

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

**SUPPLEMENTAL POINTS AND AUTHORITIES
IN SUPPORT OF 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 supplement their Motion for Reconsideration filed on November 23, 2011. Respondents timely moved the Board for reconsideration of its Summary Order dated November 17, 2011 issued in the above captioned case.

At its November 8, 2011 Hearing, the Board stated that, in its deliberations, it would not consider the submissions filed within the November 4, 2011 deadline it set at the October 25, 2011 proceedings. See **Exhibit A**, attached transcript of November 8, 2011, page 35. The Board expressly refused to consider Exhibit 38 (Opposition to Applicant's Request for Special Exception), Exhibit 39 (CHRS additional information), Exhibit 40 (Applicant's additional information) and Exhibit 42 (letter from Applicant's architect.)

Respondents have previously attached a copy of the transcript of the October 25, 2011 Hearing which demonstrates that the Board specifically left the record open for submissions on the trellis issue, and scheduled a deadline for filing papers on or before November 4, 2011. At the October 25, 2011 Hearing, the Board had expressed uncertainty on the trellis issue and had not been briefed by the Office of Planning. The trellis issue was squarely before the Board on whether Applicants

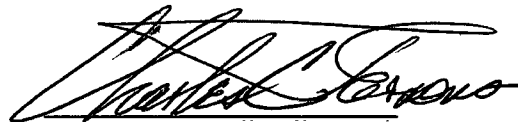
were required to submit proof for a variance, rather than a special exception. Since the present application involves a "row dwelling," the Board's desire for a full exploration of the thorny trellis issues was fully warranted.

It is illuminating, but not dispositive, that the Office of Planning took a position opposing just such a trellis artifice involving a single-family detached dwelling unlike the row dwelling here. The Office of Planning went on record seeking the removal of a trellis, which was a fiction for purportedly connecting two separate structures to underpin a claim for relief under Section 223. See **Exhibit B**.

Here, the record reflects that the Board scheduled the November 8, 2011 proceeding to review and consider the submissions that it had invited to be filed before November 4, 2011. The Board should have considered the trellis issue in the context of the row dwelling status of the Applicant's property. Had this analysis occurred, the applicants were clearly required to submit substantial evidence to meet the burden of proof for a variance, and not a special exception.

WHEREFORE, Respondents pray that the Board: 1) grant Respondents' Motion for Reconsideration, 2) vacate its November 17, 2011 Order and 3) schedule a full hearing on the merits of the trellis issue in the context of this Application.

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

CERTIFICATE OF SERVICE

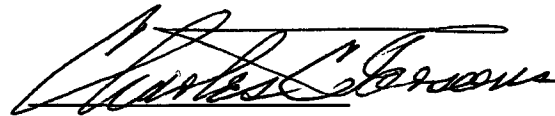
I HEREBY CERTIFY that a copy of the foregoing was mailed, postage pre-paid, this

30th 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



Charles C. Parsons

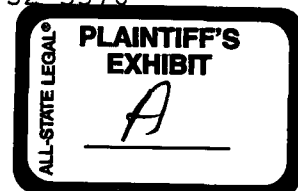
GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning
Board of Zoning Adjustment

PUBLIC MEETING & PUBLIC HEARING
OF THE BOARD OF ZONING ADJUSTMENT

Tuesday, November 8, 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
KONRAD SCHLATER, Zoning Commission

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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1 Recyclers. Second the motion, Mr. Hinkle. Also
2 in support of the motion, Ms. Sorg and Mr.
3 Jordan. No other Board members participating.
4 So again, the final vote is 4 to 0 to 1. The
5 motion carries.

6 Application No. 18263

7 MR. MOY: The next application for Board
8 action is Application No. 18263. This is of
9 Stephanie and John Lester, pursuant to 11 DCMR.

