

October 8, 2013

By Hand Delivery

Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

RECEIVED
D.C. OFFICE OF
2013 OCT -8 PM 1:15

Re: Amended Special Exception Application (§223) for 229 12th Street, SE
BZA Application #18639

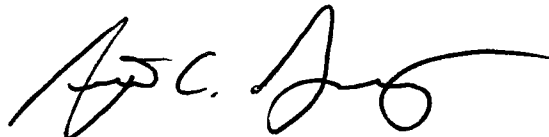
Dear Members of the Board,

Enclosed please find a revised special exception application for an addition to a one-family dwelling (§223). Attached is an original and 10 copies (where applicable) of the following:

- BZA Application Form 135;
- A detailed Applicant's Statement explaining how the application meets the burden of proof for the special exception request with five exhibits;
- Plans and elevations of the proposed addition, including a building plat from the D.C. Surveyor's Office and photographs and plans depicting the existing structure and its relationship to abutting properties; and
- Correspondence log with neighbors

The Applicant requests that the Board consider the enclosed supplemental materials when reviewing the merits of this case. Thank you for your consideration of this application.

Sincerely,



Justin C. Sprinzen
Owner/Applicant

enclosures

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18639
EXHIBIT NO. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.18639
EXHIBIT NO.25



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
229 12 th Street SE	990	817	R-4

Single-Member Advisory Neighborhood Commission District(s): ANC 6B05

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			223.1, 401.3, 403.2

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

404.1, 406.1 and 2001.3

- (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) Justin C. Sprinzen	
Agent's Signature 		Agent's Name (Please Print) Michael Wm. Hall	
Date 10/8/13	D.C. Bar No.	or	Architect Registration No. DC 5613

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. 18639

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.)	1679 sf	3000 sf	----	1679 sf	0
Lot Width (ft. to the tenth)	23.0	30.0	----	23.0	7.0 ft
Lot Occupancy (building area/lot area)	35.7%	----	40.0%	65.87%	25.87%
Floor Area Ratio (FAR) (floor area/lot area)	NA				
Parking Spaces (number)	0	----	----	0	0
Loading Berths (number and size in ft.)	NA				
Front Yard (ft. to the tenth)	NA				
Rear Yard (ft. to the tenth)	43.0	20.0	----	17.0	3.0 ft
Side Yard (ft. to the tenth)	3.0	8.0		0.0	
Court, Open (width by depth in ft.)	Front NA Rear: NA			Front: 30 x 29.5 Rear: 7.0 x 26.0	
Court, Closed (width by depth in ft.)	NA				
Height (ft. to the tenth)	25.5	----	40.0	25.5	0

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.



BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION
APPLICANT'S SUPPLEMENT STATEMENT
SUBMITTED 10/8/13

New Vision Properties, LLC (Applicant)
229 12th Street, SE; Square 990, Lot 817

RECEIVED
D.C. OFFICE OF ZONING
2013 OCT -8 PM 1:16

I. Introduction.

New Vision Properties, LLC (the "Applicant"), the owner of the property and improvements located at 229 12th Street, S.E., Square 990, Lot 817 (the "Property"), hereby requests special exception approval pursuant to Section 223 of the District of Columbia Zoning Regulations (the "Zoning Regulations") to allow construction of an addition to the one-family semi-detached dwelling on the Property (the "Home"). The Property is located in the R-4 zone district. In order to complete the proposed addition (the "Addition"), the Applicant is requesting § 223 relief from the maximum permitted lot occupancy (§ 403.2), the expansion of a building which is nonconforming as to lot occupancy (§ 2001.3), the creation of a nonconforming court (§ 406.1) and minimum lot area requirements (§ 401). Addition relief from section (§ 404.1) is also required as a result of the compromise with the neighbors, specifically the owners of 227 12th Street SE. The Applicant is proposing to construct a two-story addition to the rear of the home that would result in a lot occupancy of 65.8%. After compromising with the neighbor to the North to address some of their concerns we now have 227 12th Street's support as well as the neighbor to the West, 16 Gessford Court.

II. Description of the Property and Surrounding Area.

The Property, built in 1900, is located on 12th Street, S.E., in the Capitol Hill area of the District. The Home faces east on 12th Street, in the middle of the block between Independence Avenue and C Street. Unlike the other properties on this side of 12th Street, SE, the Applicant's lot does not go through to the alley. In the rear, the Property abuts two small alley lots which have small dwellings facing the alley. As a result, the Applicant's lot is slightly smaller in area than the neighboring lots. The proposed addition will not extend beyond the existing improvements on the two neighboring properties and will not change the residential use of the dwelling, which is allowed in an R-4 zone.

III. History of the Case.

A. Overview. The applicant has been extremely proactive and worked tirelessly to address any concerns the neighbors have had. Provided below is an evolution of multiple redesigns leading to the current revised proposal, which we are submitting today. We have moved off the initial proposal to build to the property lines in order to accommodate the neighbors concerns that we were going to impact their light and air. We have worked with the neighbor at the direction of the ANC after they pushed to have him go on the record to state clearly what he would be willing to accept. On October 2, 2013 (Exhibit A), Mr. Smeltzer, the owner of 227 12th Street SE stated that he *"....wants to be clear that we will withdraw our opposition at the BZA and will support your application, in writing or in person, if you'll provide a seven-foot side court. We will promptly review any proposals you wish to show us and will endeavor to get you anything you need from us before the ANC and BZA hearings."* He ultimately wanted a 7-foot side yard setback and continued to push back after we proposed another compromise of a 5-foot side setback, which would mirror his setback and be consistent with the rest of the block and neighborhood. The revised plans would result in a slight encroachment into the required rear yard of approximately 2 feet. The Applicant therefore has amended the application to include relief from the rear yard requirements of Section 404.1 under the Section 223 relief. Even with the rear yard relief, the Addition will not extend beyond the south neighbor's rear building line. Also, the Applicant has secured the support of the rear neighbor (Exhibit B), the only adjacent property potentially impacted by the requested rear yard relief other than the owner of 14 Gessford Court who has not responded to any of my correspondence.

In the end, I decided to go all the way and accede to the north neighbor's specific demands and do a 7-foot setback. Note that as of the date of the filing of this statement, the north neighbor has not withdrawn his unconditional opposition (Exhibit E received moments before filing), as agreed upon although he has indicated his conditional support in a letter to the ANC dated October 7, 2013 (Exhibit C). Even without their full support and agreement to withdraw their opposition, I have decided to address their concerns anyway (with the 7-foot setback), since my architect and I was able to devise a creative plan that seems to address all concerns without unduly impacting other neighbors. I regret that the north neighbor has not followed through on his promise to support the project as agreed upon if I provided the 7-foot setback.

- The original proposal was to be a 2-story addition extending property line to property line and would extend out approximately 18-feet into the rear yard.
- We conducted a light study to examine the impact on 227 12th Street SE, which we found would not unduly affect the neighbor. The neighbor did not agree with our interpretation even though he acknowledged that our study was accurate as his brother who is a licensed architect concurred with the accuracy of the shadows cast on the building.
- We then proposed a second floor setback to mirror his setback to address those concerns. He was still not willing to agree.
- We then proposed a two-story 5-foot setback to mirror his setback and build further into the rear yard. He would still not agree even though this was one of his proposals as suggested in an email to the Applicant on September 17, 2013 (Exhibit C).
- We finally proposed the 7-foot setback (a full 2 feet greater than his setback) alternative with the caveat that we would need to extend further back in the yard and encroach on the 20-foot rear yard setback requirement. It is important to note that our rear wall will still not exceed past either adjacent property and the height of our addition is also lower or equal to either adjacent neighbor. We will fall roughly 2 feet six inches shorter than 227 12th Street SE. We made this proposal with the understanding that he would unconditionally support the project and remove all opposition prior to the ANC meeting. At the time of this filing that has not been completely honored by the neighbor to the North.

IV. The Application Satisfies Special Exception Requirements of Sections 3104.1 and 223.

A. **Overview.** Pursuant to Section 3104.1 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under Section 223 of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000). This application provides sufficient evidence to show that the Applicant has satisfied the relevant zoning requirements of Sections 3104.1 and 223, as described herein and, therefore, supports a decision granting the application.

B. Requirements of Section 3104.1.

The granting of a special exception in this case *"will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property..."* (11 DCMR 3104.1.)

For reasons explained further below, the proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. The addition will not extend beyond the existing adjacent structures, and will not have a negative impact on these homes or on the homes bordering the rear property line.

C. Requirements of Section 223.

The proposal in this application satisfies the requirements of Sections 223, as follows.

Section 223.2 *"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, in particular:*

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

According to § 223.2 subsection a, in order to be eligible for a special exception the light and air available to neighboring properties shall not be unduly affected. The proposed addition

will not unduly affect the light and air available to any abutting property or have a substantially adverse effect on the use or enjoyment of any abutting dwelling or property.

- The proposed addition would not unduly impact light or air available to adjacent properties. The addition would cast a near minimal shadow on the property to the North. The amount of light available to the neighbors would not appear to be dissimilar to light available in other dense row house neighborhoods.
- There would not be a substantial adverse effect to either property's natural light exposure.
- The revised submittal is in response to concerns from the adjacent neighbor to the North who expressed concerns with the design and possible impacts to their property. This proposal was presented in front of the ANC by the neighbor and subsequently agreed to by the applicant.
- There would be approximately 12 feet between the neighbor's South facing wall and windows to the applicants North-facing wall. The 7-foot side yard setback would create a conforming side yard and not count against the lot occupancy. There is an existing six-foot fence currently separating all adjacent properties (runs the length of the property line).
- The massing and height of the addition would be consistent with that of existing adjacent dwellings, it is not expected to have a substantially adverse affect on the use or enjoyment of either adjacent neighbor. The proposed addition would stand several feet lower than the neighbor to the North at the start and finish of the addition.
- The proposed addition would extend along the Southern side lot line, along which no side yard is required, and extend to a height of approximately 22

feet, less than the maximum forty-foot building height permitted. A rear yard of 18 feet would be provided, which would just exceed the required 20-foot rear yard set back requirement. The neighbor to the West at 16 Gessford Court has expressed her support of the project and has expressed her thanks for working with our adjacent neighbor to the North.

