



CAPITOL HILL RESTORATION SOCIETY

P.O. BOX 15264 • WASHINGTON, DC 20003-0264 • 202-543-0425

www.chrs.org • info@chrs.org

June 3, 2013

Sara Benjamin Bardin
Director of the Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001

RE: BZA #18556

Dear Director Bardin,

The Capitol Hill Restoration Society Zoning Committee at a meeting held on May 9, 2013 considered the above case. This case involves the application of Derek S. Mattioli for variances from the lot occupancy requirements, from the rear yard requirements, from the court requirements, and from the nonconforming structure provisions to allow a rear addition to an existing row dwelling in the R-4 zone at 1375 Massachusetts Avenue, S.E. It must be noted that the applicant has substantially completed the addition and is before the BZA because a stop work order was issued. The applicant had obtained a building permit to replace a small, now demolished, porch to the same dimensions. The CHRS Zoning Committee considered this property as if it did not have the illegal improvements. Attached you will find before picture, exhibit A, and after picture, exhibit B. After hearing the applicant's presentation, the Committee voted unanimously to oppose the application.

The applicant seeks variances to increase the lot occupancy from 88% to 96%, to reduce the rear yard to 1.16 feet, and to have open courts of approximately one foot on either side of the new porch. A variance is also need for the existing building because it is substantially nonconforming.

For the BZA to grant variances the applicant must show an exceptional condition or uniqueness of the property, practical difficulties in complying with the zoning regulations arising out of the uniqueness, and no detriment to the public good or impairment of the zone plan. The applicant has failed to prove all of these tests.

The property has no exception condition or uniqueness because there are many properties along Massachusetts Avenue count that are identical to the subject property. Attached as exhibits C, D, and E are maps showing Massachusetts Avenue from 7th Street N.E. to 11th Street NE and the 1300 block of Massachusetts Avenue, S.E. There are at least 30 properties that are like the subject property and would also "qualify" for the same variances. The application must fail on this alone.

BOARD OF ZONING ADJUSTMENT
- District of Columbia

CASE NO. 18556

EXHIBIT NO. 29

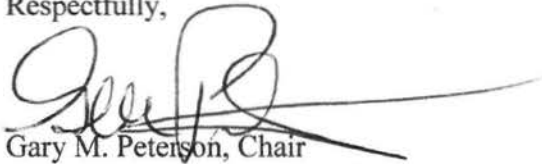
Board of Zoning Adjustment
District of Columbia
CASE NO.18556
EXHIBIT NO.29

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As a practical matter, the applicant has no difficulty in complying in all ways with the zoning regulations, and can put the property to sufficient use without the variances. The CHRS Zoning Committee believes that granting this application would undermine the R-4 zoning on Capitol Hill. Imagine if all the properties in the subject square were allowed to have 96% lot occupancy

For these reason, we urge the Board to deny the application.

Respectfully,

A handwritten signature in black ink, appearing to read 'Gary M. Peterson', with a long horizontal line extending to the right.

