

November 26, 2013

RECEIVED
D.C. OFFICE OF ZONING
2013 NOV 26 PM 2:35

VIA EMAIL

Chairman Lloyd Jordan
D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001
bzsubmissions@dc.gov

Re: BZA Case No. 18668 – Applicant's Request to Modify Amendment to Application

Dear Chairman Jordan and Members of the Board:

In its pre-hearing submission filed on November 19, 2013 ahead of the December 3, 2013 public hearing, the Applicant requested an amendment to its application to include variance relief from the required court dimensions. With this letter, the Applicant now requests a modification to that amendment to include another court that does not meet minimum dimensions. As shown on pages A-8 – A-16 of the Appendix submitted on November 19th, this court is the triangular "cutout" at the southwest corner of the site where Rhode Island Avenue and the public alley intersect. Since the November 19th pre-hearing submission, the Applicant continued to evaluate this cutout and its impact and, out of an abundance of caution, decided that this cutout should be included in the court variance relief. The necessity of this court relief arises out of the same conditions that necessitated the other court relief also along the alley.

The 10-foot alley along the western property line and the shape of the site give rise to the practical difficulty with having no court (a conforming condition) or with providing a court of a conforming width. The angle at which Rhode Island Ave. intersects the narrow 10-foot alley necessitates the creation of a "cutout" at this corner. Because of the intersection angle and narrow alley, cars turning right from Rhode Island Ave. into the alley face a tight and difficult maneuver because they have to turn more than 90 degrees. Without the cutout, cars would turn precariously close to the house just to the west across the alley, with a significant potential for scrapes or collisions. Also, cars turning right on to Rhode Island Ave. from the alley would have a particular difficulty seeing oncoming traffic because of the angle of intersection. Thus, the cutout was added to alleviate these maneuvering and safety challenges.

The practical difficulty in creating a complying court arises out of the same reasons for the other court along the alley: it would be very burdensome to provide essential internal elements such as stairwells, parking spaces, and drive aisles because of the size and shape of the

BOARD OF ZONING ADJUSTMENT
1999 K STREET NW, SUITE 500 • Washington, DC 20006-1101 • 202 721 0011 Tel • 202 721 1111 Fax • www.goulstonstorrs.com

CASE NO. 18668
EXHIBIT NO. 28

site. If the cutout were expanded to conform, then the rest of the building's program would be squeezed. The result would be that the underground storage at the southwest corner and at least one parking space (the southwest corner) would be lost. Further, the cutout expansion would push the western stairwell further north, further encroaching on other parking spaces and creating a greater nonconformity in the number and size of parking spaces. In addition, the drive aisle would be encroached upon by shifting some parking spaces to the east, thereby potentially creating a nonconforming aisle width.

As with the other court, this cutout will have no adverse impact. It will enhance safety and maneuverability, and it was largely a concession to the neighbor to the west across the alley who wants to avoid potential damage to his house and who benefits the most from it. Further, there is no adverse impact to light and air on units in the proposed building because it will not create any small or closed spaces. The court opens onto a street and an alley and cannot be closed or shrunk. In fact, this cutout provides for more light and air by providing more opportunities for windows.

As stated in the November 19th pre-hearing submission, court variance relief has already been extensively advertised. The Applicant discussed this cutout at both committee and full ANC meetings. In addition, this relief is well known by the neighbors with whom it was widely discussed; and it arose largely as a positive response to one neighbor's specific request. Accordingly, no person or party would be harmed or prejudiced by allowing the Applicant to amend the requested court relief to include this additional court.

Should you or your staff have any questions, please do not hesitate to contact me.

Sincerely,



Cary R. Kadlecck

Enclosures
DC\DOCS\7083361 1

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2013 a copy of the attached letter was delivered via email to the following:

Stephen Mordfin
D.C. Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
stephen.mordfin@dc.gov

Jonathan Rogers
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
jonathan.rogers2@dc.gov

Advisory Neighborhood Commission 2F
5 Thomas Circle NW
Washington, DC 20005
anc2foffice@gmail.com



Cary Kadlecek