- Although the addition would exceed the maximum lot occupancy permitted for a semi-detached dwelling in the R-4, it would conform to all other bulk regulations, minimizing the impact this addition would have on neighboring properties.
- The applicant is seeking a lot occupancy of 65.8% which is less than the permitted 70% for a special exception.

(b) According to § 223.2-subsection b, in order to be eligible for a special exception the privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

- The proposed addition will not compromise any privacy of use and enjoyment of the neighboring properties due to the extent of existing construction and subsequent additions to the abutting properties.
- The privacy of neighboring properties would not be unduly compromised. The proposed addition would take into account the neighbor to the North's window locations and stagger them so they will not have a negative impact.
- The existing 6-foot fence surrounding the rear yard will remain or be replaced in kind to help maintain privacy.
- The proposed addition would be in scale with that of adjacent dwellings and other residences on the block and would maintain its current two-story height.

- The proposed addition would not encroach further into the rear yard and will be similar to neighboring properties on the block, including both adjacent neighbors. Our revised proposal aligns our rear wall with the adjacent neighbor to the South's wall.
- Building to the property line on the South would have no impact on them as they have no windows on that side of the house.
- The neighbor to the South has approached me about their desire to replace the siding and install insulation on their exterior. Building to the property line will reduce their cost by limiting the siding coverage area. We have offered to work with them and provide the siding and insulation work at direct cost with no additional financial benefit to us.
- In addition, the large cherry tree in the rear of our lot provides significant privacy to the abutting neighbors as well as the two dwellings facing the alley in between 11th and 12th Street SE. Under current regulations, the property is also required to have a minimum depth of Rear Yard of no less than 20 feet. Our proposal is requesting relief of only two feet which still leaves approximately 18 feet from the rear of our proposed addition to the property line to the West.
- The neighbor to the North would enjoy a 7-foot side setback from the property line.
- With respect to the height of the addition, as depicted in the drawings, our existing roofline is lower than the abutting neighbors and the slope of the addition's roof will remain consistent throughout, leaving no visible impact on the neighbors from their roof, the 12th Street view and alley views.

For these reasons, we submit that the proposed addition is in compliance with this requirement.

(c) According to § 223.2 subsection 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.

There is indirect alley access behind the rear of the property, but the proposed addition at 229 12th Street SE will not dramatically change the view because the existing two-story residential alley properties backing the subject property blocks any direct view of our backyard. In addition, the neighbor to the North has a garage and several large trees, which also block any direct line of sight of the subject property and proposed addition. Both abutting properties are nearly double the size of our existing dwelling and will continue to remain approximately six feet longer after our proposed addition has been built. The neighbor to the South has a tall fence and foliage, which significantly limits any view from the Southwest corner of the alley looking back to the subject property. Additionally, as illustrated in our permit set drawings, the proposed renovation will bear limited to no visibility from the 12th Street frontage. There is a three-foot court on the South side of our property in between the subject property and 231 12th Street SE, which is closed off by an existing 9'^{8"} wood fence gate (as shown in the attached photograph). The gate, along with the narrow court, obstructs almost all, if not all, of the view from the street to the rear of the property. The proposed addition will be constructed with high quality, historically appropriate materials leaving the addition nearly unnoticeable from 12th Street. Lastly, the façade on the front will remain completely untouched from a structural standpoint having no visible changes from the 12th Street view. Additionally, the proposed addition would not visually intrude upon the character and pattern of the houses along 12th Street, Gessford Court or the neighborhood. The subject square contains houses with a variety of shapes and sizes. For these reasons, we submit that the proposed addition is in compliance with this requirement.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.”

Section 223.3 *“The lot occupancy of all new and existing structures on the lot shall not exceed seventy (70%) in the R- Districts...”*

Elevations, sections, floor plans and photographs that illustrate the existing site plan and proposed addition have all been submitted. The percentage of lot occupancy, including the addition and the area of the nonconforming court, will be 65.8%.

V. Historic Preservation.

The applicant has received its concept approval for the revised plans from the HPRB by a unanimous vote on 10/3/13.

VI. Conclusion.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Justin C. Sprinzen', is written over a horizontal line.

New Vision Properties LLC
c/o Justin C. Sprinzen
Owner/Applicant
229 12th Street SE
Washington, DC 20003

Exhibit A

From: John Smeltzer <johnismeltzer@gmail.com>
Subject: **Re: BZA Notice Requirement Poster**
Date: October 2, 2013 3:57:08 PM EDT
To: justin <justin@newvisionpropertiesdc.com>
Cc: Catherine Flanagan <caflanagan08@gmail.com>, Brian Pate <patebc@gmail.com>, Michael Hall <michael@studiocrowleyhall.com>

Hi Justin:

Thank you for the notice. We completely understand how the process works and your need to post the notice. We're also hoping that we can have a compromise solution before the hearing arrives.

We had a productive call with Brian. We want to be clear that we will withdraw our opposition at the BZA and will support your application, in writing or in person, if you'll provide a seven-foot side court. We will promptly review any proposals you wish to show us and will endeavor to get you anything you need from us before the ANC and BZA hearings.

So we don't run into any hiccups, I want to be clear about my conversation with Jessica Sacco, owner of the Gessford Court house in the rear. I asked for her support, conceptually, to our compromise proposal, which included reorienting the patio and back door to our side, to offset additional privacy concerns she might have. (We are not opposed to the windows and door on our side). That is the idea that she verbally supported. We will work you to keep her support (as it remains very much in our interest). But we are cognizant of your concern that you not raise issues with other neighbors in trying to satisfy us. So we don't want to create any misimpression about her support.

Should there be concerns about building deeper on the lot, we will look at an alternative that provides a five-foot side court (within the same or similar depth as the existing proposal). We've focused on the seven-foot side court because it would allow you to push farther back and provide more square footage. We've also seen a sun/shadow study on the seven-foot setback (that my brother prepared for us) and are comfortable with its impacts. But we do not want to foreclose dialogue if the seven-foot side court proves unworkable.

Please let me know if you have any questions.

Thank you -- John

On Wed, Oct 2, 2013 at 12:37 PM, Justin Sprinzen <justin@newvisionpropertiesdc.com> wrote:
John and Cathy,

I wanted to let you know that I will be posting a required BZA hearing poster notice on the door of 229 12th Street in the next few days as required by the BZA. I am then required to complete an affidavit and submit with pictures to the BZA. It must be posted by October 7th.

My purpose in notifying you is that so you don't think there is any malicious motivation behind it. Contrary to what you may think, I am doing the best I can to be considerate of your feelings throughout this process.

Regards,

Justin

--
John Smeltzer
johnismeltzer@gmail.com

Exhibit B

From: Jessica Sacco <dcjess@yahoo.com>
Subject: **Re: revised agenda**
Date: October 4, 2013 12:35:35 PM EDT
To: Justin Sprinzen <justin@newvisionpropertiesdc.com>

I am traveling. Cannot look at this until next week

Jessica

On Oct 4, 2013, at 12:26 PM, Justin Sprinzen <justin@newvisionpropertiesdc.com> wrote:

Jessica, would you be so kind to sign a letter of support for me? I have attached a draft which you may sign or alter if you prefer. You can scan back to me or I can come pick it up. Just let me know what is easier for you.

Matt will also be signing a similar letter if not the same.

Regards,

Justin

<16 Gessford Court Letter of Support>

On Oct 3, 2013, at 5:01 PM, Jessica Sacco wrote:

Hi Justin,

John and I have spoken and this looks great to me. Thank you for being so flexible.

Jessica

On Oct 3, 2013, at 12:44 PM, Justin Sprinzen <justin@newvisionpropertiesdc.com> wrote:

Jessica, I wanted to follow up with you regarding our revised proposal for 229 12th Street SE. My understanding is that John has also spoken to you about his concerns and we have been working hard to address them and at the same time protect the concerns of other neighbors. We have just amended our drawing and he has pledged his support with this revised option. Although we will be going back into the rear yard a few more feet than I originally shared with you I want to assure you that your privacy will not be compromised. The trees will remain as well as the fence and the patio will now be relocated to the North side of the property. Please let me know if you have any objections to the attached schematics. I can be reached at 202-256-1897 should you have any questions.

Regards,

Justin

<229 12th St. SE : Rear Massing.pdf>

<229 12th St. SE : PLAT.pdf>

Exhibit C

John L. Smeltzer
Catherine A. Flanagan
227 12th Street, SE
Washington, DC 20003

October 7, 2013

Mr. Brian Pate
Commissioner SMD 05 ANC6B
921 Pennsylvania Ave SE
Washington, DC 20003

Re: **229 12th Street SE, Washington, DC 20003**
(ANC6B hearing scheduled for October 8, 2013)

Dear Mr. Pate:

On September 30, 2013, we filed, with the BZA, an opposition to the requested special exception for a rear yard addition at 229 12th Street SE, based on light and air impacts to our home (227 12th Street SE). The Applicant has since proposed a different design footprint that will minimize these light and air impacts. In light of the design change, we are prepared to support the requested special exception, with one reservation. Given the late design change, the Applicant has not yet been able to provide final renderings of proposed exterior facades/elevations, including the placement of windows. Window placement impacts privacy and is relevant to zoning review. 11 DCMR § 223.2(b) ("the privacy of use and enjoyment of neighboring properties shall not be unduly compromised"). We ask the ANC to support the special exception for the redesigned addition, on condition that the Applicant work with us – prior to the BZA hearing on October 22, 2013 – to resolve any reasonable concerns that might arise, once rear and side elevations are provided.

Sincerely,

John L. Smeltzer
johnlsmeltzer@gmail.com
Catherine A. Flanagan
caflanagan08@gmail.com
Owners
227 12th Street, SE
Washington, DC 20003
(202) 543-1402

Exh. B. 1 D

From: John Smeltzer <johnismeltzer@gmail.com>
Subject: **Re: re 229 12th Street (meeting and 227 12th Street elevations)**
Date: September 17, 2013 7:12:23 PM EDT
To: "Michael Wm. Hall" <michael@studiocrowleyhall.com>
Cc: caflanagan08 <caflanagan08@gmail.com>, Justin Sprinzen <justin@newvisionpropertiesdc.com>, Christina Lemley <christina@studiocrowleyhall.com>

Hi Michael & Justin:

I'm not sure what design alternatives you plan to address on Friday and I do not want to delay or unduly complicate the meeting. But I've been thinking a bunch about this lately and have discussed it with Cathy and would like to pass along an idea that we have not previously discussed.

