

BEFORE THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

Application of Daniel Merlis & Deany Laliotis - 3825 Morrison St., N.W.

Application No. 18296

HEARING DATE: January 17, 2012, 9:30 AM

STATEMENT IN OPPOSITION OF NEIGHBORS PETER R. AND ANN F. KOLKER

Peter R. and Ann F. Kolker ("Kolker Neighbors") are and have been for 33 years the owners of and residents at 5524 39th Street, N.W., Washington, D.C. which is directly across 39th Street from the Merlis Property. The Kolker Neighbors oppose the granting of the Special Exception requested by the Merlis' unless such granting is made contingent upon the Merlis' making modifications to the driveway and deck area of their property reflecting the design scheme shown on the drawings of the Merlis' landscape architect, Barbara Bauman, dated September 6, 2011. (The drawings are attached to this submission in a separate document.) The position of the Kolker Neighbors is substantially similar to that of ANC 3G, which issued its recommendation to the Board.

The basis of the Kolker Neighbors' opposition to the requested special exception is that the construction, which already exists in violation of permits granted by the DCRA, is at substantial variance from the character, scale and pattern of other residences on 39th Street. The modifications, which are requested to be made a contingency if the Special Exception is granted, are aimed at mitigating the effect of the Merlis construction in order to bring it closer to the character, scale and pattern of the neighboring residences and to reduce the adverse visual impact of the construction of their new storage structure and deck and to mitigate the effect of the newly constructed parking area facing the Kolker Neighbors.

Previously, there was no storage structure on the property. The Merlis construction added that structure at a height greater than four feet above grade and built it within six inches of the neighboring property, removing foliage and trees in the process. The deck, which is on top of the storage structure and is illustrated in the attached photos (Tab 7) and in photos attached to the Miles-McLean Submission is substantially different from what was previously on the property. Before the Merlis' construction, there was a wooden deck approximately four inches above grade, which was not visible from the property of the Kolker Neighbors and presented no visual intrusion to the street, as it was behind a picket fence. The old deck is shown in photographs attached by the Merlis' to their Special Exception application (Exhibit 8 to Merlis Application) which clearly show the deck was not visible from 39th Street because it was at least five feet below the wood picket fence. In contrast, the new deck sits atop a new building that was previously open space. The new storage structure with its concrete deck rising substantially over grade presents a significantly intrusive structure whereas the previous wood deck was not even visible from the street.

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Moreover, part of the Merlis' new construction was a 20-foot wide, white concrete parking area in front of the storage structure. The previous owners had a single lane composition driveway which was sheltered by foliage. By removing the foliage, more than doubling the size of this new parking pad and constructing it with a bright, white surface, the parking area has taken on a stark commercial-like appearance, entirely out of character with other houses on this portion of 39th Street (Legation Street - McKinley Street).

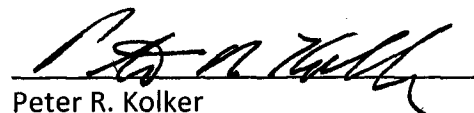
Attached are photographs of the east and west sides of 39th Street, N.W., between Livingston Street and McKinley Streets. These photographs show the effect of the structure for which a special exception is sought on the character, scale and pattern of houses along the subject street in a three-block area. Applicant's property is shown at Tab 7. Property of the undersigned opposing neighbor is shown within Tab 3.

The Merlis' engaged Barbara Bauman, a landscape architect, to prepare plans dated September 6, 2011, that, if implemented, would reduce the offensive qualities of the Merlis' construction. However, they have been unwilling to agree to make the Bauman modifications a condition to approval of the Special Exception.

To avoid demolition of the Merlis' construction, the Kolker Neighbors, like ANC 3G and the Miles-McLean neighbors, would agree to allow the structure to remain if the modifications shown on the Bauman drawings were promptly performed in order to mitigate the effect of the Merlis construction. These modifications would provide increased screening to the Miles-McLean property, would prevent the construction of a proposed seven-foot fence atop the deck (therefore, about 12' above grade at its top) and would reduce the width of the concrete driveway by returning between three and four feet of the north and south sides of the driveway to vegetation. By doing so, the effect on privacy and the out-of-character nature of the Merlis construction would be mitigated.