10 I'm going to read the final caption of
11 this application that has been amended, Madam
12 Chair.

13 So this is pursuant to 11 DCMR 3104.1 for
14 a special exception under Section 223 to allow a
15 two-story addition to an existing one-family row
16 dwelling and to construct a two-story accessory
17 garage not meeting lot occupancy, Section 403
18 requirements, as well as special exception relief
19 from the rear yard, Section 404, and open court
20 width requirements under Section 406.

21 On October 25th, 2011, the Board
22 completed public testimony, closed the record,

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1 and scheduled its decision on November 8th. The
2 Board requested additional information to
3 supplement the record by November 4th, 2011.

4 That filing from the Applicant, Madam
5 Chair, is identified as Exhibit 38 -- rather
6 Exhibits 39 and 40 in your case folders. The
7 Applicant subsequently has also filed additional
8 documents identified as Exhibit 41 and 42.

9 Moreover, as a possibly preliminary
10 matter, there is also a filing from neighbors,
11 Charles and Susan Parsons, who testified on
12 October 25th, 2011. That filing, Madam Chair, is
13 identified as Exhibit 38.

14 Other than the preliminary matters, Madam
15 Chair, the Board is to act on the merits of the
16 special exception relief under Section 223, not
17 meeting the lot occupancy, rear yard, and open
18 court width requirements.

19 That completes Staff's briefing, Madam
20 Chair.

21 CHAIRPERSON MOLDENHAUER: Good morning.
22 We are here to talk about this application which

1 is now for special exception relief under 223 to
2 construct an addition to an existing attached
3 dwelling at 117 C Street, S.E.

4 This is an application where there is a
5 trellis connecting a single-family row dwelling
6 to a rear structure where they are then going to
7 provide not an accessory structure, but rather a
8 second story to an existing premises and just ask
9 for the ability to increase the lot occupancy
10 from 60 percent allowance to 70 percent proposed.

11 Here, the Applicant has gone through, and
12 I think they have Office of Planning support.
13 They have support -- oh, sorry. Before I -- I'm
14 jumping in here way before. I need to address a
15 couple of issues.

16 First thing is that we are not -- we
17 specifically left the record open only for one
18 document, and that was something from Mr. Walls
19 who there were different testimonies as to
20 potentially what his perspective was on this
21 request that was being submitted and this relief
22 that was being submitted.

1 We received Exhibit 38, 39, 40, and 42,
2 all addressing unrelated issues and just
3 providing additional submissions. We
4 specifically at the end of each hearing indicate
5 to all parties that we are not accepting anything
6 and the record will be closed except for material
7 that is specifically requested by the Board. So
8 this is just for the public as well.

9 When we indicate that, that means that
10 the record is closed. If you want to submit
11 something additionally, one, you have to ask for
12 a request. You have to provide a reasonable
13 explanation as to why you're submitting that.

14 The information that was submitted was
15 not that which we -- for which we left the record
16 open, so we are going to not review that
17 information and not consider that as part of our
18 deliberation for today.

19 That being said -- so that was a
20 preliminary issue I want to make sure everyone is
21 clear on. The next issue is actually going
22 forward and addressing the merits of the case.

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1 The merits of the case, as I indicated, are for
2 223. The 223 standard has to do with evaluating
3 the issue of light and air to neighboring
4 properties, privacy use and enjoyment of
5 neighboring properties, and whether or not there
6 is going to be any potential substantial impact
7 on the view from the streets and alleys or public
8 ways in regards to the character, scale, or
9 pattern of the homes along the street frontages
10 of that property.

11 In this case, since we have letters of
12 support from the neighbors and from the Capitol
13 Hill Restoration Society in regards to their
14 direct neighbors' light and air, we did hear, I
15 think, extensive testimony. We permitted Mr.
16 Parsons, who is present, to provide testimony
17 about some negative impacts on the enjoyment of
18 the street in regards to potentially increased
19 transportation, increased access. There was
20 also, I think, the argument of a slippery slope
21 argument where if this is permitted, then there
22 may be other individuals that are going to seek

1 additional relief to this degree.