In correspondence with CHRS (copied to Justin), we suggested three alternatives: (1) providing a set back in the current design to mirror our side court; (2) building a substantially shorter addition; and (3) building a one-story addition only. Justin, you understandably were not enamored with the latter two ideas, as they would reduce the general size/scope of the proposed addition.

We would like to suggest a fourth option that would not significantly reduce the scope of the addition; namely: rotating the box to reorient the addition to the side court as opposed to the rear. If a seven-foot (conforming) side court is provided, the additional length should not count against lot occupancy. Based on your drawings, there seems to be room on the lot to extend an addition back to 23 feet or so (original proposed width), without going past Matt's house (231 12th) or encroaching upon the 20 foot required rear yard. The resulting addition (approximately 16 X 23 feet) would be nearly the same size as your present proposed addition (23 X 17.5 feet) and would be larger than the present proposed addition (18 X 17.5 feet) with the five foot set back that we've previously asked you to consider.

The potential advantages include: (1) enabling you to bring additional light to the addition; (2) enabling you to bring additional light (post-addition) to the existing historic portion of the house via stacked rear/west facing windows looking onto the court (among other things, you might be able to reconfigure the bedrooms to eliminate the proposed new window that would face into the 3-foot front side yard); (3) providing a larger light well between our houses to the mutual benefit of both; and (4) covering a greater percentage of the shared wall to the south (w/ 231 12th), reducing exterior maintenance for Matt.

This option would also bring some design challenges, including potential heightened concerns from Jessica and your other rear (Gessford Court) neighbor. But the privacy fence and trees could remain. And by reorienting the addition to the side and decreasing its width, you would reduce the need for windows/doors in the rear (facing the Gessford Court houses). Windows and doors facing our house would need to be spaced to mitigate privacy impacts with our windows/doors (so we're not looking directly across at each other). But we have no windows overlooking the back of the side court (where our porch was boxed in), the floors of our houses are offset (our first floor starts above grade), and the privacy fence would remain. Thus we are reasonably confident that our mutual privacy concerns

could be met.

We hope you will give this idea serious consideration, even if it comes too late to be fully addressed on Friday. We are earnestly trying to arrive at a solution that would be of maximum benefit to all.

Thanks -- John

On 9/17/13, Michael Wm. Hall <michael@studiocrowleyhall.com> wrote:

Great - see you then!

Michael

Michael Wm Hall, AIA / Principal
Studio Crowley Hall, plc
Design. From the Inside Out.

Architecture & Design
P: 202.387.3003
michael@studiocrowleyhall.com
www.studiocrowleyhall.com

follow us on facebook!

On Sep 16, 2013, at 8:54 PM, John L. Smeltzer wrote:

Michael:

Friday at 10:30 should work for us. Thank you.

-- John

"Michael Wm. Hall" <michael@studiocrowleyhall.com> wrote:

John,

Thanks so much for the drawings and following up.

How about 10:30am Friday?

Michael

Michael Wm Hall, AIA / Principal
Studio Crowley Hall, plc
Design. From the Inside Out.

Architecture & Design
P: 202.387.3003

**Board of Zoning Adjustment
No. 18639**

**Re: 229 12th Street SE, Washington, DC 20003
(Hearing Scheduled for October 22, 2013)**

**Revised Statement of Neighbors at 227 12th Street SE
Statement in Support**

We, John L. Smelter and Catherine A. Flanagan, are the owners of 227 12th Street SE. Our house is next door to (first house to the north of) 229 12th Street SE, the property of the applicant New Visions Property, LLC ("Applicant"). On September 30, 2013, we filed a statement of opposition to a special exception for the proposed rear addition on the grounds of undue light and air impacts to our property. 11 D.C.M.R. §§ 223.2(a) and 3104.1.

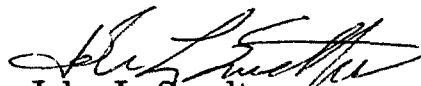
The Applicant has subsequently proposed a new design footprint that would provide a conforming (7-foot) side court adjacent to our property line. Although we have yet not seen final proposed renderings for rear and side elevations, the Applicant has also advised us: (1) that the roof will not project beyond the addition except as needed to provide a gutter; (2) that doors and windows on the side court will be placed toward the back of the addition and at such an angle to prevent direct sight lines into our existing windows.

In light of the design change and these representations, we submit that the Applicant has met the standards of 11 D.C.M.R. §§ 223.2(a)-(b) as related to our property, and we hereby withdraw our previously filed statement in opposition.

Sincerely,



Catherine A. Flanagan
(202) 353-7757 (work)
(202) 329-2915 (mobile)
caflanagan08@gmail.com



John L. Smeltzer
(202) 543-1402 (home)
(202) 305-0343 (work)
johnlsmeltzer@gmail.com

Date: Oct. 8, 2013

ADDITION, ALTERATION AND REPAIR
229 12TH STREET SE
WASHINGTON, DC 20003
LOT: 0817
SQUARE: 0990

DRAWING SCHEDULE	
NUMBER	SHEET NAME
A0001	TITLE SHEET
A0002	PHOTOGRAPHS OF EXISTING CONDITIONS
A0003	SITE PLAN EXISTING
A0004	SITE PLAN PROPOSED
A0005	FIRST FLOOR EXISTING / DEMO
A0006	SECOND FLOOR EXISTING / DEMO
A0007	FIRST FLOOR PROPOSED
A0008	SECOND FLOOR PROPOSED
A0009	EAST ELEVATIONS EXISTING AND PROPOSED
A0010	WEST ELEVATIONS EXISTING AND PROPOSED
A0011	NORTH ELEVATIONS EXISTING AND PROPOSED
A0012	SOUTH ELEVATIONS EXISTING AND PROPOSED

APPLICABLE CODES:	IRC 2006, IEBC 2006 + DCMR 12
ADDRESS:	229 12TH STREET SE WASHINGTON, DC 20003
ZONE DISTRICT:	R-4
USE GROUP:	11 - RESIDENTIAL-ROW- SINGLE FAMILY
LOT AREA:	1,679 SF
YEAR BUILT:	1900
SQUARE FOOTAGE:	1200
STORIES:	2
CONSTRUCTION TYPE:	VB
FIRE PROTECTION SYSTEM:	HARD WIRED INTERCONNECTED SMOKE DETECTORS



PHOTO: FRONT FACADE



VICINITY MAP

229 12TH ST., SE
WASHINGTON DC, 20003

RECEIVED
DC OFFICE OF ZONING

TITLE SHEET

JUNE, 23 2013

A0001



PHOTO FRONT: EAST ELEVATION



PHOTO REAR: WEST ELEVATION



PHOTO REAR: FACING SOUTH



PHOTO REAR: FACING EAST



PHOTO REAR: FACING NORTH

2013 OCT -8 PM 3:15

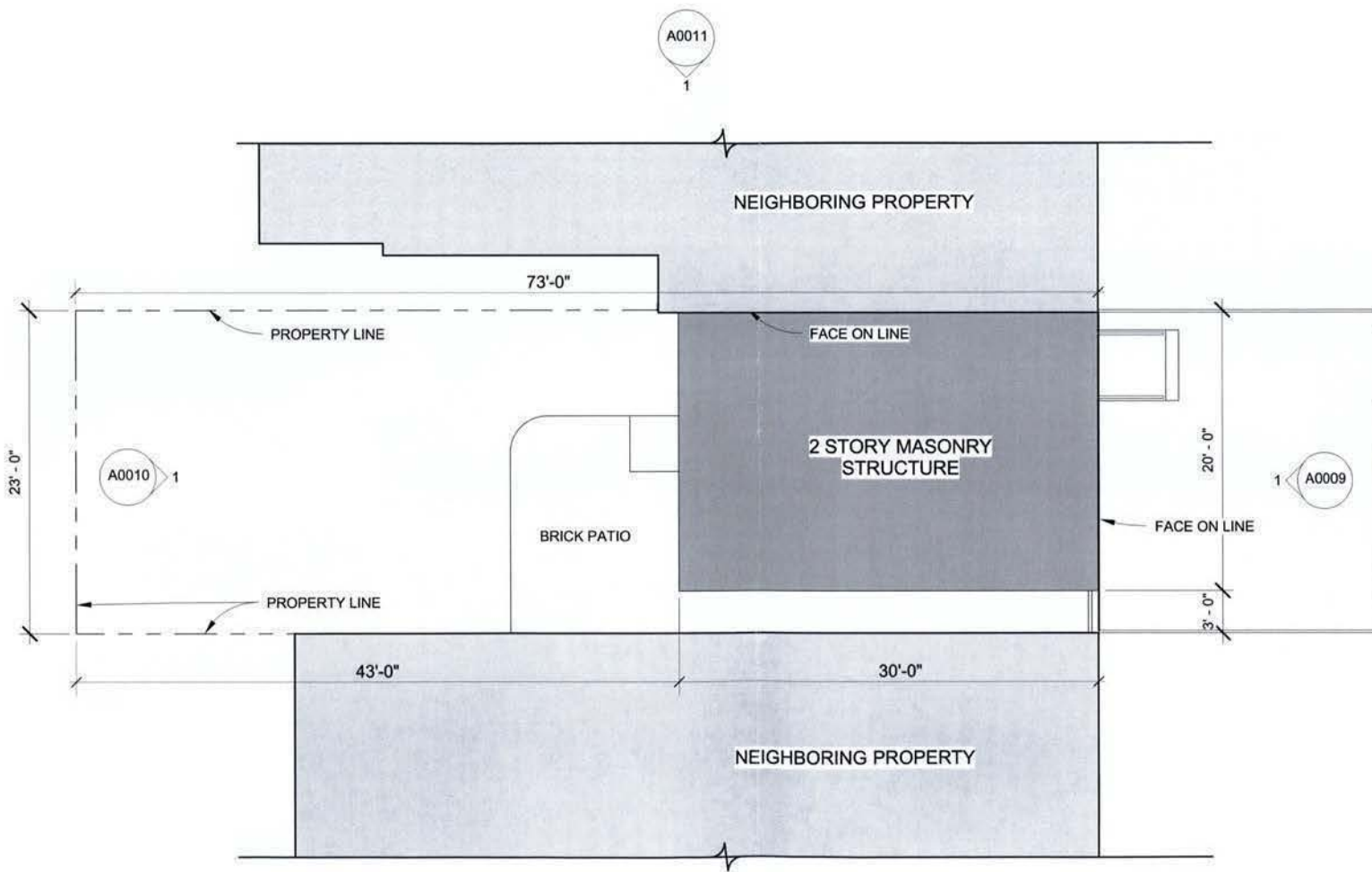
RECEIVED
PLANNING
OFFICE OF ZONING

229 12TH ST., SE
WASHINGTON DC, 20003

PHOTOGRAPHS OF EXISTING CONDITIONS

JUNE, 23 2013

A0002



① EXISTING SITE
1/8" = 1'-0"



