

Subject: 2926 Newark St. NW, BZA case 18480
Date: Monday, December 31, 2012 3:54 PM
From: Dickson Carroll <dicksoncarroll@earthlink.net>
To: <kathleen.beeton@dc.gov>, "LeGrant, Matt (DCRA)" <matthew.legrant@dc.gov>
Cc: <clifford.moi@dc.gov>, "Mordfin, Stephen (OP)" <stephen.mordfin@dc.gov>

Dear Ms Beeton and Mr. Le Grant

Stephen Mordfin of the D.C. Office of planning talked to you about a week ago (Dec. 20 or 21st) about this case which will be heard by the BZA on Jan 8. Earlier your office issued a memo, (Sept. 13, 2012), at my request as part of our application to the to the BZA itemizing the relief we needed. At this time it was a request for a variance. We had a split level deck, but both decks were more than 4' off grade and counted as lot occupancy, making the total lot occupancy over 50 %. We subsequently revised our application, (11/15/12), making the lower deck 4' off grade for a total lot occupancy request of 50% so as to fall within 223., special exception. I, as the architect, certified the revised application as suggested by Rich Nero along with the revised plans.

However, on both applications we have what I believed to be a non-conforming court between the upper deck (6'-4" above grade) and the adjacent garage 3'-6" away. They overlap for a distance of 5'-6". If this was the case, the court would connect the garage to the main house requiring a side yard variance on both sides (the garage is face-on-line and the house itself is semi-detached) as originally certified by DC Zoning. They also certified that we would also need relief for section 200.4 (alteration and conversion of a semi-detached single family structure into a single family row structure in an R-1-B zone).

When Mr Mordfin, in the process of writing his memo to BZA, met with Matt and Kathleen and showed them our revised plans they said that we did not have a court and we did not therefore need relief from 200.4 thus making our case fall completely under 223., a special exception. (see Matt's email to Steve Fri, Dec 21). He has prepared his memorandum to the BZA accordingly.

I just want to be sure that you understood our plans and that in fact we do not have a non-conforming court, since three members of your staff advised me that we did in my preliminary zoning research at DCRA. If, in fact, we do need this relief in order to get DCRA approval should our request be granted from BZA, I want to be sure we ask for this relief from the BZA so that there will be no impediment to our getting a permit.

I will raise this issue with the BZA at the hearing on the 8th to get their interpretation. However, could you review our revised application with Steve and verify your decision that we

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BOARD OF ZONING ADJUSTMENT
District of Columbia

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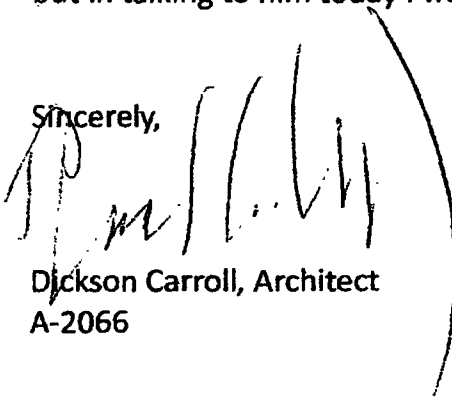
EXHIBIT NO. 31

Board of Zoning Adjustment
District of Columbia
CASE NO.18480
EXHIBIT NO.31

do not have a court, before the hearing? I would appreciate it.

I am raising this issue at this late date, because on Dec 21 when Steve informed me that he had talked to you and that we did not have a court, I considered that the variance issue was moot, but in talking to him today I was not sure whether you had fully understood the plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Dickson Carroll", with a large, sweeping flourish extending from the end of the signature.

Dickson Carroll, Architect
A-2066