 Any material received by the Board after the close of the record that bears upon the substance of the appeal application shall be returned by the Director and placed into the files of the Board.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18263

EXHIBIT NO. 37

PLAINTIFF'S
EXHIBIT

5