2013 OCT -8 PM 1:15

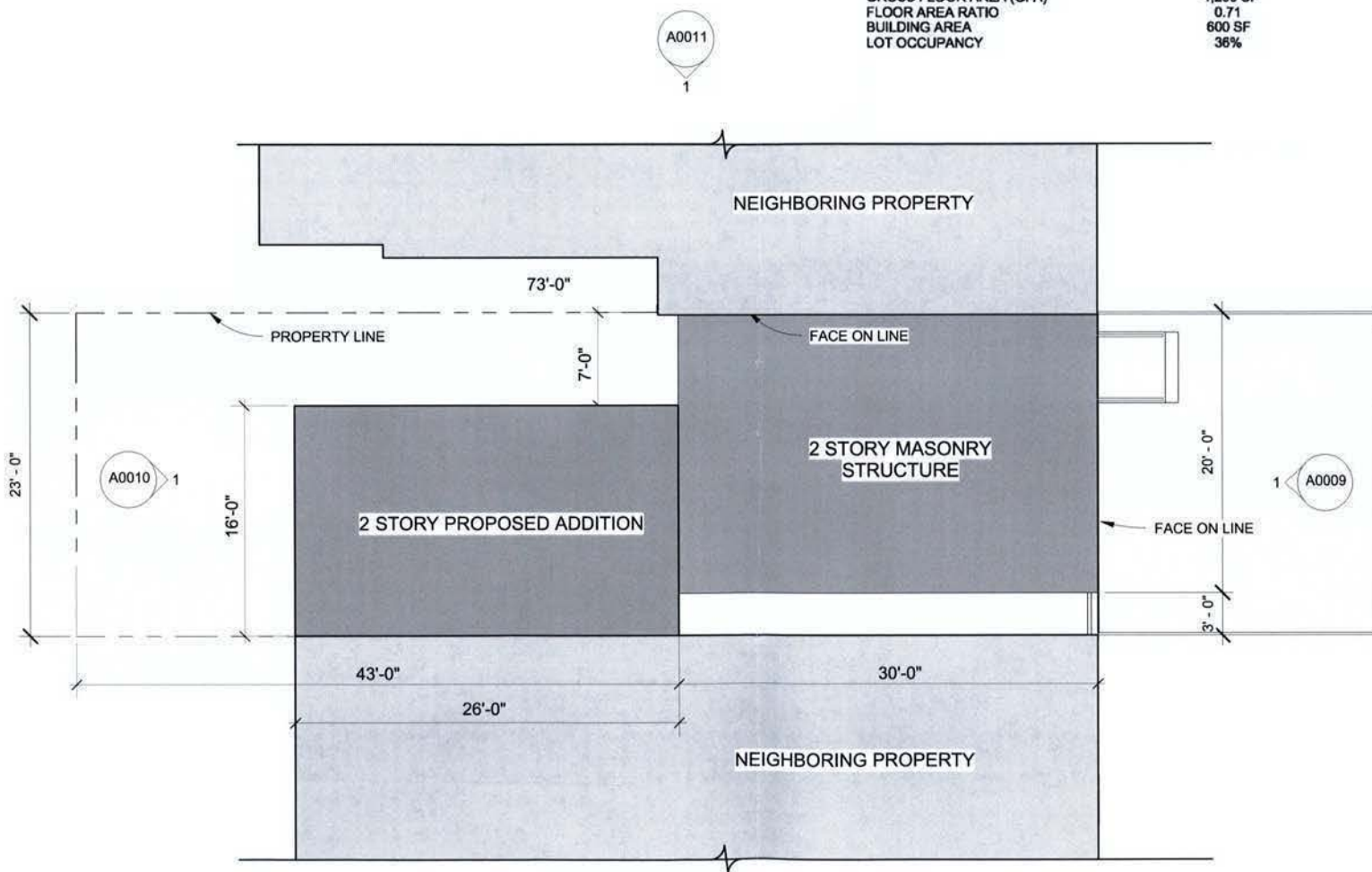
RECEIVED
D.C. OFFICE OF
ENVIRONMENTAL
TOURISM

SITE PLAN EXISTING

OCTOBER 7, 2013

A0003

229 12TH ST., SE
WASHINGTON DC, 20003



① EXISTING SITE
1/8" = 1'-0"

ZONING DISTRICT: R-4

UNITS AND PARKING SPACES
NUMBER OF DWELLING UNITS:
NUMBER OF PARKING SPACES:

EXISTING	PROPOSED
1	1
0	0

SETBACKS AND BUILDING HEIGHTS
SIDE YARD SETBACK (LEFT)
SIDE YARD SETBACK (RIGHT)
REAR YARD SETBACK
BUILDING HEIGHT

3'-0"	3'-0" / 0'-0"
0'-0"	0'-0"
43'-0"	25'-6"
25'-6"	25'-6"