2 And while I credit his testimony, I
3 believe that he's lived there for a long period
4 of time, he has a good handle on what's going on
5 in that area, I do think that, that being said, I
6 don't think that, one, his property location is
7 not specifically adjacent to this application.
8 So his concerns do not go specifically to any
9 light and air of neighboring properties, as
10 required under 223.2(a) or the -- also the factor
11 of 223.2(b) also goes to neighboring properties.
12 And whereas he is further down the block and on
13 the other side of the alley/street, then I don't
14 also see -- and I give Office of Planning and
15 their evaluation indicating in their report that
16 the privacy would not be unduly compromised. And
17 again, it has to be unduly potentially
18 compromised, not just affected. I do think that
19 this will affect potentially the use of the
20 alley, but I don't think that it will unduly
21 compromise that.

22 I think that there already is a high

1 level of traffic in that area, based on some of
2 the other commercial uses at the end of that
3 street, such as the Republican National Committee
4 building, and I think that there are -- there's
5 already a feeling of residences having -- there's
6 dwellings on that street as well, and so I think
7 that that being said, I think that this
8 application satisfies the lower standard of the
9 223 and will hopefully contribute to the area and
10 will provide some relief to a local resident on
11 that block. I think that was identified by both
12 Mr. Parsons and by the Applicant that there were
13 a fewer number of residents on that street, and
14 that this obviously is a positive, and I think
15 it's a positive for the city as well. I think
16 that is something that may not actually have to
17 be the standards but something that was just
18 identifying.

19 That being said, we have ANC support of
20 this application as well, and I would support the
21 application.

22 I'll open it up for any additional

1 deliberation from Board members.

2 VICE-CHAIRPERSON SORG: Madam Chair,
3 thank you very much.

4 I agree with your analysis, completely
5 actually, and there's just a couple of things
6 that I would both reiterate and add.

7 I would agree that, you know, this is a
8 named alley and is an active area on Capitol
9 Hill, an active alley, and that the flat or the
10 addition that the Applicant is proposing here
11 would, as you said, contribute to the sort of
12 residential/commercial balance and putting it
13 back to where, I think, the zoning wants it to
14 be, a little bit more in this area.

15 I think also with regard to the question
16 of the meaningful connection in the trellis, this
17 is a certified -- self-certified application, and
18 the Applicant certifies that the connection here
19 is meaningful as per, you know, what our
20 precedential standard has been, and it's up to
21 the ZA and the, you know, correct agencies, DCRA,
22 to judge whether or not that standard is being

1 met.

2 So I agree. I would be in support of the
3 application.

4 CHAIRPERSON MOLDENHAUER: Any additional
5 deliberation from Board members?

6 [No audible response.]

7 CHAIRPERSON MOLDENHAUER: Seeing none,
8 then I will submit a motion, a motion to approve
9 Application 18263 for relief under 223 to
10 construct an addition to an existing attached
11 dwelling at 117 C Street, S.E., under Section 403
12 lot occupancy, 404 rear yard, and 406 court width
13 requirements.

14 A motion has been made. Is there a
15 second?

16 VICE-CHAIRPERSON SORG: Second.

17 CHAIRPERSON MOLDENHAUER: Motion has been
18 made and seconded. All those in favor, say
19 "aye."

20 [Chorus of ayes.]

