



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

Pursuant to §3103.2 - Area/Use Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations,
an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zone District(s)	Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
2933 Tilden St., NW	2235	68	R-2	Special Exception	11-403.2
2933 Tilden St., NW	2235	68	R-2	Special Exception	11-2500.4
Present use(s) of Property:	Attached Single-Family Residence (Row House)				
Proposed use(s) of Property:	Attached Single-Family Residence (Row House with Garage)				
Owner of Property:	Kevin & Anne MacMillan			Telephone No:	202-604-9020
Address of Owner:	2933 Tilden St., NW, Washington, DC 20008				
Single-Member Advisory Neighborhood Commission District(s):	3F (Chairperson: Karen Lee Perry)				
Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:					

Kevin & Anne MacMillan request a Special Exception to increase the Maximum Occupancy on their property and the Maximum Allowable Height, 2933 Tilden St., NW, Washington, DC 20008, to to allow for a 2-car garage (22'x22') at the rear lot line adjacent to the public alley. They request this on the grounds that both the existing lot and structure are non-conforming and as a result greatly limit their ability to build on their property and a large grade differential exists from the adjacent alley.

EXPEDITED REVIEW REQUEST (If interested, please select the appropriate category)

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be placed on the Expedited Review Calendar, pursuant to §3118.2 (CHOOSE ONE):

- ☐ A park, playground, swimming pool, or athletic field pursuant to §209.1, or
☐ An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Date:	10/20/12	Signature*:	
To be notified of hearing and decision (Owner or Authorized Agent*):			
Name:	Carib Daniel Martin	E-Mail:	carib@manionandassociates.com
Address:	Manion+Martin Architects, 7307 MacArthur Blvd., #216, Bethesda, MD 20816		
Phone No(s):	301-229-7000	Fax No.:	301-229-7171

* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

FOR OFFICIAL USE ONLY

Exhibit No. 1

BOARD OF ZONING ADJUSTMENT
District of Columbia

Case No.

18345

CASE NO.

18345

EXHIBIT NO.

18

18345



MANION+MARTIN ARCHITECTS, P.C.

7307 MacArthur Blvd; Ste 216; Bethesda, MD 20816; T:301.229.7000; www.manionandmartin.com

District of Columbia Office of Zoning
441 4th Street, NW
Suite 200 S
Washington, DC 20001

February 13, 2012

RE: New Garage for 2933 Tilden Street, NW, Washington DC 20008 – Special Exception

To whom it may concern:

This letter is intended to describe the existing and proposed structures of the MacMillan residence located at 2933 Tilden Street NW, Washington DC 20008 and describe how the property meets the tests for the special exception being sought.

REQUEST:

The owners of the property, Kevin and Anne MacMillan, request a special exception to increase the Allowable Lot Occupancy on their property to allow for a two car garage (22'x22') at the rear of their property adjacent to the public alley. There was previously a garage at this requested location but has since deteriorated and the walls and roof structure have been razed. The floor slab of the old garage provides their existing parking pad situated next to a tiered garden. The clients would like to build a new two car garage per the design drawings submitted with this application. The garage would be a one-story structure, with a roof slope starting at 8'-10" from the Alley and sloping upward to a height of 12'-4" as measured from the Alley (19'-0" +/- from rear yard). It is a modern structure finished with environmentally-friendly cement fiberboard siding. The single-slope shed roof permits the use of high transom windows to allow southern light into the garage. Rain water would also be collected from the roof and run to storage tanks attached to the garage base.

REASON FOR SPECIAL EXCEPTION (LOT OCCUPANCY):

Other properties along the block have similar-sized garages facing the alley; therefore the MacMillan's request would not adversely affect the neighborhood as a whole or any of the neighboring properties specifically. The property width is non-conforming for an R-2 Zone. The minimum width of an R-2 lot is to be 30', and the width of the MacMillan's lot is 23'. Due to this non-conformity any structure, including the original garage, would push the lot Occupancy beyond the code allowed amount. Exacerbating the Low Occupancy issue is the fact that the primary structure (residence) is built property line to property line, without the required side yard setback, and is thus a Non-Conforming Structure.

REASON FOR SPECIAL EXCEPTION (BUILDING HEIGHT):

The existing grade of the property drops dramatically, approximately 7 feet, from the Alley to the rear yard of the property. This height differential makes it impossible to build a standard garage structure with adequate ceiling height and minimal slope of both base slab and roof structure to allow adequate drainage of storm water. To meet these bare minimum standards the owners would be forced to build an adjacent retaining wall directly beside the new foundation wall providing the same structural capacity. While this might meet the letter of the law it would not change the true nature of the spacial relationship of the building to the site and merely increase the financial strain upon the owners.

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ADHERENCE TO 11 DCMR SECTION 223:

The new accessory structure does not have a substantial adverse affect on the use or enjoyment of any abutting or adjacent dwellings. The proposed space is currently being used to park two cars. The neighboring properties have garages of similar sizes and heights at the rear line of their lots. The owner's lot originally had a garage in this location.

