

January 9, 2012

VIA HAND DELIVERY

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

Re: **BZA Application No. 18296;**
Special Exception Application for 3825 Morrison St., N.W.
(Square 1859, Lot 62);

RECEIVED
D.C. OFFICE OF ZONING
2012 JAN -9 PM 3:27

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18296
EXHIBIT NO. 34

Dear Board Members:

On behalf of Daniel T. Merlis and Deany Laliotis ("Applicant"), we submit herewith Supplemental Materials in Support of their Application for Special Exception to the Zoning Regulations, pursuant to 11 DCMR §3104.1 (2011). The requested relief, reconstruction a concrete deck in place of an existing wood deck in the rear yard of 3825 Morrison Street, N.W. (Square 1859, Lot 62) with an additional underground parking space, was initially filed August 26, 2011. Enclosed please find two originals and twenty (20) copies, where applicable, of the following supporting materials:

1. A copy of the PowerPoint Presentation describing the legal basis supporting relief -- in which the Applicant intends to use in his hearing presentation;
2. Letters in Support of Applicant's Application from Sixteen (16) Neighbors, and,
3. A Timeline explaining the Mediation Efforts between the Applicant and 3-Neighbor Group surrounding the project;

The Applicant anticipates four witnesses who will either provide testimony or statements in support of their Application at the hearing. The Applicant requests leave of the Board to provide these materials and request consideration. These materials are provided to the Board to provide clarification and additional information to aid in the Board's review of the Application.

Board of Zoning Adjustment

Special Exception Application (11 DCMR § 223) for 3825 Morrison St., N.W.

January 9, 2012

Page 2

These materials are also provided in response to recent submissions and filings by two of Applicant's Neighbors, submitted on January 6, 2012. If you have any questions about this Application or require any additional information, please do not hesitate to contact me. Thank you for your consideration of this Application.

Respectfully submitted,

JACKSON & CAMPBELL, P.C.

By:



Lisa A. Bell

Enclosures

cc: Daniel Merlis & Deany Lailots (via overnight delivery)

Special Exception Application

3825 Morrison Street, N.W.

(Square 1859, Lot 0062)





The Legal Standard Applied by the Board (of Zoning Adjustment) to grant special exception relief . . .

“ Where, in the judgment of the Board, the special exception . . . will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements of *Section 223 of the Zoning Regulations*.

Project Site - Old Driveway



View from 39th Street

Pre-construction

Scope of Deck Project :

- Replaced Rotten Wood Deck
- Damaged Footers
- Broken Concrete Foundation

View of Old Deck



View toward 5525 39th Street from Old Deck Addition



View of the Parking Space/Storage Area under the Kitchen





Permit Number	Date of Issuance	Description
1001551	12/15/2009	Replace existing rear addition, replace existing deck with concrete terrace with max height 3'7 5/8". Repoint/Repair existing driveway and repair/repoint existing private sidewalk
1007414	06/30/2010	Reduce previously approved rear addition from 12' x 20' to 10' x 18.8' . Amendment B1001551 . . .

Department of Consumer and Regulatory Affairs

Permit Operations Division
 541 New I. Capitol Street NE Room 2103
 Washington DC 20002
 Tel: (202) 442-4585 Fax: (202) 442-4582
 TOLL FREE: 1-800-452-4582

B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 12/15/2009

PERMIT NO. B1001551

Expiration Date: 12/15/2010

Address of Project: 3525 MORRISON ST NW		Zone: R-2	Ward: 3	Square 1056	Block: 2082	Lot: 2082
Description Of Work: REPLACE EXISTING REAR ADDITION, REPLACE EXISTING DECK WITH CONCRETE TERRACE WITH MAX HEIGHT 3' 7 5/8", REPOINT/REPAIR EXISTING DRIVEWAY AND REPAIR/REPOINT EXISTING PRIVATE SIDEWALK.						
Permittee Is Hereby Granted To: Nancy H Simulwani Trustee		Owner Address: 3825 MORRISON ST NW WASHINGTON, DC 20016-2895		PERMIT FEE: \$271.32		
Permit Type: Alteration and Repair	Existing Use: Residential	Proposed Use: Residential		Floor: 1		
Agent Name: John Owens	Agent Address: 2702 BYRON ST SILVER SPRING, MD	Existing Dwell Unit:	Proposed Dwell Unit:	No. of Stories:	Floor(s) Involved:	
Conditions/Restrictions: This Permit Expires if no Construction is Started Within 1 Year or if the Expiration is Over 1 Year. All Construction Must Accord To The Current Building Codes And Zoning Regulations. As a condition precedent to the issuance of this permit, the owner agrees to maintain with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.						
Director: Hinda K. Arora		Permit Clerk: Shirley Williams				
TO REPORT WATER, FLOOD OR GAS LEAK BY ANY DISTRICT GOVERNMENT OFFICIAL CALL THE DISTRICT FIRE DEPARTMENT AT 1-800-521-1500 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-4587 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-4587						