21 CHAIRPERSON MOLDENHAUER: Mr. Moy, if you
22 can read back the vote.

1 MR. MOY: Yes, Madam Chair.

2 Before I read the final vote, we do have
3 another member on the Board who participated in
4 this application, who is Mr. Anthony Hood, and
5 his absentee vote is to approve the application.
6 So that would give a final vote of --

7 CHAIRPERSON MOLDENHAUER: Thank you very
8 much, Mr. Moy. Seeing that --

9 MR. MOY: Well, I haven't read the -- I
10 haven't read the vote yet.

11 CHAIRPERSON MOLDENHAUER: Oh, sorry. I
12 was having a side conversation. Sorry. Go
13 ahead.

14 MR. MOY: Yeah, I'm sorry. That would
15 leave a final vote of 5 to 0 to 0. This is on
16 the motion of Ms. Moldenhauer, Chairperson, the
17 approve the application, special exception 223,
18 not meeting relief under 403, 404, and 406.
19 Second the motion, Ms. Sorg. Also in support of
20 the motion, Mr. Jordan and Mr. Hinkle and Mr.
21 Hood, who submitted an absentee vote to support
22 the application. Again, the vote is 5 to 0 to 0.

1 The motion carries.

2 CHAIRPERSON MOLDENHAUER: Now I'm up.

3 Okay. Thank you very much, Mr. Moy, and we will
4 ask that since there are no -- we had an
5 individual in opposition to this case. We had no
6 actual party status, parties in opposition to
7 this case. So we'd like to ask that our
8 conditions be waived and that a summary order be
9 issued.

10 MR. MOY: Yes. Thank you, Madam Chair.

11 Also for the record, for the Staff
12 anyways, Madam Chair, when you listed filings not
13 to be accepted into the record, you said Exhibit
14 No. 40, and that was actually the Applicant's
15 submission, which was okay. No?

16 CHAIRPERSON MOLDENHAUER: I didn't -- I
17 closed the record for everything.

18 MR. MOY: For everything.

19 CHAIRPERSON MOLDENHAUER: Yes.

20 MR. MOY: Okay, very good.

21 Application No. 18250

22 MR. MOY: The next application before the

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

D.C. OFFICE OF PLANNING
2005 JUN 1 - 7 PM 5:00

MEMORANDUM

TO: Board of Zoning Adjustment of the District of Columbia

FROM: *JS fv*
Ellen M. McCarthy
Interim Director

DATE: May 25, 2005

SUBJECT: BZA Application 17331 - Request filed by Holland & Knight for a special exception to permit a building addition to the rear of an existing single-family detached dwelling, for 1229 E Street, S.E., proposed by JPI Apartment Development, LP

APPLICATION

Application of JPI Apartment Development, LP:

Special exception relief pursuant to § 223 of Title 11 DCMR to permit the construction of a building addition to the rear of an existing single-family detached dwelling not in conformance with §§ 405.3, Side Yards, 406.1, Minimum Width of Open Court and 2001.3, Nonconforming Structures Devoted to Conforming Uses

for property located on the south side of E Street, S.E., between 12th Street and 13th Street, Square 1019, Lot 816.

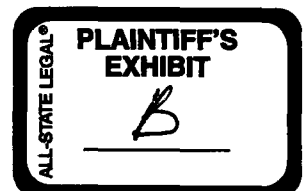
SUMMARY RECOMMENDATION

The Office of Planning is very concerned about using a trellis to connect two separate structures in order to apply for relief under Section 223. Such an application does not meet the intent of Section 223 and will open the door for multiple buildings on a lot that should either not be approved, or when applicable should be considered under Section 2516, Exceptions to Building Lot Control. Therefore, the Office of Planning recommends that the design be amended to remove the trellis and either:

- Directly connect the two dwellings as one structure; or
- Attach the two dwellings with a connection that meets the definition of building under § 199.1.

BZA

Case No. 17331
Exhibit No. 25



REQUEST

The subject application proposes to establish a flat on the subject property through the construction of a two and one half story dwelling at the rear of a nonconforming one-story single-family detached dwelling. The addition is to be connected to the existing dwelling via a 190 square foot trellis porch, and will include the restoration of the existing dwelling. The proposed addition will result in an open court 4.1 feet in width on the west side of the property, less than the minimum 11 feet required. A 12.7-foot wide open court is proposed for the east side of the property and will include one off-street parking space. The proposed addition will also be built to both side lot lines, but neither of the walls to be built to the side lot lines will share a common division wall with an existing building. As a result, a side yard is required on each side, but none is provided. Therefore, special exception relief pursuant to § 223 is requested by the applicant in order to construct the building addition as proposed.