AREAS
LOT AREA
GROSS FLOOR AREA (GFA)
FLOOR AREA RATIO
BUILDING AREA
LOT OCCUPANCY

1,679 SF	1,679 SF
1,200 SF	2,012 SF
0.71	1.19
600 SF	1,006 SF
36%	60%

2013 OCT -8 PM 1:18

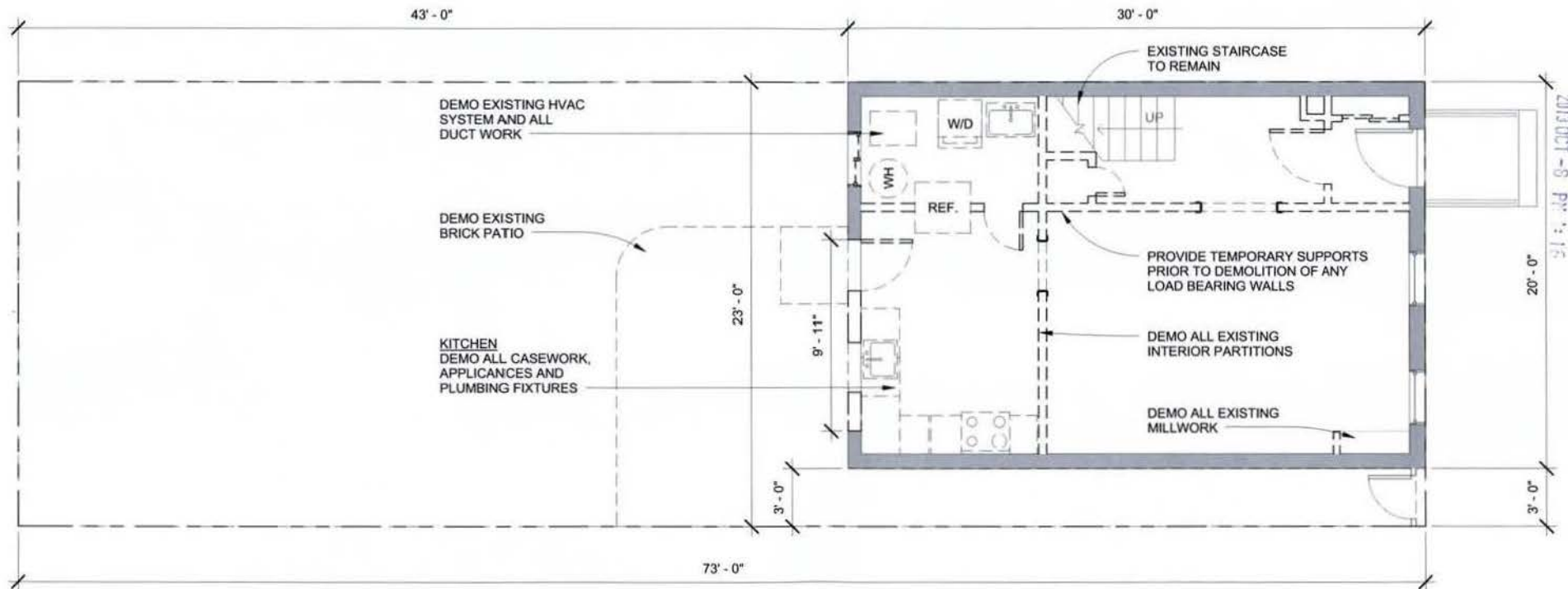
RECEIVED
D.C. OFFICE OF ZONING

SITE PLAN PROPOSED

OCTOBER 7, 2013

A0004

229 12TH ST., SE
WASHINGTON DC, 20003



1 FIRST FLOOR DEMO
3/16" = 1'-0"



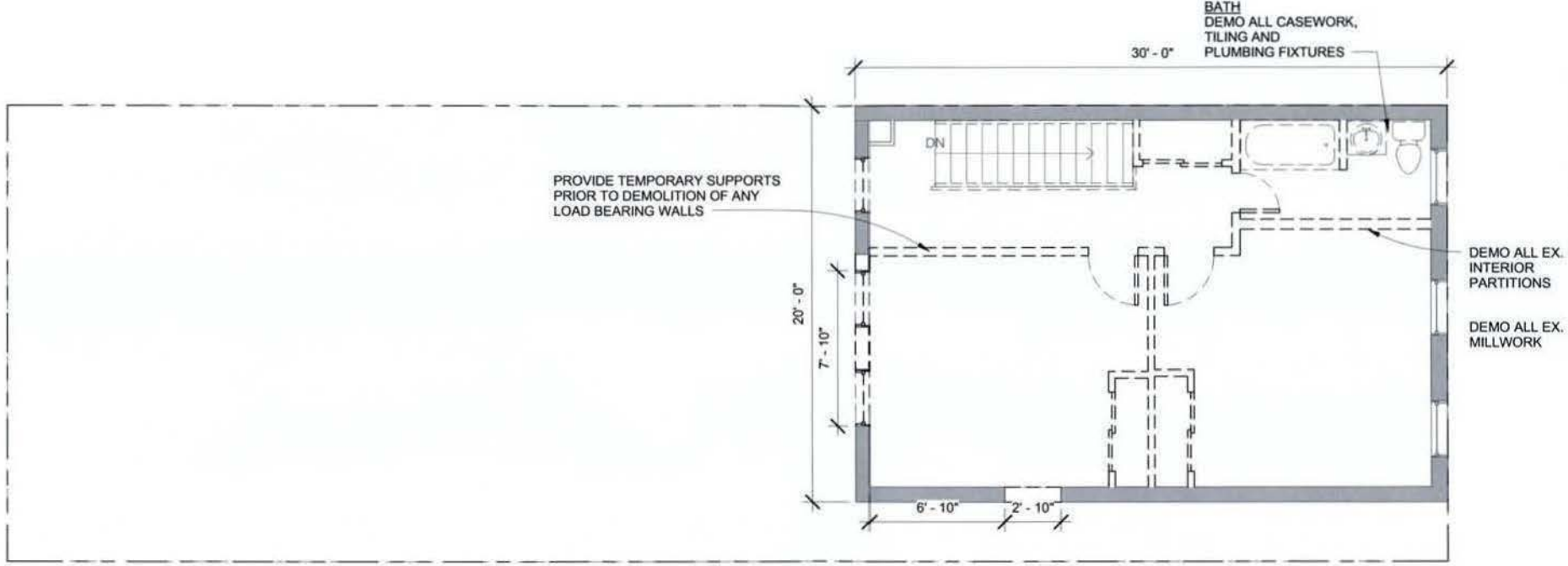
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2013 OCT - 9 PM 1:15
229 12TH ST., SE
WASHINGTON DC, 20003