Page 1 of 1



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

7501

INSPECTIONS AND COMPLIANCE ADMINISTRATION

PERMIT NUMBER:

B1001551

APPROVED

☒ CONSTRUCTION *ETC*

☐ ELECTRICAL

☐ PLUMBING

☐ FIRE

☐ ELEVATOR

☐ BOILER

☐ MECHANICAL

TYPE

Building Footing

Address

3825 MORRISON ST North

BADGE No

2043

Signature

Pat Bell

Date *03/01/10*

Legal Analysis of the Applicant's 223 Application



The Deck Addition is a *Repair* Project

The repair of a nonconforming use or structure is permitted, pursuant to 11 DCMR §§ 2001.2, 2001.3 (2011). The regulations provide:

Except as provided in §§ 2001.11 and 2001.12, ordinary repairs, alterations, and modernizations to the structure, including structural alterations, *shall be permitted (emphasis added)*.

Key factual elements which establish Section 2001.3 is applicable.

- ❖ *Existence* of a deck in the rear yard when the Applicant purchased the home;
- ❖ The new renovation plan *reduced* the size of the deck;
- ❖ Obtained *valid* building permits;
- ❖ Built the new deck *pursuant* to the approved building plans

New Driveway & Storage Structure





Legal Standard for Obtaining a Special Exception at the BZA

The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

Section 223 of Title 11 of the Zoning Regulations

What is a substantially adverse affect?

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

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

*(c) The addition or accessory structure, 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 subject street frontage; and,*

**(d) In demonstrating compliance . . . The applicant shall use graphical representations such as plans, photographs, or elevations and section drawings sufficient to represent the relationship . . .*

Analysis of the Elements

(a) - Light and Air

A. Home located at 5525 39th Street, N.W.

1. *Minimal* change to line of sight view
(View into deck and kitchen area)
2. Original Seven (7 foot) Fence was maintained.
3. *No* loss of access to “light and air”.

Line of Sight to 5525 39th Street Neighbor



Analysis of the Elements:
(a) - Light and Air

B. Home located at 5520 & 5524 39th Street,
N.W.

1. No change to line of sight view
(View into deck and kitchen area)
2. No loss of access to “light and air”.

Original Line of Sight



View from 5520 and 5524 39th Street

Current Line of Sight from 5524 39th St.



Current Line of Sight from 5520 39th St.



Analysis of the Elements:
(b) - Privacy of Use and Enjoyment

A. Home located at 5525 39th Street, N.W.

1. No lost of privacy.
2. Original Seven (7 foot) Fence was maintained.
3. Additional screening (fence) proposed

Privacy/Enjoyment for 5525 (Immediate) Neighbor



(b) - Privacy of Use and Enjoyment

B. Home located at 5520 & 5524 39th Street,
N.W.

1. *No impact.*

Analysis of the Elements
(c) - Character, Scale and Pattern of
houses

Directly across from street from
3825 Morrison Street NW



SE corner McKinley & 39th St.



SE corner Livingston & 39th St.



SW corner Livingston & 39th St.



3900 block Morrison



Analysis of the Elements

(d) – Evidence of Compliance

1. Letters of Support from neighbors.
2. Map showing the proximity of neighbors who support the project.
3. Personal notes of supporters.



Dear Zoning Board - We strongly support the Merli's efforts to continue to improve the property at 3825 Morrison & very much hope you will grant the requested exceptions. They are caring & respectful neighbors & the improvements they have made to the neighborhood have benefitted all of us. We urge you to grant them the requested exception & allow them to complete their project.
Jennifer & Michael
Levy

I hope your
Saga ends soon!
P

Note from George Georgiev – 3900 McKinney Street, N.W.