SITE AND AREA DESCRIPTION

The property consists of Lot 816 of Square 1019, in the South East quadrant of the District. It is 3,680 square feet in area, has a minimum lot width of approximately 31.8 feet, and is improved with a one-story single-family detached dwelling constructed prior to 1857. The dwelling is vacant and boarded and its front porch is missing.

A 4.5-foot wide side yard is provided on the west side of the dwelling, making it nonconforming. The east side yard is 12.7 feet in width. Vehicular access is provided from E Street via an existing driveway apron.

The surrounding area is primarily developed residentially, including flats and one and two story row houses. To the north are Catherine R. Watkins Elementary School and Watkins Recreation Center within the R-4 Zone District. To the east and west are primarily row houses and flats within the R-4 Zone District. To the south is a largely vacant lot fronting on Pennsylvania Avenue that is the subject of BZA Application No. 17332 and proposed for 47 dwelling units. Other uses on Pennsylvania Avenue include office, retail and service commercial uses within the C-2-A Zone District and the CHC Overlay District. All surrounding properties are located within the Capitol Hill Historic District.

The area has been identified on the Generalized Land Use Map as located within the moderate density residential land use category- *"Row houses and garden apartments are the predominant uses; may also include low density housing."*

EXISTING ZONING

The subject property is located within the R-4 *"row dwellings, conversions and apartments residence district"* (§ 105.1(a)(4)) and the Capitol Hill Historic District.

R-4 Districts

"The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families." (§ 330.1)

RELIEF REQUESTED:

Special Exception pursuant to § 223– Additions to One-Family Dwellings or Flats

§ 223 sets forth the specific criteria under which additions to one-family dwellings may be permitted within a residential district. Those criteria are as follows:

“223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The application proposes to create a flat by connecting an existing single-family detached dwelling to a new second dwelling with a trellis. However, a trellis has no roof or enclosed walls and therefore does not conform to the definition of “building,” as contained in Section 199.1 of the Zoning Regulations. As a result the application becomes a request to construct a second single-family detached dwelling on the subject property, not a building addition, and relief is not appropriate under Section 223. Therefore, in order to construct the second dwelling on the subject property and create a flat, the connection between the two dwellings must be revised to be in conformance with the definition of “building”. The provision of a structure between the two in conformance with the definition of “building” will result in a building addition creating a flat on the subject property. As a flat the proposal will not be in compliance with § 405.3, Side Yards, § 406.1, Minimum Width of Open Court and § 2001.3, Nonconforming Structures Devoted to Conforming Uses.

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

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

Assuming a building connects the dwellings, the proposed building addition for the second dwelling to the rear of the existing dwelling will still provide an average rear yard of 22.5 feet, in excess of the minimum 20-foot requirement. The addition will be connected to the existing structure via a one-story addition lower in height than either the existing building or proposed larger addition to the rear. As such it will contribute little to the bulk on the site and have little effect on the light and air available to neighboring properties. The open court on the west side of the property is proposed to be 4.1 feet in width, only slightly less than the existing nonconforming

4.5-foot wide side yard. The reduced width is the result of the proposed connection between the two dwellings.