The Lot Occupancy of all new and existing structures on the lot will not exceed fifty percent (50%).

We request that based on these non-conforming issues, and that the proposed design would be in conformance with the intent of the neighborhood, that a special exception be granted to the MacMillan's (of 2933 Tilden St, Sq 2235, Lot 68) permitting the addition of a two-car garage to their lot.

If you have any questions or comments, please do not hesitate to contact our office.

Sincerely,

MANION+MARTINARCHITECTS, P.C.

Carib Daniel Martin

Carib Daniel Martin, Principal Architect
carib@manionandassociates.com



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
2933 Tilden Street NW	2235	68	R-2

Single-Member Advisory Neighborhood Commission District(s):

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 - Use Variance	☐ §3103.2 - Area Variance	☒ §3104.1-Special Exception
Pursuant to Subsections			223

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self certified in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22 2405)

Owner's Signature 		Owner's Name (Please Print) Kevin MacMillan	
Agent's Signature 		Agent's Name (Please Print) Thomas Mahion, AIA	
Date 1/17/2012	D.C. Bar No.	or Architect Registration No.	A 2650

FOR OFFICIAL USE ONLY

Based upon review of the application and self-certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ 11 DCMR §3113.2; or ☐ 11 DCMR - Zoning Regulations. Explanation _____

Signature		Date	
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ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Case No. 18345

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on this form. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. (All applications must be submitted before 3:00 p.m.)

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	3209 SF			3209 SF	
Lot Width (ft. to the tenth)	23 FT	30 FT		23 FT	
Lot Occupancy (building area/lot area)	34%		40%	50%	10%
Floor Area Ratio (FAR) (floor area/lot area)	NONE				
Parking Spaces (number)	N/A				
Loading Berths (number and size in ft.)	N/A				
Front Yard (ft. to the tenth)	N/A				
Rear Yard (ft. to the tenth)	12 FT FROM CENTER OF ALLEY		12 FT FROM CENTER OF ALLEY	12 FT FROM CENTER OF ALLEY	
Side Yard (ft. to the tenth)	NONE FOR GARAGES		NONE FOR GARAGES	±6"	
Court, Open (width by depth in ft.)	N/A				
Court, Closed (width by depth in ft.)	N/A				
Height (ft. to the tenth)	N/A		15 FT/ 1 STORY	19'± / 1 STORY (12'-4" at ALLEY)	4 FT +/-

If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.



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BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 126 – BOARD OF ZONING ADJUSTMENT FEE CALCULATOR

Per §3180 of the Zoning Regulations, at the time of the filing of an application or an appeal with the Board of Zoning Adjustment, the applicant or appellant shall pay a filing fee in accordance the fee calculator below. In the case of an application combining two (2) or more actions, or for an application requesting consideration of more than one alternative, the fee shall be the total of the amounts for each action or alternative computed separately. However, for applications involving owner-occupied, one-family dwellings or flats, regardless of the number of variances, special exceptions, or alternatives requested, the fee is three hundred and twenty-five dollars (\$325.00). A department, office, or agency of the Government of the District of Columbia shall not be required to pay a filing fee where the property is owned by the agency and the property is to be occupied for a government building or use.

APPLICATION OR APPEAL TYPE:	FEE	UNIT	TOTAL
VARIANCE:			
Owner-Occupied Dwelling	\$325		
All Other Variances Per Section Requested	\$1,040		
TOTAL FOR VARIANCES:			n/a

SPECIAL EXCEPTION:			
Parking Lot/Garage/Accessory Parking (per space)	\$104		
Child Development Center (per student)	\$33		
Private School (per student)	\$33		
Residential Under §353	\$520		
CBRF (per person)	\$104		
Office Use in SP (per 100 square feet)	\$52		
Roof Structures	\$2,600		
Hotel or Inn in SP (per room or suite)	\$104		
Gasoline Service Station	\$5,200		
Repair Garage	\$1,560		
Home Occupation	\$1,560		
Accessory Apartment Under §202	\$325		
Theoretical Lot Under §2516	\$1,560		
Additional Theoretical Lot Under §2516	\$520		
Recycling Facility Under §802	\$5,200		
Antenna Under §211	\$2,600		
Any Other Special Exception	\$1,560		
Chancery (per 100 square feet)	\$65		
Owner-Occupied Special Exception	\$325	2	\$325 / \$325
Time Extension/Modification – Owner Occupied	\$130		
Time Extension/Modification – All other (percentage of filing fee)	26%		
TOTAL FOR SPECIAL EXCEPTIONS:			\$650.00

APPEAL:			
NCPC/ANCs/Citizens Association/Civic Association/Not-for-Profits	\$0		
All other organizations, groups or persons	\$1,040		
TOTAL FOR APPEALS:			n/a
GRAND TOTAL:			\$650.00

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Name: Kevin MacMillan Signature: Kevin MacMillan

Exhibit No. _____ Last Revised (10/18/10) Case No. 18345

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