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

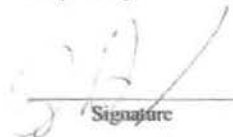
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

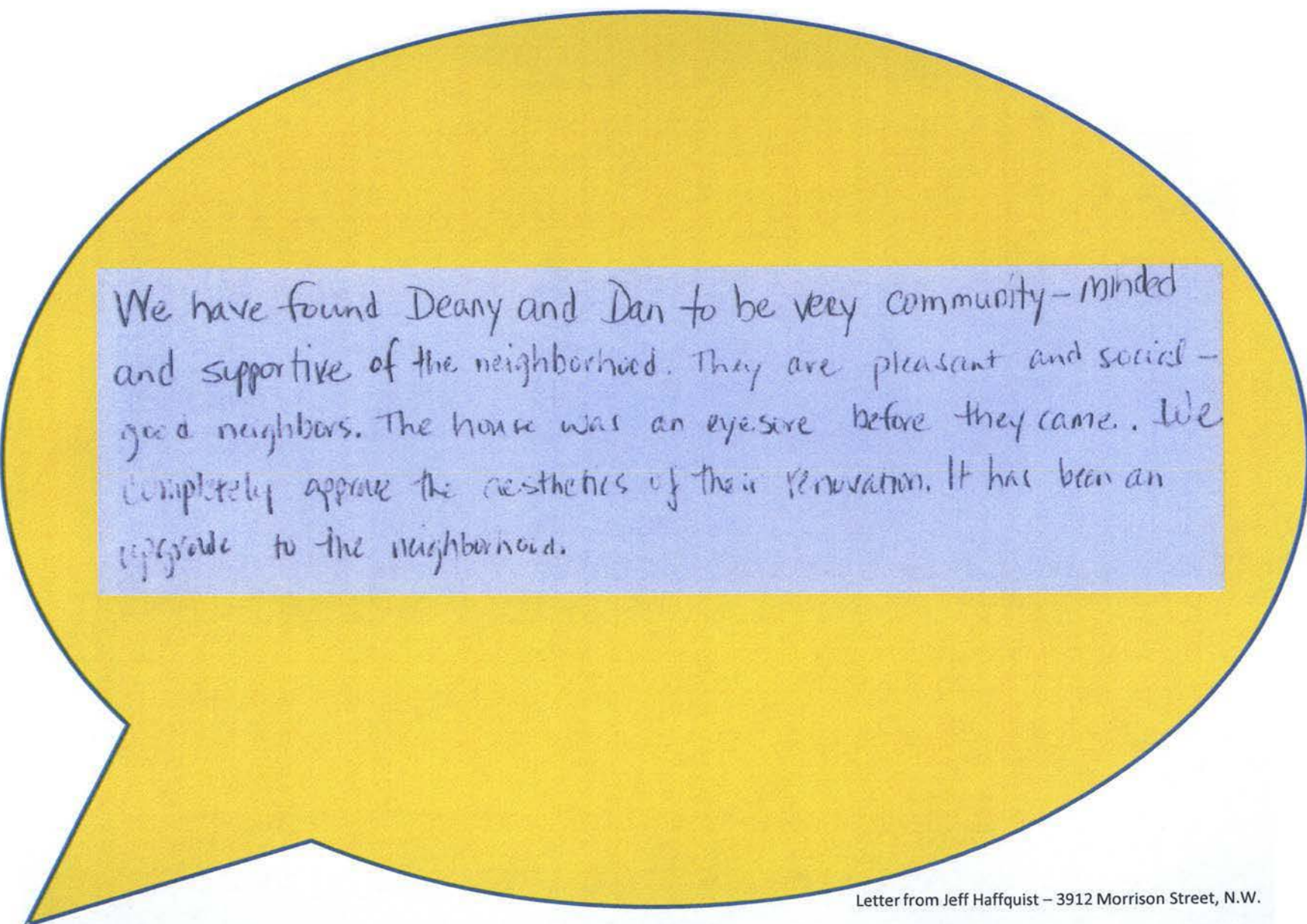
Respectfully,


Signature

JEFF HAGGERTY
Printed Name

3912 Morrison St NW WDC 20015
Address Date

We have found Deany and Dan to be very community-minded and supportive of the neighborhood. They are pleasant and social - good neighbors. The house was an eyesore before they came. It is completely in keeping with the aesthetics of the neighborhood. It has been an upgrade to the neighborhood.



We have found Deany and Dan to be very community-minded and supportive of the neighborhood. They are pleasant and social-good neighbors. The house was an eyesore before they came. We completely approve the aesthetics of their renovation. It has been an upgrade to the neighborhood.

Letter from Jeff Haffquist – 3912 Morrison Street, N.W.

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

Re: Application for Special Exception
Case Number-
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for completion of the construction of a storage area in the rear yard setback area of the above property. We understand that the construction was twice permitted by DCRA and that the Zoning Administrator has now required that the construction be reviewed and as a special exception by the BZA.