FIRST FLOOR EXISTING / DEMO

A0005

JUNE, 23 2013

1 SECOND FLOOR DEMO
3/16" = 1'-0"



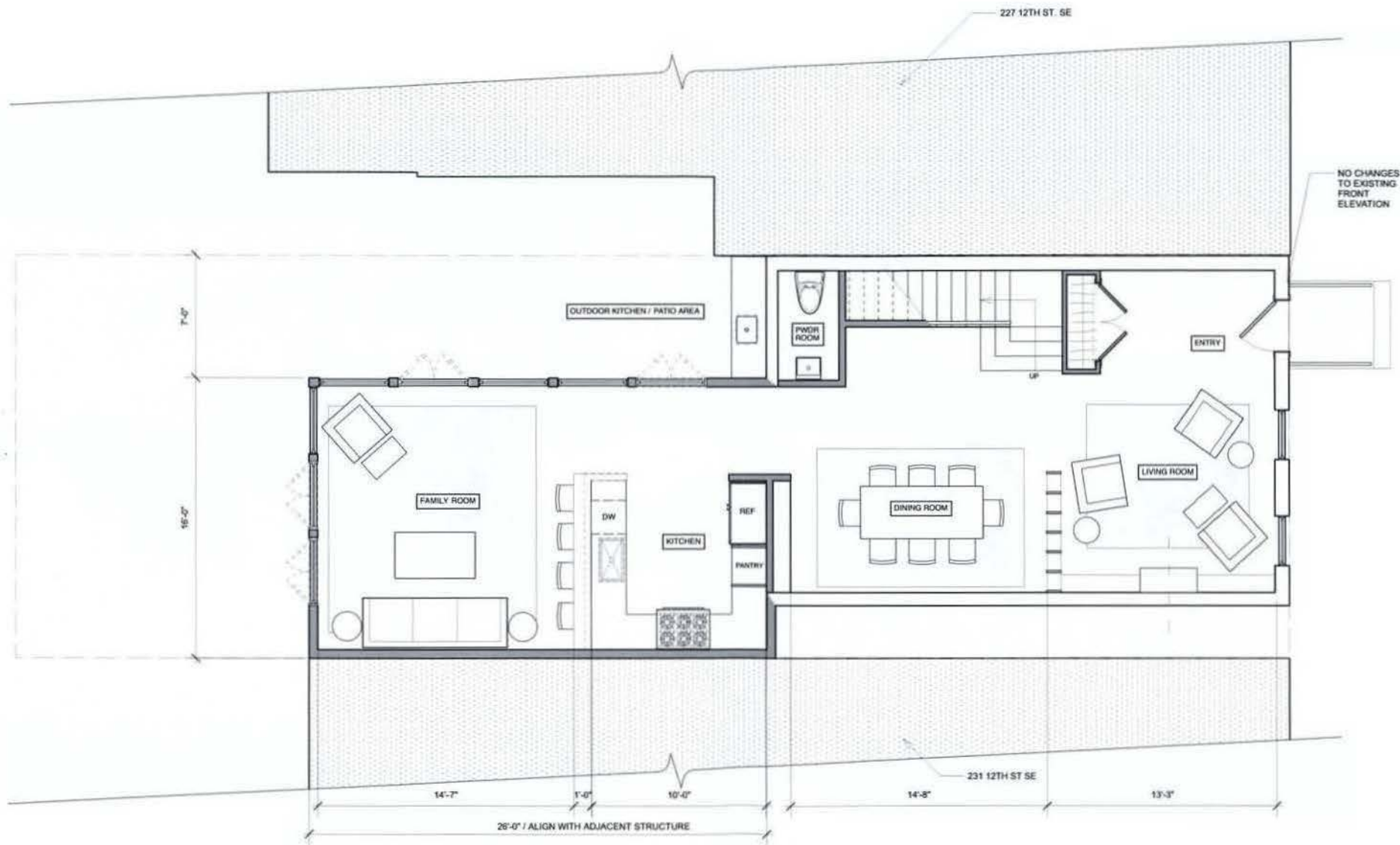
2013 OCT - 8 PM 1:15
RECEIVED
D.C. OFFICE OF
GENERAL SERVICES

SECOND FLOOR EXISTING / DEMO

A0006

JUNE, 23 2013

229 12TH ST., SE
WASHINGTON DC, 20003



1 FIRST FLOOR PROPOSED
3/16" = 1'-0"

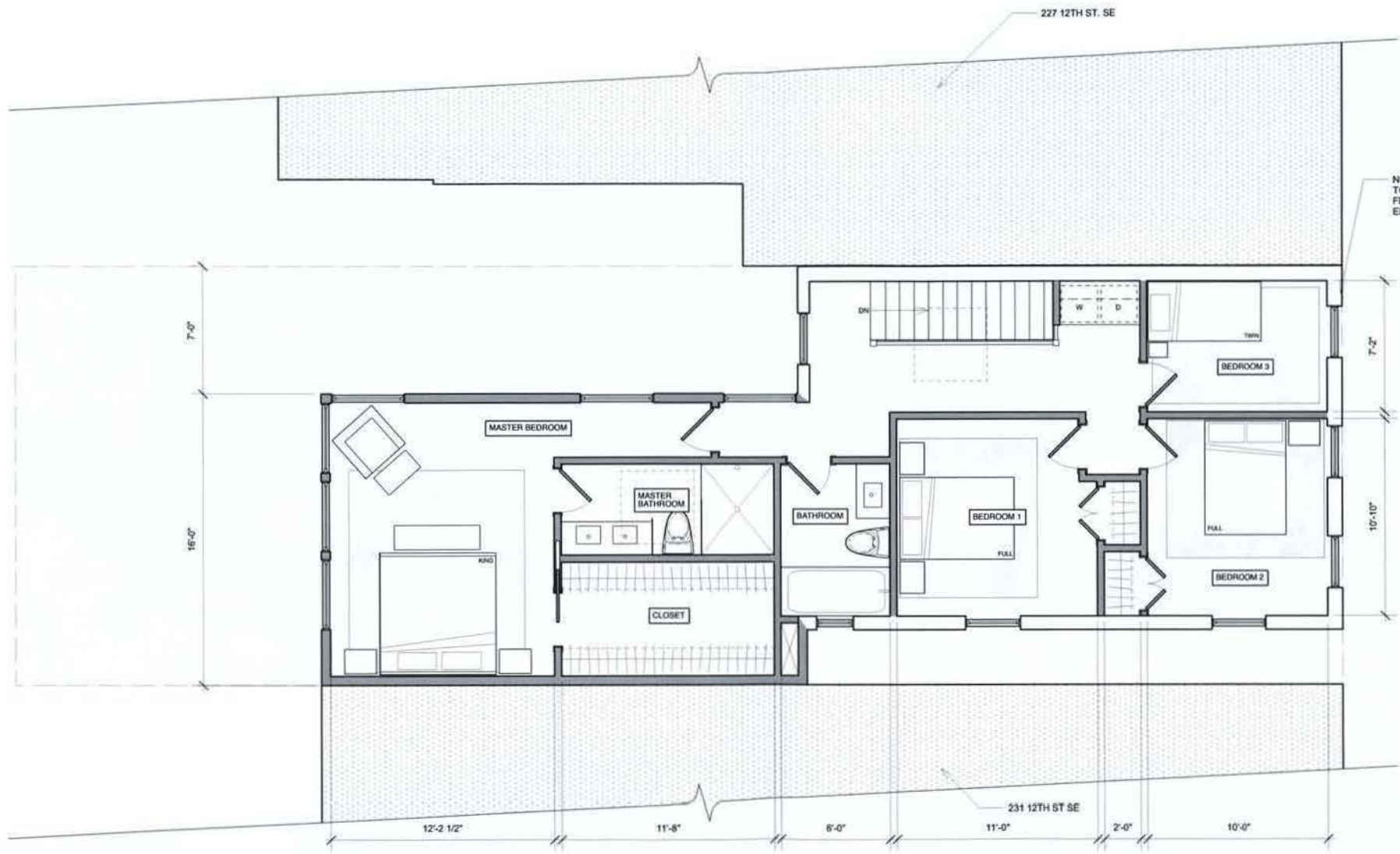


FIRST FLOOR PROPOSED

A0007

OCTOBER 3, 2013 / HPRB UPDATE

229 12TH ST., SE
WASHINGTON DC, 20003



1 SECOND FLOOR PROPOSED
3/16" = 1'-0"



2013 OCT -8 PM 1:16

RECEIVED
D.C. OFFICE OF PLANNING

SECOND FLOOR PROPOSED

A0008

OCTOBER 3, 2013 / HPRB UPDATE

229 12TH ST., SE
WASHINGTON DC, 20003

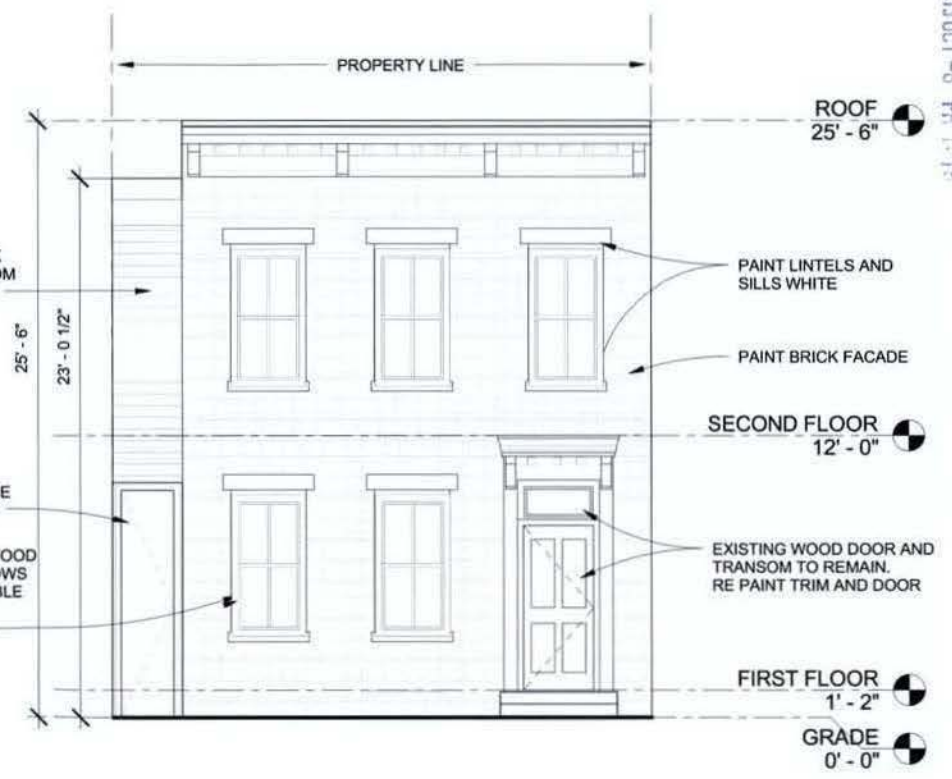
RECEIVED
D.C. OFFICE OF ZONING
2013 OCT -6 PM 1:16

SITE PLAN PROPOSED
OCTOBER 7, 2013

A0009



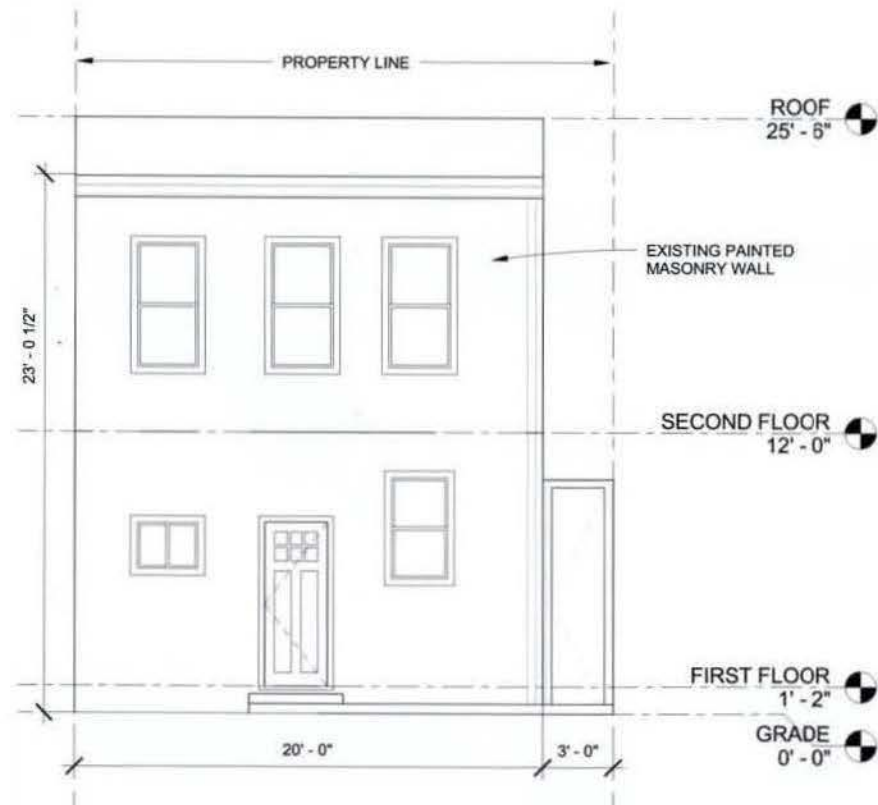
1 EXISTING EAST ELEVATION
3/16" = 1'-0"



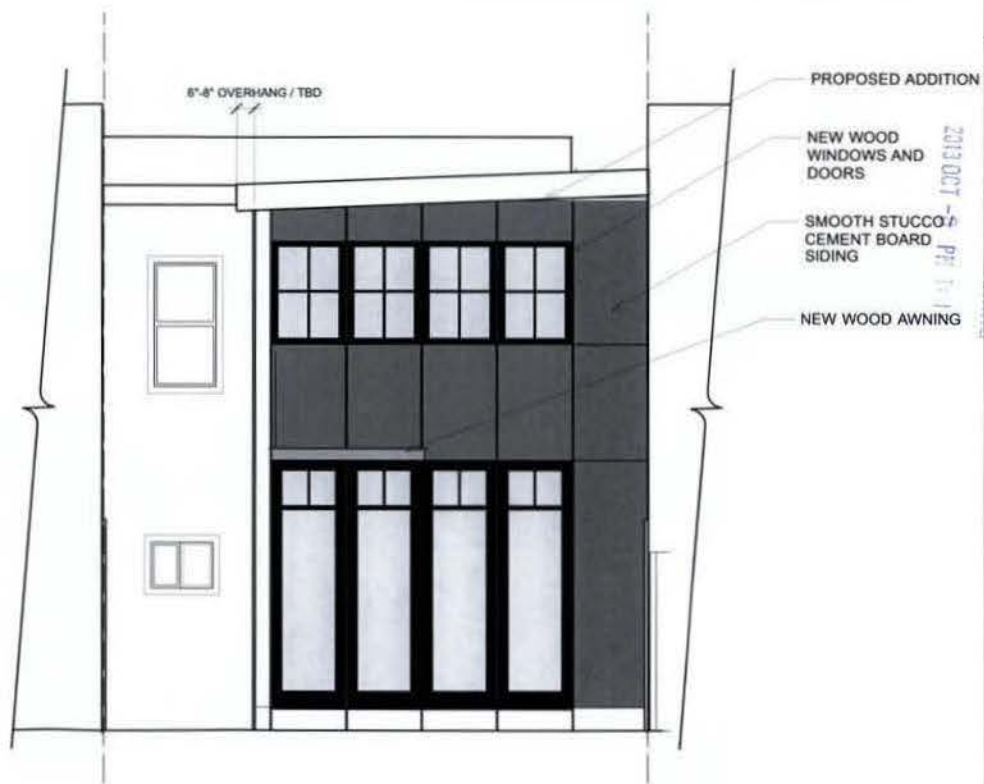
2 PROPOSED EAST ELEVATION
3/16" = 1'-0"

2013 OCT - PM 1:14
RECEIVED
D.C. OFFICE OF
PERMITS

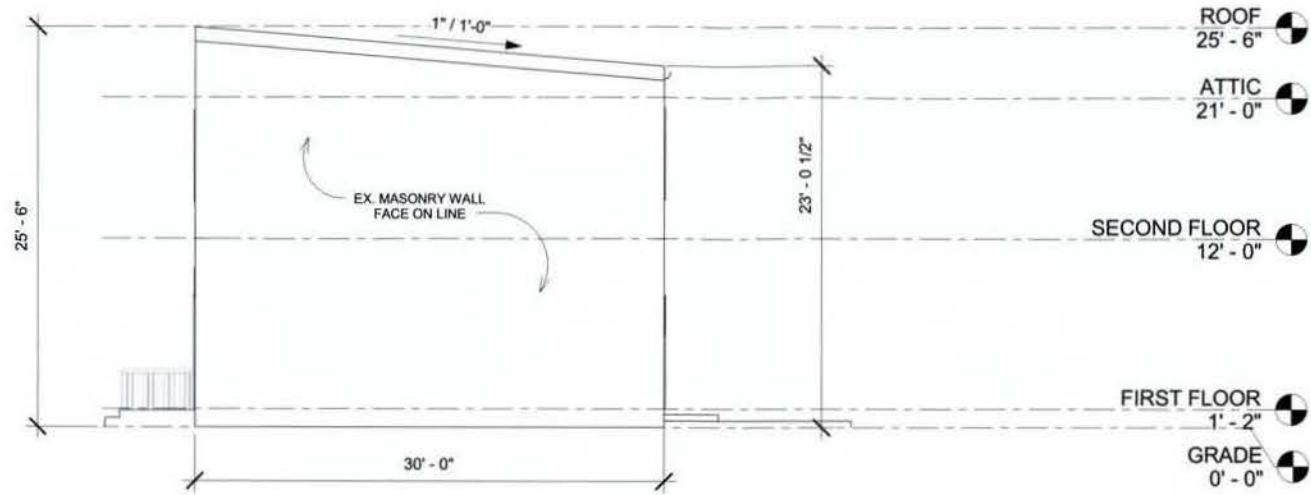
NOTE: FINAL WINDOW LAYOUT TO BE COORDINATED
WITH ADJACENT NEIGHBOR / WINDOWS SHOWN FOR
GENERAL DESIGN COORDINATION ONLY