Therefore, the Kolker Neighbors request that if a Special Exception is granted, it be conditioned on prompt application for necessary permits and construction of the modifications and features shown in the Bauman drawings.

Dated: 11/3/12



Peter R. Kolker

Ann F. Kolker

5524 39th Street, N.W.

Washington, D.C. 20015

pkolker@verizon.net

202-256-6111

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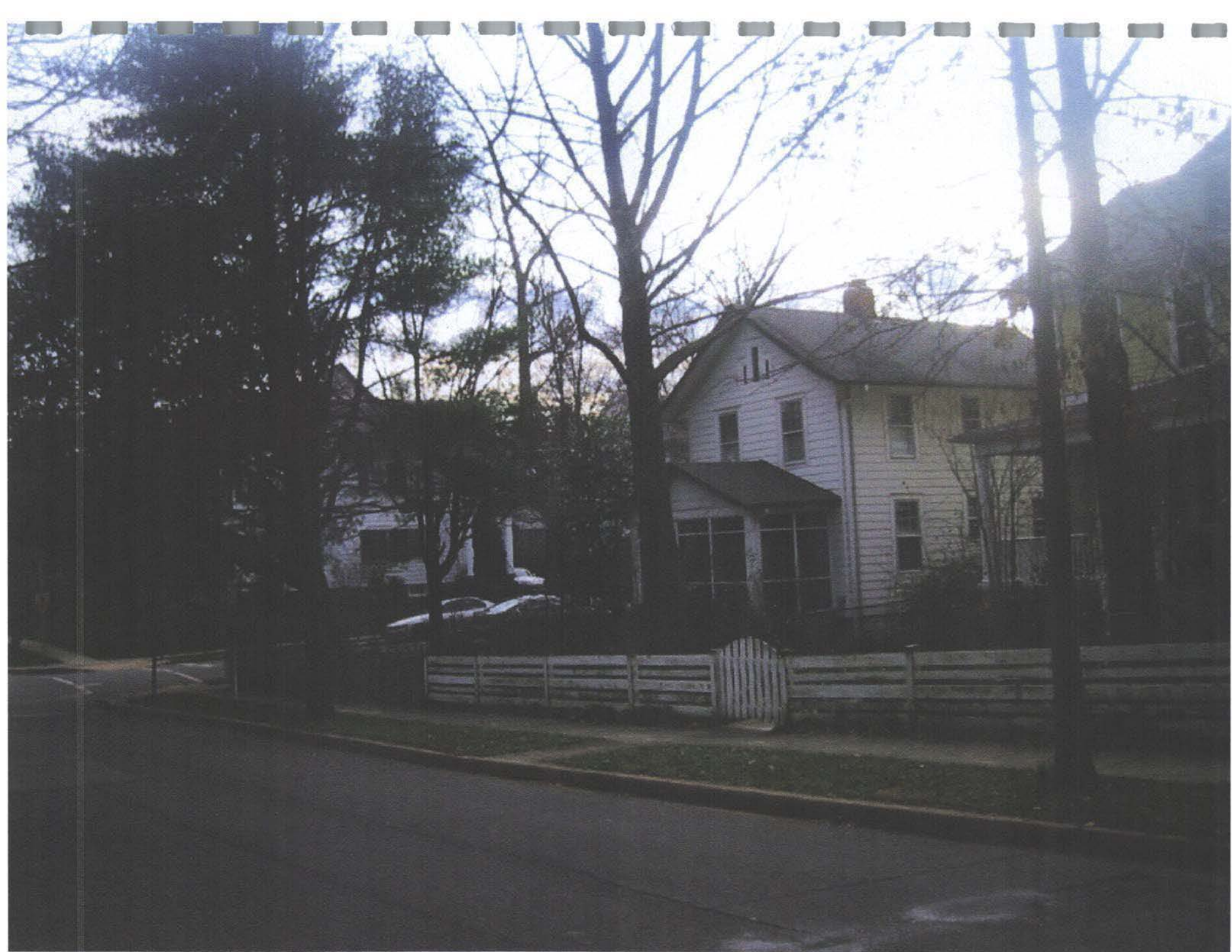
TAB	SUBJECT
1.	39th Street, N.W. Legation to Livingston Street (West Side of Street)
2.	39th Street, N.W. Legation to Livingston Street (East Side of Street)
3.	39th Street, N.W. Livingston to Morrison Street (West Side of Street)
4.	39th Street, N.W. Livingston to Morrison Street (East Side of Street)
5.	39th Street, N.W. Morrison to McKinley Street (West Side of Street)
6.	39th Street, N.W. Morrison to McKinley Street (East Side of Street) (Excluding subject property – 3825 Morrison Street, N.W.)
7.	Subject Property – 3825 Morrison Street, N.W.