I want the BZA and all other reviewers such as the ANC to know that the renovation of the property has been of benefit to the neighborhood. What once had been a rooming house in deteriorating condition has been restored and preserved as a fine example of a Washington four-square single-family home. The owners' request for approval to complete a storage area and above-ground deck is very reasonable and will not affect any neighbor in a material way. This is one of the few properties without a storage area/garage in this neighborhood.

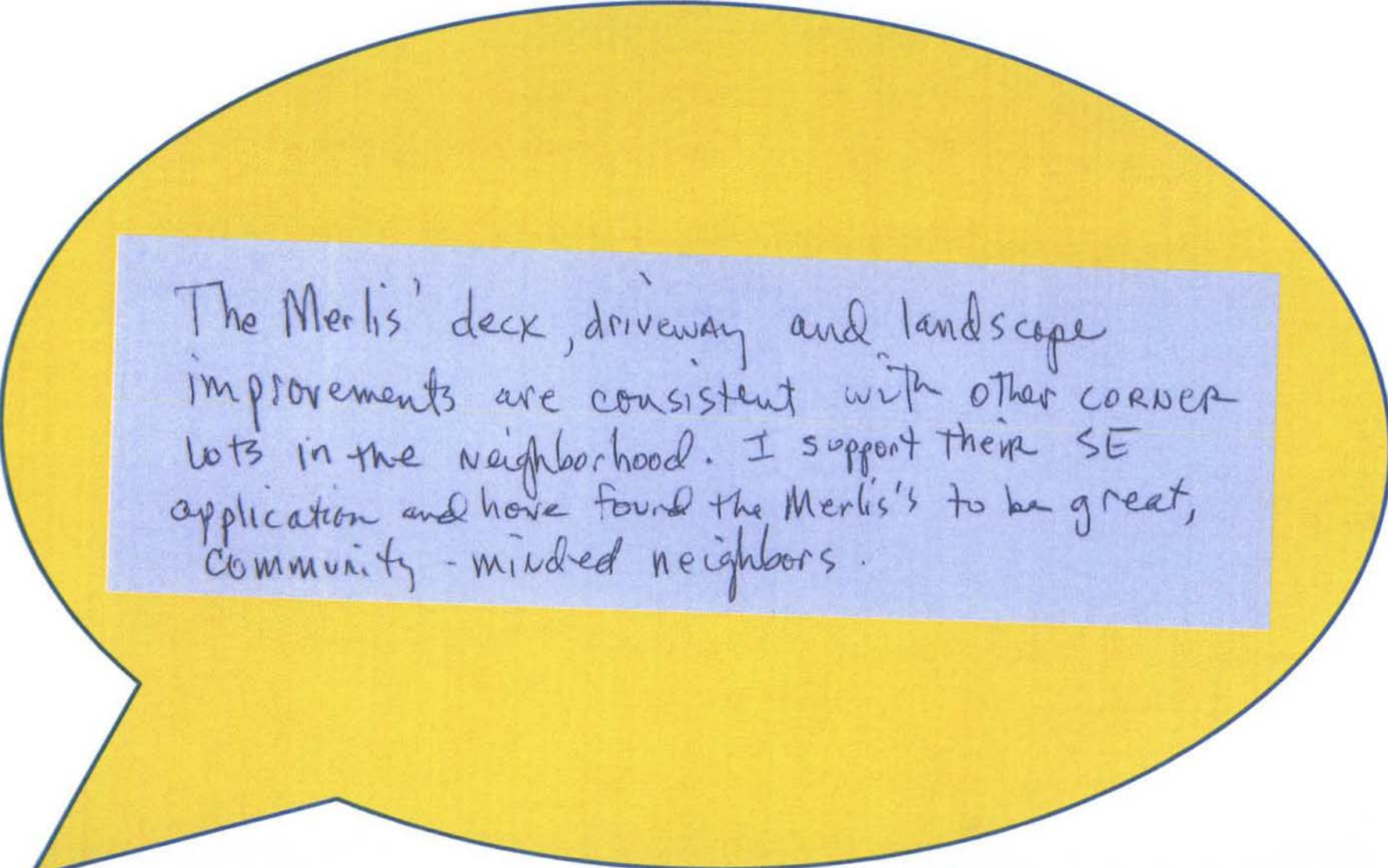
1/10/11
Date

Ernest L. Marcus
Printed Name

5460 39th St, NW
Address


Signature

The Merlis' deck, driveway and landscape improvements are consistent with other corner lots in the neighborhood. I support their SE application and have found the Merlis's to be great, community-minded neighbors.
BZA No. 18296



The Merlis' deck, driveway and landscape improvements are consistent with other corner lots in the neighborhood. I support their SE application and have found the Merlis's to be great, community-minded neighbors.