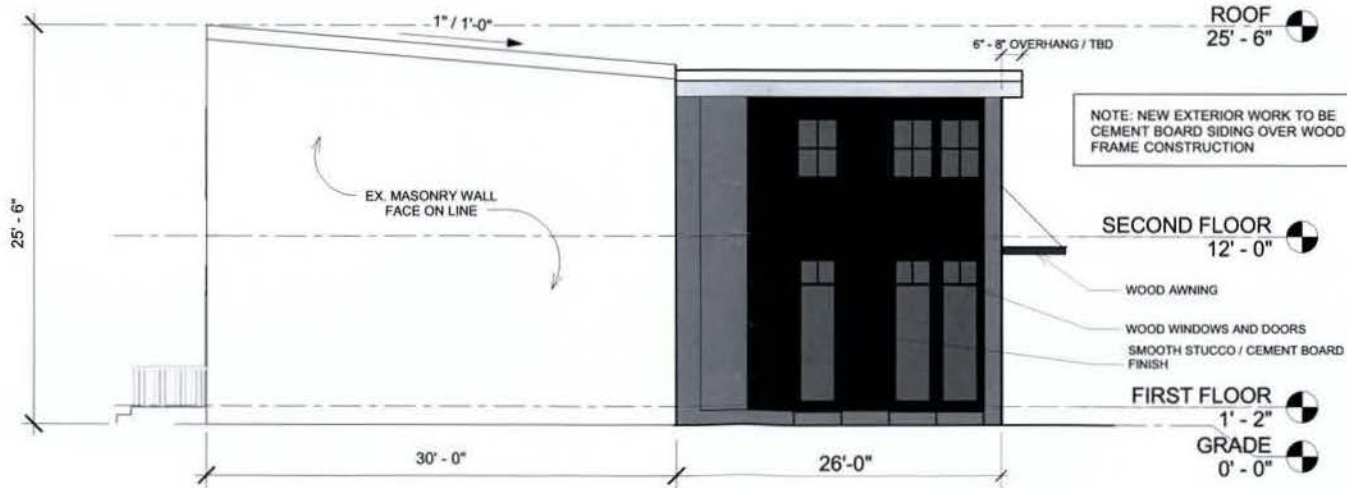
1 EXISTING WEST ELEVATION
3/16" = 1'-0"



2 PROPOSED WEST ELEVATION
NOT TO SCALE



1 EXISTING NORTH ELEVATION
1/8" = 1'-0"



2 PROPOSED NORTH ELEVATION
NOT TO SCALE

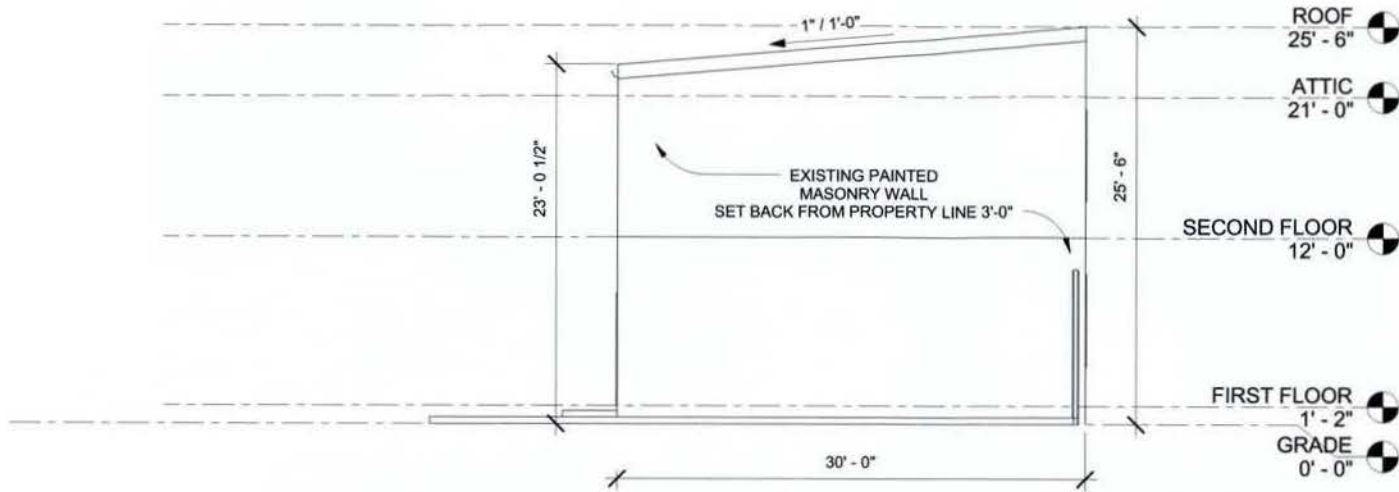
2013 OCT -8 PM 1:16

NORTH ELEVATIONS EXISTING AND PROPOSED

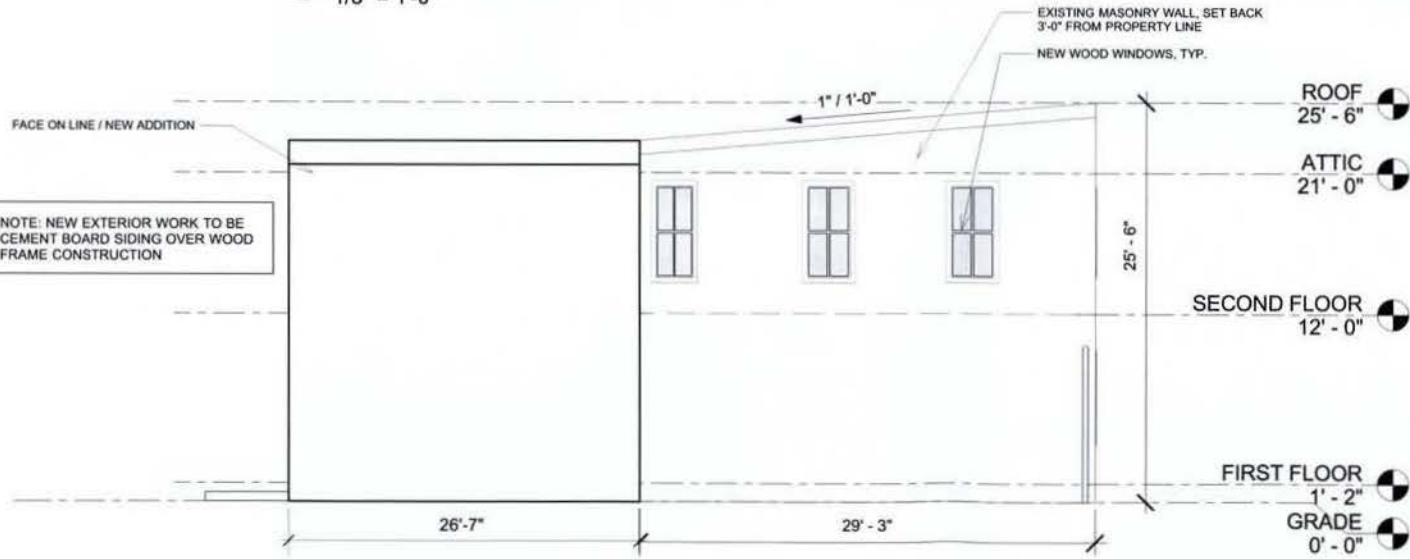
229 12TH ST., SE
WASHINGTON DC, 20003

A0011

OCTOBER 7, 2013



① EXISTING SOUTH ELEVATION
1/8" = 1'-0"



② PROPOSED SOUTH ELEVATION
1/8" = 1'-0"

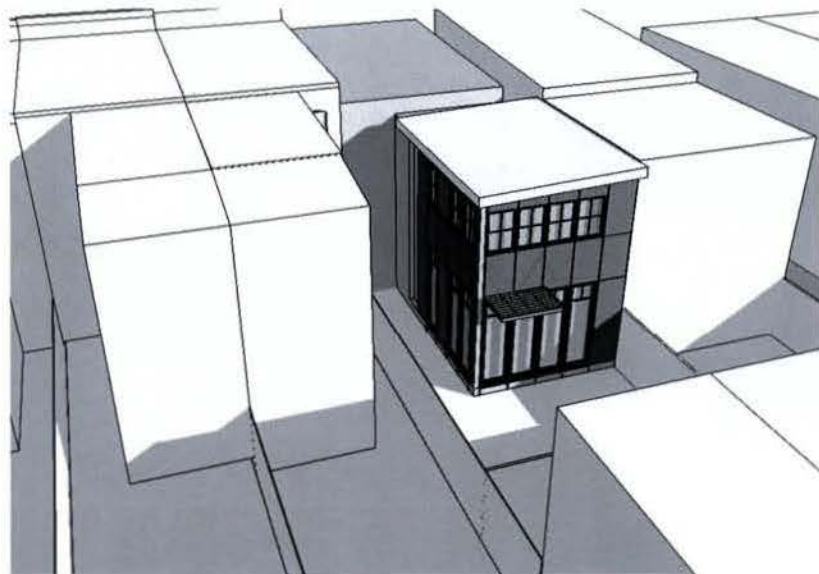
2013 OCT - 8 PM 1:16

SOUTH ELEVATIONS EXISTING AND PROPOSED

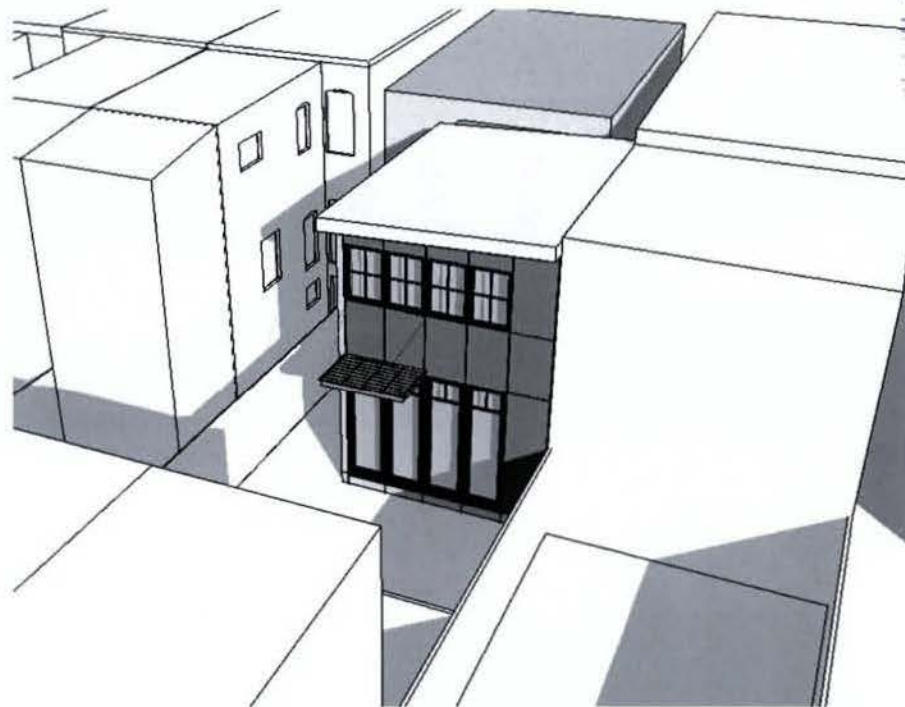
A0012

OCTOBER 7, 2013

229 12TH ST., SE
WASHINGTON DC, 20003



PRELIMINARY REAR ELEVATION
NOT TO SCALE



PRELIMINARY REAR ELEVATION
NOT TO SCALE

2013 OCT -8 PM 1:16

RECEIVED
D.C. OFFICE OF
GENERAL SERVICES

REAR ELEVATION - MODEL

229 12TH ST., SE
WASHINGTON DC, 20003

OCTOBER 7, 2013

A0013

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., April 15, 2013

Plat for Building Permit of: SQUARE 990 LOT 817

Scale: 1 inch = 10 feet Recorded in Book A & T Tracing Page 990

Receipt No. 13-03652

Furnished to: JUSTIN SPRINZEN

Surveyor, D.C.