1





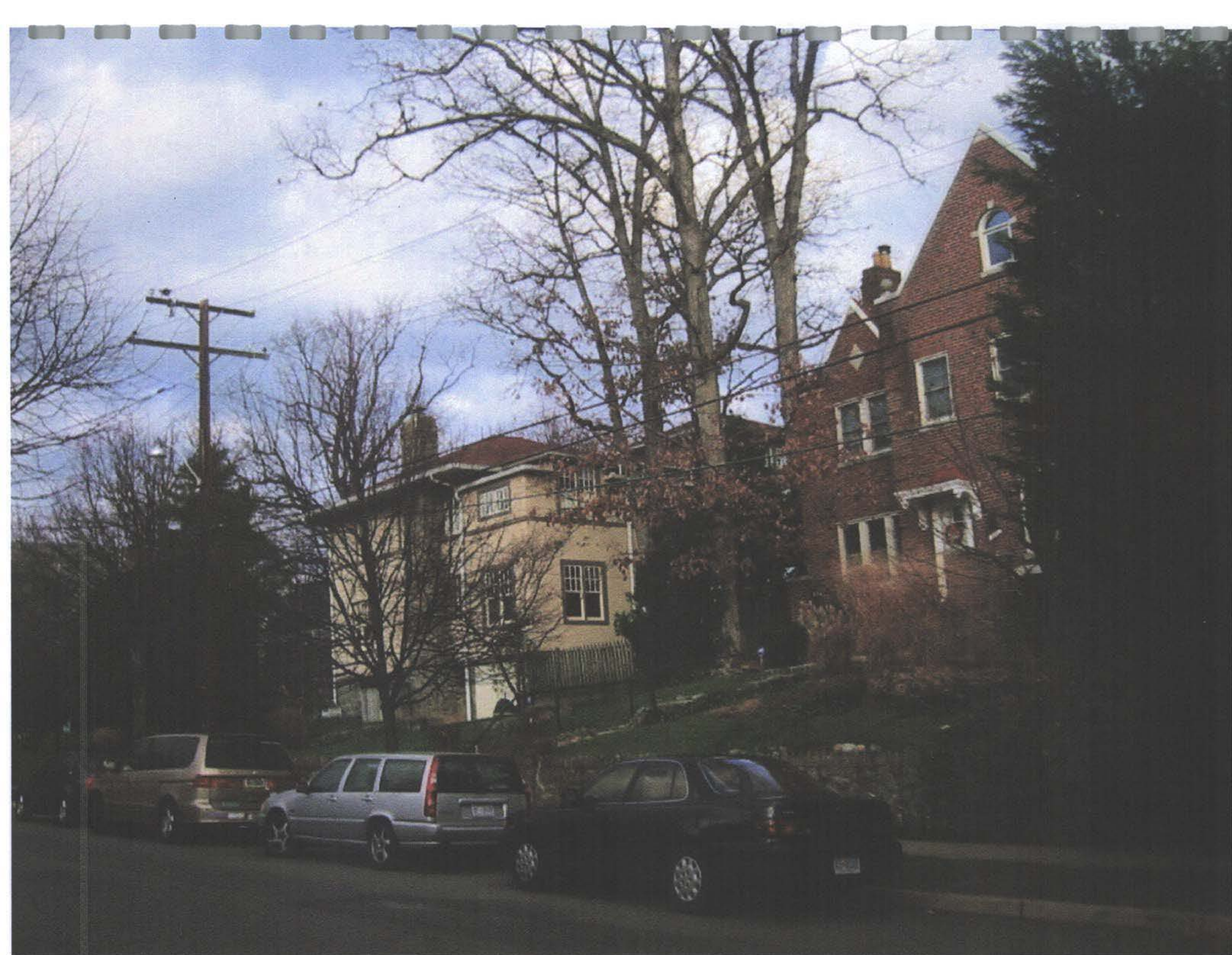




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3







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5







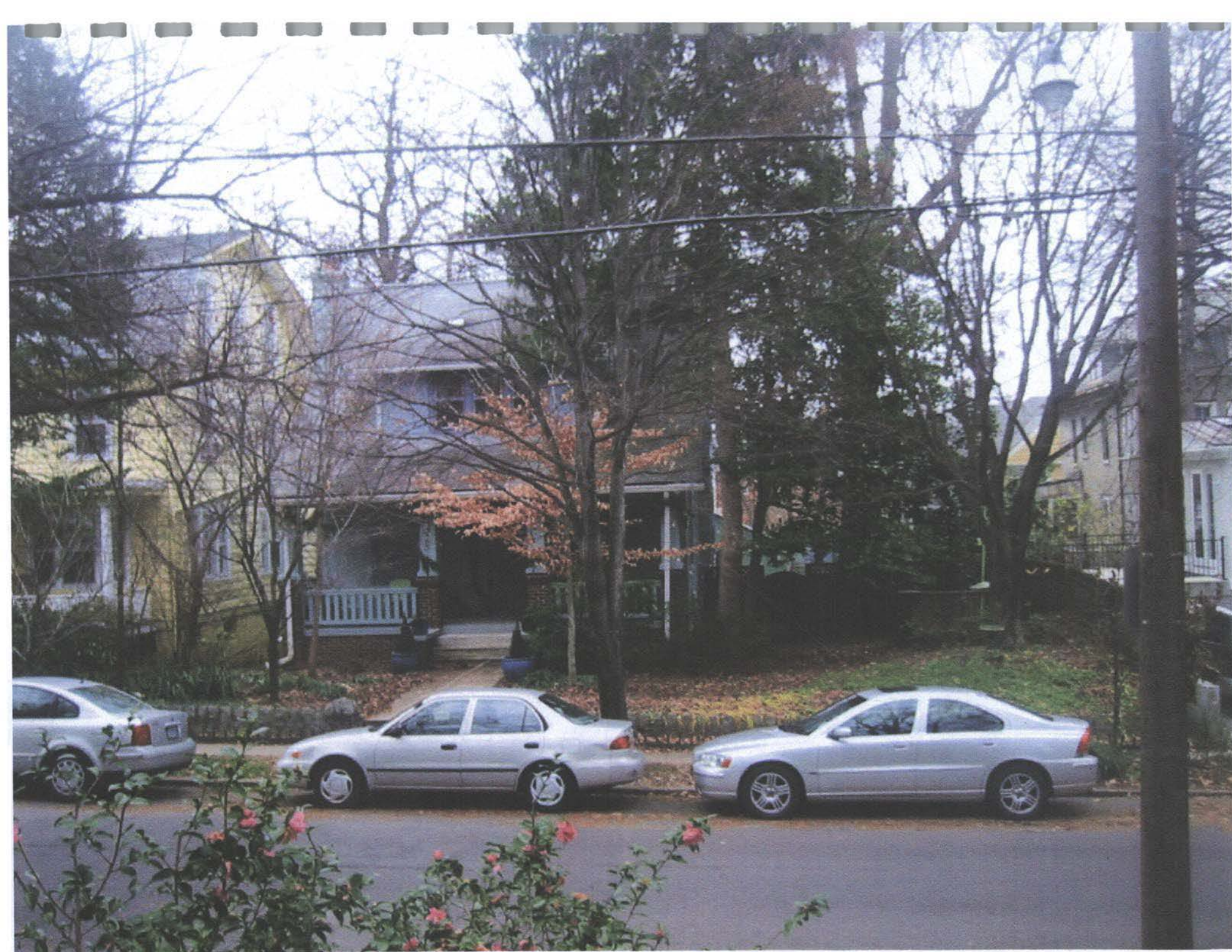




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7