Conclusion.

Submitted by *Applicant*,
Daniel and Deany Merlis

By:

Lisa A. Bell, Esquire
Jackson & Campbell, P.C.
One Lafayette Centre,
1120 Twentifieth Street, N.W.
Washington, D.C. 20036
lbell@jackscamp.com



3825 Morrison Street



Original Deck View Showing
Storage

BZA No. 18296

3825 Morrison Street





To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

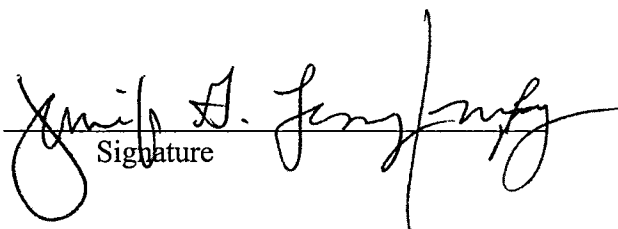
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,

 _____
Signature Printed Name
Jennifer & Michael Levy

5517 39th St NW Wash, DC 20015 _____
Address Date
3/28/11

Dear Zoning Board - We strongly support the Merlis' efforts to continue to improve the property at 3825 Morrison & very much hope you will grant the requested exceptions. They are caring & respectful neighbors & the improvements they have made to the neighborhood have benefitted all of us. We urge you to grant them the requests & allow them to complete their project.

Jennifer & Michael
1.24

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

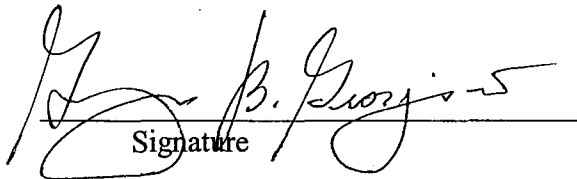
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,


Signature

GEORGE B. GEORGIEV
Printed Name

3900 McKinley St. N.W., Washington
Address DC 20015

02/05/2011
Date

I hope your
saga ends soon!


To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

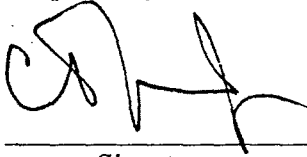
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck in deteriorated condition, as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,



Signature

Charles A. Tesconi Jr.

Printed Name

5513 39th ST NW

Address

2-8-11

Date

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

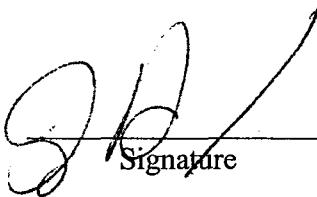
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,


Signature

JEFF HAGQUIST
Printed Name

3912 Morrison St NW WDC 20015
Address Date

We have found Deany and Dan to be very community-minded and supportive of the neighborhood. They are pleasant and social - good neighbors. The house was an eyesore before they came. We completely approve the aesthetics of their renovation. It has been an upgrade to the neighborhood.

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

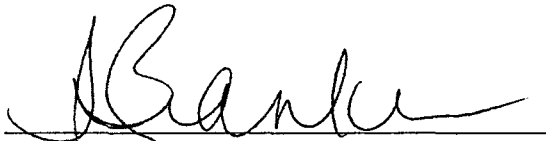
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,


Signature


Printed Name

5529 39th St NW
Washington DC
20015
Address

Feb 14 / 10
Date

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

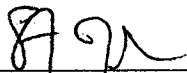
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

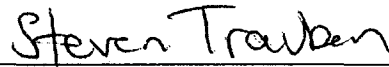
The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,



Signature



Printed Name

3819 Morrison St NW Washington DC.

Address

2/7/11

Date

1 house from 3825 Morrison St NW

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,

Eliza Moody
Signature

Greg Jones
Printed Name

3903 Morrison St NW WASH DC
Address

2/9/2011
Date

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

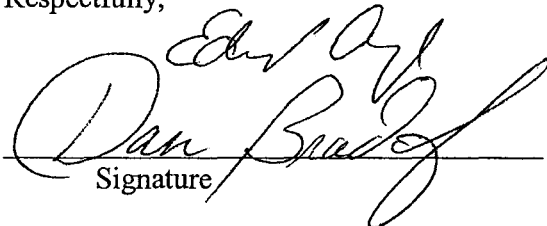
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,