The sides of the proposed building addition will be constructed to both side lot lines, but neither sidewall will share a common division wall with an existing building on an adjoining lot. As a result, a minimum 8-foot side yard is required. However, the design of the entire site is very open, especially for a row house zone district and this proposed building addition will be located further back on the lot than the dwellings on adjoining lots, spreading the building out across the lot, rather than concentrating it at the front of the lot. There will be open courts on either side of the one-story dwelling at the front and a rear yard in excess of the minimum 20-foot requirement. Therefore, light and air available to neighboring properties will not be unduly affected.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed building addition will provide an average rear yard of 22.5 feet, in excess of the minimum 20 foot required rear yard. The addition will be constructed to the side lot lines at the rear of the lot and a nonconforming side yard will be created as a result of the building addition to the rear. The rear addition will be constructed similarly to the way row houses are otherwise permitted within the R-4 Zone District and the adjoining properties are developed, but will not be attached to the side walls of structures on adjacent properties. As a result, the structure as proposed will be detached from dwellings on all adjacent lots, a situation more commonly associated with single-family detached dwellings and lower density zone districts. The separation of the proposed structure from surrounding dwellings will serve to increase the privacy of those properties. Therefore, the privacy of use and enjoyment of neighboring properties will not be unduly compromised.

- (c) *The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the frontage; and*

The proposed building addition will be visible from E Street. However, it is designed to be residential in appearance and to complement the existing residential structure on the site as a result of its review by the Historic Preservation Office and the HPRB. Therefore, it will “*not substantially visually intrude upon the character, scale and pattern of houses along the frontage*”.

- (d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.*

The applicant submitted photographs and architectural drawings as a part of the application in support of § 223.

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

The proposed lot occupancy of 56 percent is less than the maximum 70 percent permitted by § 223.3 for the R-4 Zone District and less than the maximum 60 permitted by § 403.2 for flats within the R-4 District.

- "223.4** *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties.*

The Office of Planning recommends that the design of the connection between the two dwellings be provided as a structure in conformance with the definition of "building" as contained within Section 199.1, creating one building. This will result in the provision of a flat in conformance with the R-4 Zone District.

- "223.5** *This section may not be used to permit the introduction or expansion of a nonconforming use."*

A flat is permitted as a matter of right within the R-4 Zone District. However, two separate single-family detached dwellings on a lot are not permitted. Therefore, to accommodate a flat, the Office of Planning recommends that the dwellings be directly connected.

Provided the application is revised to include a connection between the two dwellings in conformance with the definition of "building" as contained within the Zoning Regulations, it is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of § 223 and that granting the relief, *"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 neighboring property in accordance with the Zoning Regulations and Zoning Maps,..."* (§ 3104.1)

COMPREHENSIVE PLAN

This proposal will contribute toward achieving the following goal of the Preservation and Historic Features Element:

“The new preservation and historic features goal for the District is to preserve the important historic features of the District while permitting new development that is compatible with those features.” (§ 801.1)

This proposal will contribute toward achieving the following actions and objectives of the Ward 6 Element:

“Inventory all unoccupied or boarded-up dwellings in the Ward and act to return these dwellings to habitable uses;” (§ 1707.1(s))

“To acknowledge and protect the unique architectural character of Ward 6 and preserve the continuity of the well established, essential and historic areas;” (§ 1721.1(a))

“To encourage a high quality of architecture consistent with the styles and characteristics of buildings in Ward 6.” § 1721.1(c))

“To protect and preserve the historic character of the residential neighborhoods in the Capitol Hill and Anacostia Historic District, ...” (§ 1725.1(b))

“To encourage new development and renovations of structures that are sensitive to the character of the historic districts in the Ward 6 area.” (§ 1725.1(c))

COMMUNITY COMMENTS

ANC 6B unanimously voted (10-0-0) to support the application at its regularly scheduled meeting of May 10, 2005.

The Capitol Hill Restoration Society Zoning Committee considered the application at their meeting of April 14, 2005, and “urge the Board to approve the application.”

AGENCY COMMENTS

The Historic Preservation Review Board, at their meeting of April 28, 2005, approved the project in concept as consistent with the purposes of the Preservation Act, and encouraged the applicant to conduct archaeological testing on the property because of the valuable information it may contain.

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property’s zoning, the intensity of use, the character of the neighborhood and the standards for special exception. However, the Office of Planning is very concerned about using a trellis to connect two separate