Gary M. Peterson, Chair
Capitol Hill Restoration Society
Zoning Committee

Ex. A

1375

Image at google.com/gmm



11/6/2010 9:40 AM



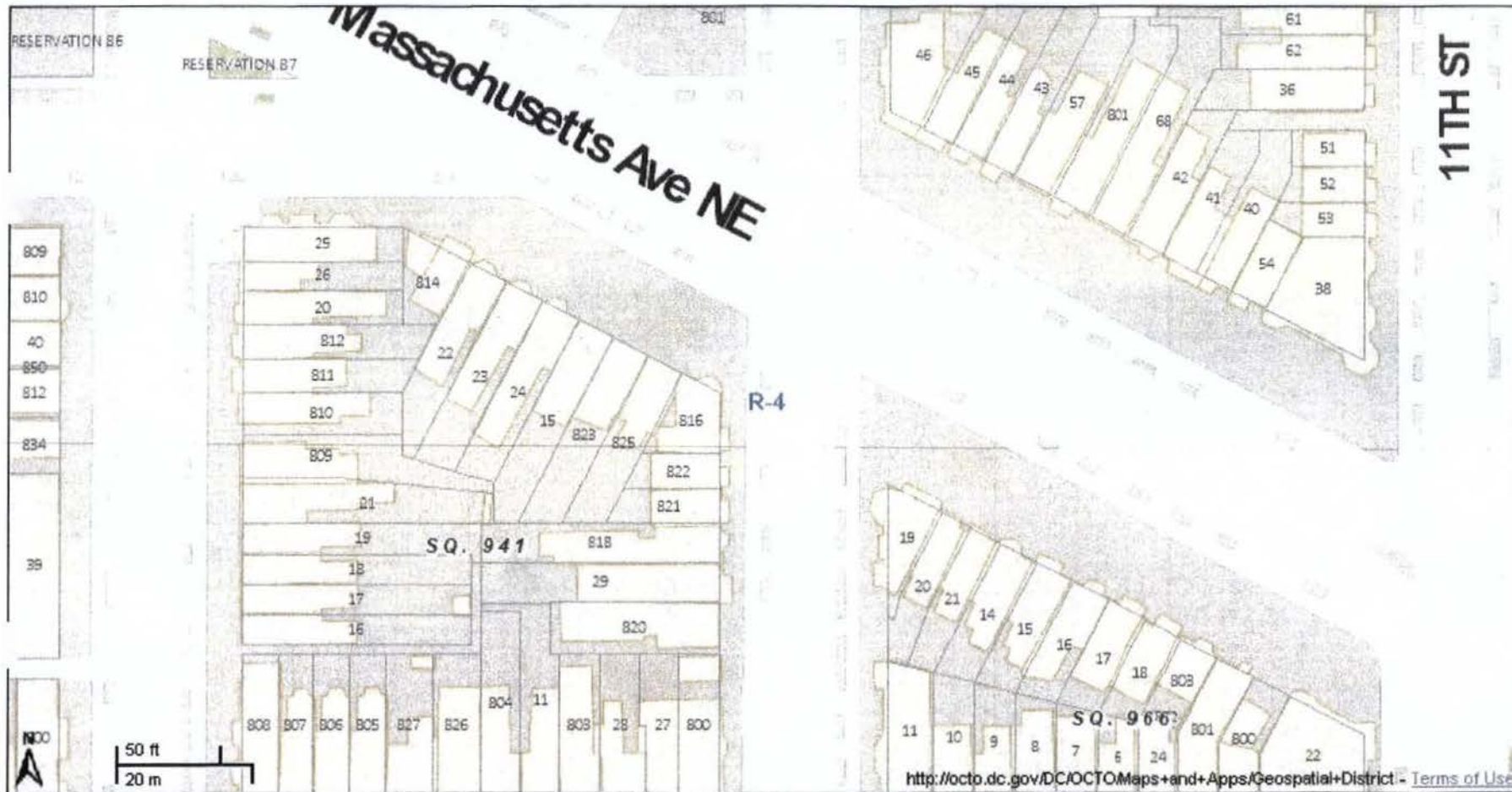
Ex. C



District of Columbia Office of Zoning

EXTRACT OF THE DISTRICT OF COLUMBIA ZONING MAP

June 3, 2013



Zoning Layers

Zone Districts	Overlays Districts	TDRs	Air Rights Zone
Pending Zones	Pending Overlay Districts	Pending PUDs	Baist Index
Historic Districts	Campus Plans	Active PUDs	CEA

To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning at (202) 727-6311.

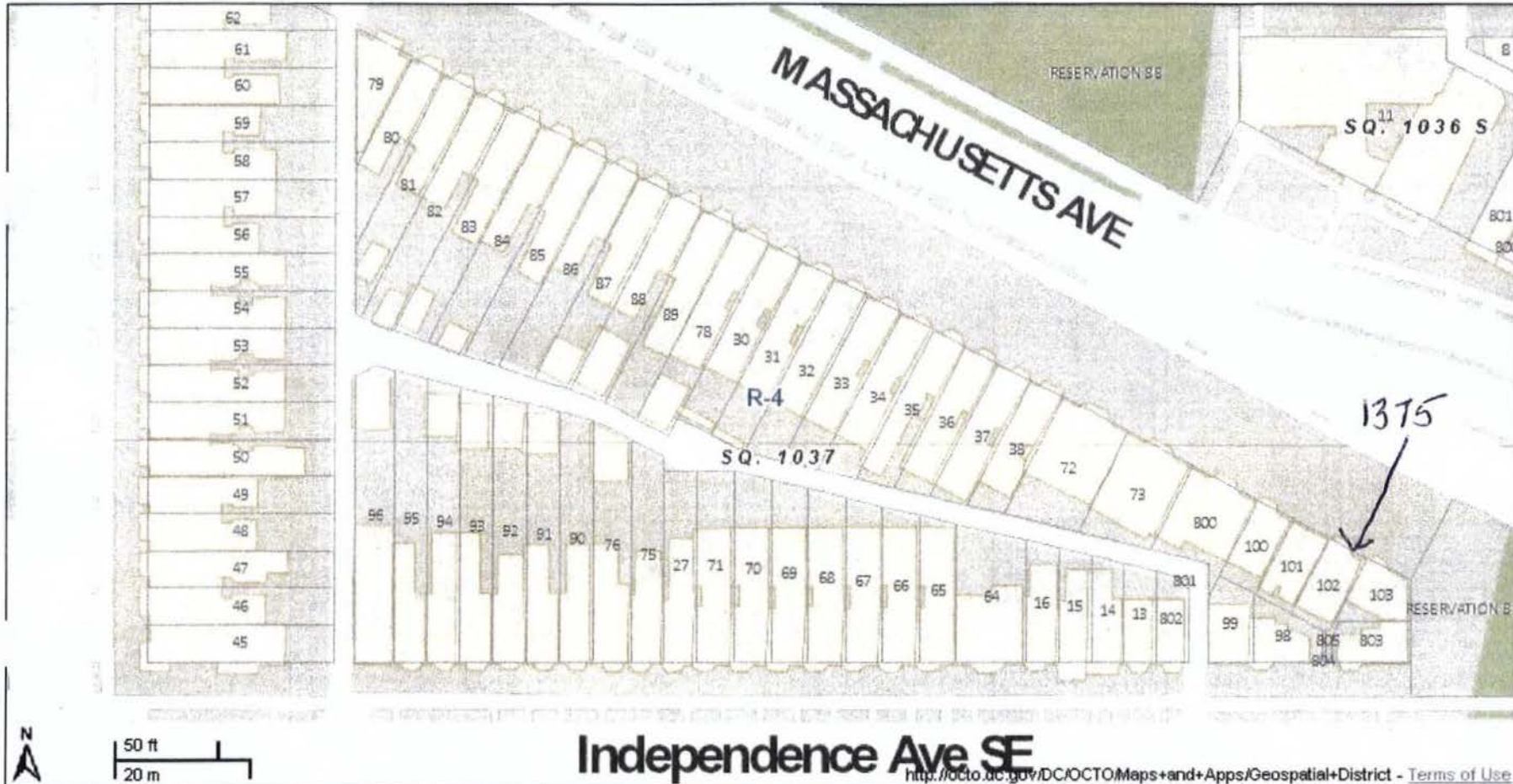
EX D



District of Columbia Office of Zoning

EXTRACT OF THE DISTRICT OF COLUMBIA ZONING MAP

June 3, 2013



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Ex E