Signature

EDWARD AYOORIS

Printed Name

5509 39th St, NW
Address

2/5/11
Date

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

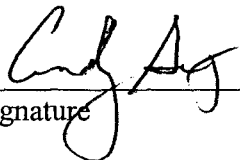
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,



Signature

CINDY GERTZ

Printed Name

3901 Morrison St NW

Address

2-6-11

Date

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,


Signature

Arthur Allen
Printed Name

5510 39th St NW
Address

2/6/11
Date

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

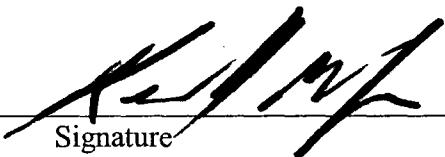
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,


Signature

Kenneth M. Simon
Printed Name

50-16 37th St NW
Address

3-6-11
Date

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

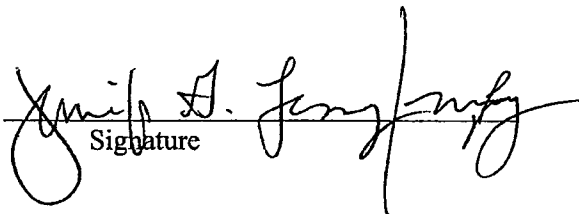
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,

 _____ Jennifer & Michael Levy
Signature Printed Name

5517 39th St NW Wash, DC 20015 _____ 3/28/11
Address Date

Dear Zoning Board - We strongly support the Merlis' efforts to continue to improve the property at 3825 Morrison & very much hope you will grant the requested exceptions. They are caring & respectful neighbors & the improvements they have made to the neighborhood have benefitted all of us. We urge you to grant them the requested exception & allow them to complete their project.
Jennifer & Michael Levy

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

Re: Application for Special Exception
Case Number-
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for completion of the construction of a storage area in the rear yard setback area of the above property. We understand that the construction was twice permitted by DCRA and that the Zoning Administrator has now required that the construction be reviewed and as a special exception by the BZA.

I want the BZA and all other reviewers such as the ANC to know that the renovation of the property has been of benefit to the neighborhood. What once had been a rooming house in deteriorating condition has been restored and preserved as a fine example of a Washington four-square single-family home. The owners' request for approval to complete a storage area and above-ground deck is very reasonable and will not affect any neighbor in a material way. This is one of the few properties without a storage area/garage in this neighborhood.

November 12, 2011
Date

DORIS L. Ingram
Printed Name

3901 Livingston St., N.W. 20
Address

Doris L. Ingram
Signature

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

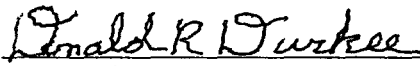
Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,



Signature

DONALD R DURKEE

Printed Name

3908 Morrison St NW 20015

Address

Feb 1, 2011

Date

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

Re: Application for Special Exception
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for the final completion of a concrete deck, including a storage area below, at the subject property.

The proposed concrete deck replaces what was a much larger previously existing elevated wood deck (in deteriorated condition), as photographic evidence attests, and results in an aesthetic outcome that we believe is more compatible with the neighborhood than the previously existing condition which included the use of the property by prior owners as an unlicensed 3+ unit apartment/rooming house prior to the conversion to a conforming single family dwelling by the current ownership.

This letter serves as a letter of no rejection, and it is my opinion that the proposed construction will not result in any substantial adverse impact on neighboring properties.

Respectfully,


Signature

Patricia E. Steele
Printed Name

3820 Morrison St. NW
Address

2/5/2011
Date

To: Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 200-S
Washington, DC 20001

Re: Application for Special Exception
Case Number-
Deany and Daniel Merlis
3825 Morrison St., NW
Washington, DC 20015

I am writing in support of the request of the property owners referred to above for a special exception to allow for completion of the construction of a storage area in the rear yard setback area of the above property. We understand that the construction was twice permitted by DCRA and that the Zoning Administrator has now required that the construction be reviewed and as a special exception by the BZA.

I want the BZA and all other reviewers such as the ANC to know that the renovation of the property has been of benefit to the neighborhood. What once had been a rooming house in deteriorating condition has been restored and preserved as a fine example of a Washington four-square single-family home. The owners' request for approval to complete a storage area and above-ground deck is very reasonable and will not affect any neighbor in a material way. This is one of the few properties without a storage area/garage in this neighborhood.

11/10/11
Date

Ernest L. Marcus
Printed Name

5460 39th St, NW
Address


Signature

The Merlis' deck, driveway and landscape improvements are consistent with other corner lots in the neighborhood. I support their SE application and have found the Merlis's to be great, open-minded neighbors.