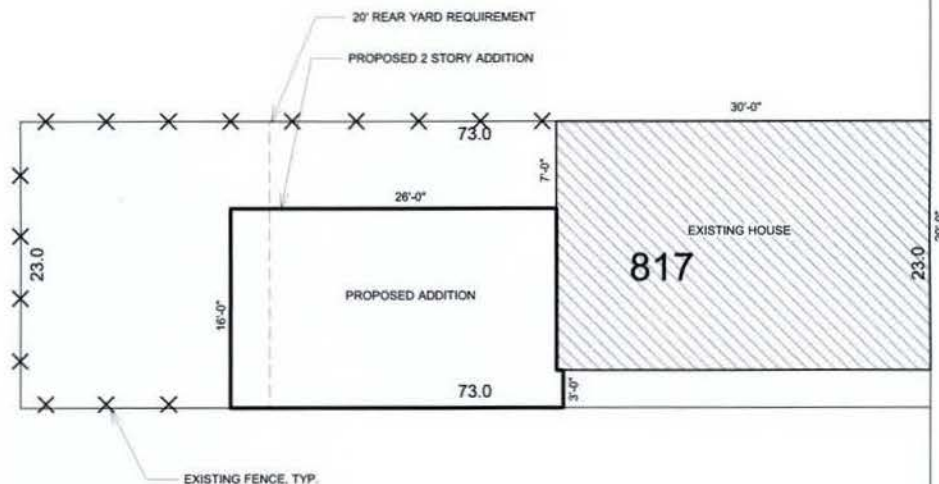
By: A.S.

I hereby certify that all existing improvements shown thereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining Lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified that all Lot divisions or combinations pending at the Office of Tax & Revenue are correctly depicted, and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and private restricted property.) Owner/Agent shall indemnify, defend, and hold the District, its officers, employees and agents harmless from and against any and all losses, costs, claims, damages, liabilities, and causes of action (including reasonable attorneys' fees and court costs) arising out of death of or injury to any person or damage to any property occurring on or adjacent to the Property and directly or indirectly caused by any acts done thereon or any acts or omissions of Owner/Agent; provided however, that the foregoing indemnity shall not apply to any losses, costs, claims, damages, liabilities, and causes of action due solely to the gross negligence or willful misconduct of District or its officers, employees or agents.

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



229 12th Street SE

Key Events and Communication with Neighbors

RECEIVED
2013 OCT - 8 10:15 AM

	Event	Date	Communication Type
1	229 12th Street acquired by New Vision Properties LLC.	4/3/13	N/A
2	Applicant sent certified letters to neighbors at 227 12th Street SE and 231 12th Street SE informing of them of my ownership status and desire to build a rear two story addition and a standing offer to meet with them to review my plans.	4/22/13	Certified Mail
3	Applicant submitted Plans to DCRA for Permitting under the guidance from the zoning counter personnell that this is a by right project.	4/26/13	N/A
4	Applicant has conversations with both neighbors to discuss project and schedule an in person meeting to review drawings, etc.	5/5/2013 (approx.)	Phone
5	Applicant met with both adjacent neighbors (227 12th and 231 12th) to review my permit submittal plans. Neighbors and spouses were present	5/8/13	In person Mtg at 231 12th Street SE
6	Mtg request from Deputy Administrator Kathleen Beeton and David Vollin requesting a mtg regarding the guidance I was given that my project was "by right".	5/15/13	Email
7	Mtg with Deputy Adminstrator Beeton and David Vollin to discuss my incorrect zoning advice and the Adminstrators willingness to send a letter to the BZA outlining the special exception relief required. They apologized for the misinformation provided to me.	5/16/13	In person Meeting
8	Applicant has a conversation with 231 12th Street owner (Matt Chalifoux) to set up a follow-up conversation on the project status.	7/2/13	Email
9	Applicant has a conversation with 231 12th Street owner (Matt Chalifoux) regarding his desire to replace siding and insulate his house. Provided update on our project and decision to seek BZA relief.	7/3/13	Phone
10	Filing of BZA application seeking special exception.	7/23/13	N/A
11	Applicant met Jessica Sacco, owner of 16 Gessford Court in front of her house and spoke with her about my plans. Offered to meet with her to review drawings.	8/23/13	In person Meeting
12	Applicant sent certified letters to neighbors at 16 and 18 Gessford Court SE informing of them of my ownership status and desire to build a rear two story addition and a standing offer to meet with them to review my plans.	8/27/13	Certified Mail

229 12th Street SE
Key Events and Communication with Neighbors

13	ANC meeting to present case regarding historic impact of the project. Brief in person mtg with John Smeltzer to discuss our shadow/light study and offered to meet with him in person to review findings.	9/3/13	In person
14	Applicant communicated with Jessica Sacco seeking her support for the project and offering to answer any additional questions she may have. I sent her the drawings, BZA application package to review. She was on vacation and said she would review when she returned.	9/4/13	Email
15	Applicant communicates with Matt Chalifoux of 231 12th Street to set up a time to update him on project status.	9/4/13	Email
16	Applicant has a conversation with Matt Chalifoux to provide him with an update on the project and get an update his process to seek a permit to replace siding and insulate his house.	9/4/13	Phone
17	Email from my Architect Michael Hall to Matt Chalifoux to answer questions he had regarding the construction process and proposed plans.	9/4/13	Email
18	Email from applicant to Matt Chalifoux following up to see if there are additional questions I can answer.	9/6/13	Email
19	Applicant replies to Matt Chalifoux's email continuing to address his questions and seeking his support for the application.	9/9/13	Email
20	Spoke with Matt Chalifoux prior to the ANC meeting and answered some additional questions about building to the property line.	9/10/13	In person Meeting
21	Called John Smeltzer to discuss various options (made by him and I). He would not agree over the phone to a compromise which would mutually benefit both parties.	9/12/13	Phone
22	Capitol Hill zoning advisory committee meeting (John Smeltzer sits on this committee but recused himself during the debate). Chairman indicated that he would like to see us work towards a compromise. He chose not to have a vote at that time.	9/12/13	In person Mtg.
23	Applicant meets with John Smeltzer and his wife (Michael Hall present) to share with him the results of the light study and discuss an alternative plan to reduce the second floor footprint if we could have his support.	9/20/13	In person Meeting

229 12th Street SE

Key Events and Communication with Neighbors

24	Per John Smeltzer's request the applicant provided him with animations of the sun/shadow study so he can see the results for June, September and December (proposed and alternative were provided).	9/26/13	Email
25	Applicant sends a revised proposal to John Smeltzer to slope the roof downward from the South to the North so that the roofline on the North side is approximately 1ft lower thus allowing more light to his property.	9/29/13	Email
26	Applicant responds to an email from John Smeltzer addressing some open ended questions he has regarding our revised proposal. Applicant asks architect to answer any open ended questions.	9/30/13	Email
27	Applicant responds to email from Mr. Smeltzer in which he sent his letter of opposition to the ANC. He said he was still open to working out something with our proposal and I offered to answer any open questions so that we can earn his support for the project.	9/30/13	Email
28	Applicant forwards quantified results of light study to Mr. Smeltzer for his review.	9/30/13	Email
29	Applicant forwards revised drawing with sloped roof, measurements and quantitative data sharing the minimal impact of light loss to Mr. Smeltzer's house.	10/1/13	Email
30	Applicant email to 227 12th Street neighbors informing them that we will be posting the BZA notice on the door today.	10/2/13	Email
31	Applicant acknowledges receipt of clarity around what they will accept and support - 7 foot setback with no additional conditions listed.	10/2/13	Email
32	Applicant clarifies questions from neighbor regarding possible design elements of the project.	10/2/13	Email
33	Conversation with Cathy from 227 12th Street to inform them of my decision to provide a setback of 7 feet as long as they issued a letter of support to the ANC and remove their opposition to party status with the BZA.	10/3/13	Phone
34	Applicants shares schematics with 227 12th Street neighbor for their preliminary review.	10/3/13	Email
35	Applicants sends additional drawings to neighbor at 227 12th Street regarding the revised 7 foot setback proposal	10/4/13	Email
36	she is in support of the revised proposal. She responds via email with her having no objections.	10/4/13	Email
37	Applicant responds to additional questions and clarifications from neighbor at 227 12th Street.	10/4/13	Email
38	Applicant responds to additional questions and clarifications from neighbor at 227 12th Street.	10/5/13	Email

229 12th Street SE
Key Events and Communication with Neighbors

39	Applicant sends email to 227 12th Street asking for the letter of support as promised.	10/6/13	Email
40	Applicant acknowledges receipt of letter of support and responds to the additional conditions added to their support letter which were not part of the agreed upon terms.	10/7/13	Email
41	Applicant emails a revised copy of the drawings to the neighbor at 231 12th Street and both parties agree to have a conference call to review the drawings and answer questions.	10/7/13	Email
42	Phone conversation with neighbor at 231 12th Street to review revised plan.	10/7/13	Phone
43	Revised drawings to be submitted to ANC and BZA shared with 227 12th Street neighbor.	10/8/13	Email