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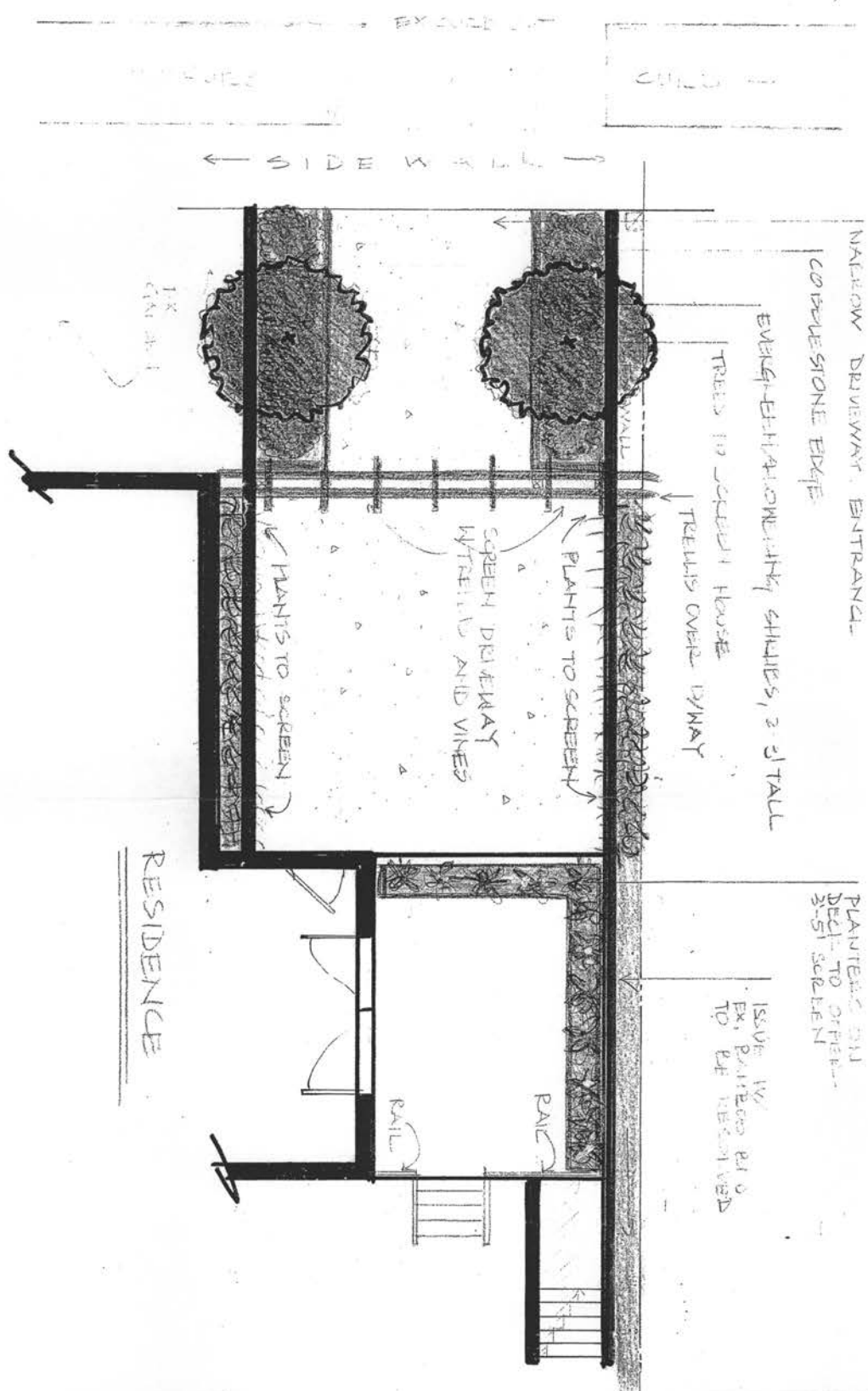
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SUPPLMENTAL ATTACHMENT: DRAWINGS OF LANDSCAPE ARCHITECT BARBARA BALMAN

Note: Landscape Architect Balman was engaged by the applicants and not by the Kolker Neighbors. Her drawings are referenced for the purpose of illustrating the design concepts sought to be applied as conditions to a Special Exception, with the expectation that appropriate architectural drawings would follow.