Timeline of Mediation Efforts Between Applicant and 3-Neighbor Group

*Application of 3825 Morrison Street, N.W.
BZA No. 18296*

Nov. 2009	Met with 5525 Neighbor to discuss plans to renovation the kitchen and deck area (Neighbor's Home)
11/09	Met with 5525 Neighbors again to discuss plans to renovation the kitchen and deck area (Applicant's Home)
01/27/10	Applicant explains the proposed renovation project to the Neighbors and explains their desire to work with the Neighbors to meet any concerns. (Email)
01/28/10	5525 Neighbor apparently leaves voicemail in response.
02/08/10	5524 Neighbor requests more information about the project and a date certain when the dumpsters used by the construction company will be removed. (Email)
02/09/10	Applicant responded to 5524 Neighbor email. Explained that since footings were bad on the house and that it had been sinking, they would rebuild the addition. Described the underground storage area and new deck area. Mentioned setback to construction calendar as a result of a neighbor's complaints about Applicant's contractor to DCRA inspectors.(Email)
02/09/10	5524 Neighbor explains the need for SWO and request explanations about the scope of the projects.(Email)
02/09/10	Applicant explains his Contractor failed to post the permit for the geothermal excavation. Apologizes about the misunderstanding and the speed of the project. He also notes that several government officials have informed him that the 5524 Neighbor has repeatedly complained about his project.(Email)
02/09/10	5525 Neighbor explains concerns regarding the project and describes his history of fighting city officials, school officials and hospital caretakers to protect the interests of his family. He explains why he called city officials to review the project and did not address Applicant because he is not comfortable with

Timeline of Mediation Efforts Between Applicant and 3-Neighbor Group

*Application of 3825 Morrison Street, N.W.
BZA No. 18296*

	confrontation. (Email) "I figured if I call the City and they say you had all of the proper permits and the construction was staying within the permitted scope, then so be it."
02/10/10	Applicant stopped by 5525 Neighbor to discuss excavation plans but was rebuffed. Apologizes for the progress of the construction project, the fact he did not get the voicemail regarding the fence and/or holes in the fence and any emotional stressors the construction project may have caused. Applicant offered to pay for damage and/or pruning to maple trees which 5525 suggested was damaged and offered to have Contractor work with 5525 on the Privacy Fence (repair or replacement), and explain the absence of any encroachment. (Email)
02/10/10	Applicant discusses options with Contractor and explains to 5525 Neighbor that a new fence will be erected within the property line, and a temporary fence could be erected in the meantime or reinforcing the existing fence.(Email)
02/11/10	5525 Neighbor tells Applicant not to do anything with the fence given the winter weather. Indicates he is happy the Applicant will erect a new fence at the property lot line, "I'm glad the plan is to ensure that your new fence is on your side of the property line, not simply retracing the existing fence which Nancy had installed in a somewhat meandering way." (Email)
09/12/10	5525 Neighbor wrote letter to Applicant
10/27/10	New building permit issued for the replacement kitchen addition (#B1100395).
11/10/10	Applicants had the dumpster on 39th Street, N.W. removed in response to complaints by 5520 & 5524 neighbors. (Email to 5520 Neighbor)
12/01/10	Letter from Mr. LeGrant indicating that he finds the deck/storage area is an

Timeline of Mediation Efforts Between Applicant and 3-Neighbor Group

*Application of 3825 Morrison Street, N.W.
BZA No. 18296*

	encroachment into the rear yard and orders that it be removed or that we should file for special exception.
02/08/11	Notifies 3-Neighbor Group of intent to file for Special Exception Application to complete the storage area and deck/expresses confusion as to the ZA about face after issuing the two permits to allow the project to be completed. (Email) Applicant is unaware of the objections by 5525 Neighbor or his repeated complaints to city officials to end the project.
02/23/11	Applicant requests a response from 5520 Neighbor regarding support for the SP application and explaining efforts/overtures to the next door neighbor at 5525 . . . "Deany and I honored your request to try and resolve our differences with Robin and Stuart and that we made efforts including emails and two letters in order to communicate and build bridges with them over the past months and they have not responded so I am assuming that they want little or nothing to do with us". (Email to 5520 Neighbor)
02/23/11	5520 Neighbor responds that 5524 is the spokesperson for the 3-Neighbor Group and they want more information about your plan.
02/24/11	3-Neighbor Group requests building and site plans, and survey for deck/storage structure (Email).
02/24/11	Applicant provides photo for the deck project to 5520 Neighbor, and indicates a copy of the photo was also send to 5525 (next door) Neighbor. Discussed plans to: (a) Possibility of a 3' 1/2" railing on the deck or wood or metal; (b) 7' Privacy Fence (placed on the deck's edge) between 5525 Neighbor and Applicant; and, (c) Maintain the current 7' Privacy Fence that currently exists on lot line (possibly erecting a lattice on the top to act as a screen).

Timeline of Mediation Efforts Between Applicant and 3-Neighbor Group

*Application of 3825 Morrison Street, N.W.
BZA No. 18296*

03/10/11	Plans and survey provided to neighbor group. Requested some discussion regarding design issues of privacy fence. Postponed filing BZA application until completion of those discussions.
03/23/11	3-Neighbor Group requests topographical survey of Merlises' deck addition for review by an Architect <i>hired by and consulting with</i> the 3-Neighbor Group.
04/13/11	Applicant provides topographic measurements of the driveway and storage structure provided to the 3-Neighbor Group. Emphasized the need for a timely response.
04/27/11	3-Neighbor Group requests CAD file of topographic data and a plot file. Indicates objections by him and the other two neighbors will ensure rejection of the SE application and the Applicant will have to tear down the addition.
05/02/11	Applicant provided CAD topographic file and plot file to 3-Neighbor Group.
05/09/11	3-Neighbor Group Architect requests more detailed topographic data. Applicant indicated the need to file with BZA if a resolution cannot be achieved. Kolker, spokesperson for the 3-Neighbor Group responded to information indicating in general terms a request to narrow driveway and make other unspecified changes to the construction. Threatens to derail the SE Application through his objections.
05/11/11	Applicant indicates they want to work things out to establish good neighborly relations.
05/13/11	Kolker and Applicant meet onsite. Kolker indicates he <i>wants</i> half of the

Timeline of Mediation Efforts Between Applicant and 3-Neighbor Group

*Application of 3825 Morrison Street, N.W.
BZA No. 18296*

	driveway removed, landscaped, and additional topographical data so that his Architect <i>can prepare plans</i> for construction modifications of the deck and storage area.
6/13/11	Applicant sends email requesting a response from 3-Neighbor Group regarding suggestions
	Omitted some emails.
08/29/11	Applicant submits the SE Application to the BZA.
09/26/11	Applicant's Counsel met with 3-Neighbor Group to discuss a possible resolution; introduced landscape designer (Balman) and draft proposal to promote discussion. (At Neighbor's Home).
10/03/11	Applicant requests a response from the 3-Neighbor Group regarding the Balman proposal or other suggestions. (Email)
10/16/11	3-Neighbor Group requests clarification regarding the Applicant's support of the Balman proposal and specifically, the permit for the pergola. (Email)
11/01/11	Applicant requests a response from the 3-Neighbor Group about the Balman plan. (Email)
11/02/11	3-Neighbor Group responds, "We will be back to you shortly." (Email).
11/06/11	3-Neighbor Group requests topographic surveys and dimensioned architectural drawings before the ANC meeting before they can discuss the landscape proposal.
11/10/11	Applicant receives confirmation from the BZA the SE Application is complete. Applicant responds to 3-Neighbor Group that the he will not be providing additional design materials. In response to the concerns by 5525 Neighbor, Appellant pulled out bamboo plantings on the property lot line. Offered another meeting with Balman.

Timeline of Mediation Efforts Between Applicant and 3-Neighbor Group

*Application of 3825 Morrison Street, N.W.
BZA No. 18296*

	5524 Neighbor contacted Applicant's Counsel to discuss the "stupid" position. No agreement regarding the landscape plan or suggestions. Threatens no to provide support for application which will end in its rejection.
11/14/11	ANC Meeting. 3-Neighbor Group opposes the SE Application, reject the Balman landscape proposal. Balman present at meeting. Opposition takes an extra ordinate amount of time explaining their opposition and argues with other neighbors who support the project. Applicant is unable to finish presenting his application.
11/16/11	3-Neighbor Group requests Balman meeting to discuss her proposal and other suggestions. (Email)
11/19/11	Applicant requests a more civil discourse. Offers to meet in smaller groups, noting the hostility and tension during the ANC presentation and willingness to discuss the project and show the new kitchen.
12/06/11	Applicant indicates they are unable to send architectural drawings to the 3-Neighbor Group before the upcoming ANC meeting. Offers again to meet with then separately to dial back the tension.
12/12/11	ANC Meeting. Opposition now adopts the Balman plan.