MERLIS RESIDENCE

3825 Morrison Street N.W.
Washington D.C. 20015

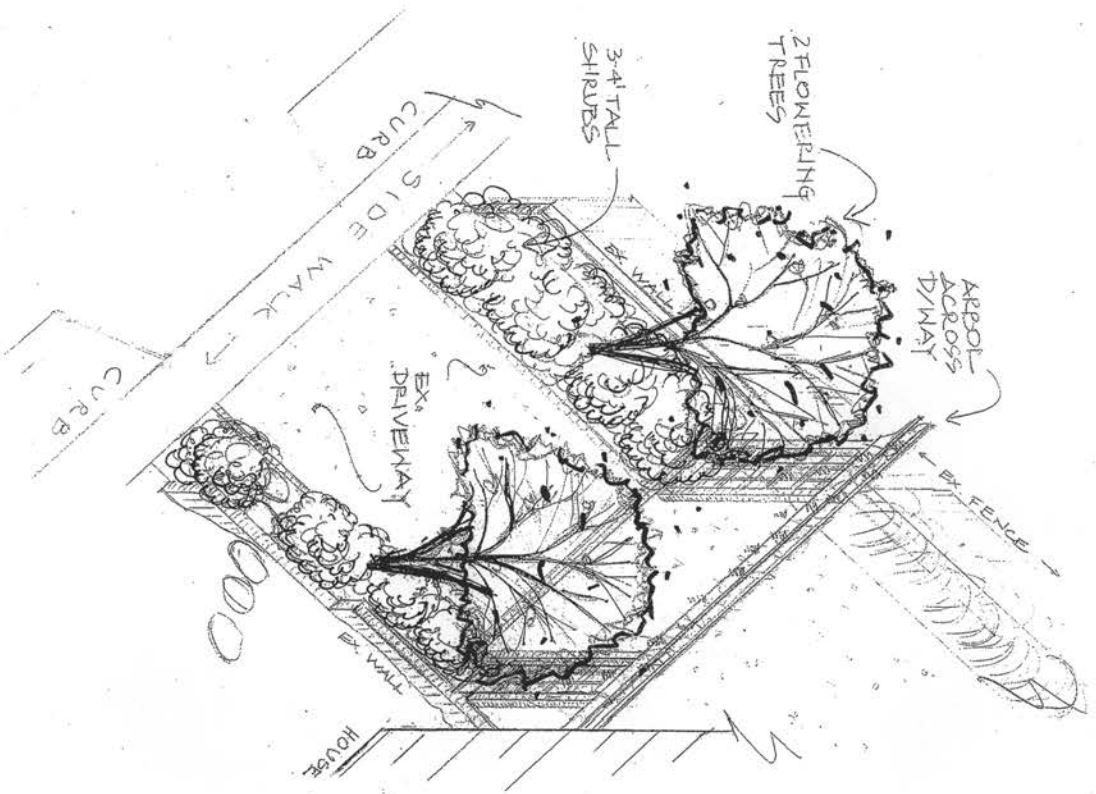
Driveway Proposal

SCALE: 1/4" = 1'-0"

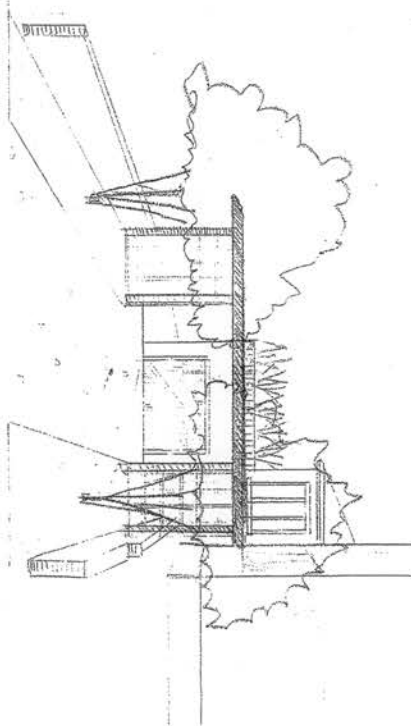
NORTH: →

DATE: September 6, 2011

Axonometric View



Perspective View to show screening of new addition



MERLIS RESIDENCE 3825 Morrison Street N.W. Washington D.C. 20015

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Axonometric and Perspective Views
 Not to Scale
 September 6, 2011