

March 12, 2014

Lloyd Jordan, Esquire
Chairperson,
Board of zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

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OFFICE OF PLANNING
2014 MAR 13 AM 10:40

Motion to Waive 14-day Deadline for Filing Final Submissions and 15-day property posting

Re: 5316 9th street NW BZA No. 18729

The applicant respectfully requests that the Board grant the requested motion to waive the filing deadline set forth in § 3118.3 for the submission of additional statements, information, et cetera and the minimum additional notice 15-day posting of the property provision set forth in § 3113.14, for the application of reference above for the good cause outlined below

At the regularly scheduled meeting of the affected advisory neighborhood Commission (ANC), ANC 4D, of February 18th 2014, the applicant presented the proposed project to the community and fielded questions expressing reserved concerns of neighbors in close proximity to the subject property and members within SMD 4D01 pertaining to

- A Compatibility of the architectural design and scale of the proposed building to the character of the neighborhood

ANC 4D decided to table a decision to allow input from the SMD Commissioner for 4D01 expressly because he was not present at the regularly scheduled and consequently did not move a motion to vote notwithstanding that a quorum was present

As the attached email trail attests, all efforts to elicit additional neighbor input proved futile because SMD 4D01 did not respond to email requests for engagement

In direct response to what applicant believes is the specific focus of neighbor concerns or interest, based on comments in the course of the ANC meeting of February 18, 2014, and guidance from the Office of Planning, the applicant embarked on the incorporation of the exterior finish materials which features the red brick theme which is prevalent in the architectural character of existing buildings the closest in proximity to the property of application

The applicant was therefore constrained from filing timely final submissions for the good public cause of seeking community buy-in from those neighbors more proximally impacted by the proposed project

The applicant further requests waiver to reduce the minimum number of days for the additional notice of posting the subject property from 15 to 6 days, as set forth under § 3113.14

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18729
EXHIBIT NO. 23

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Applicant notes that all other public notices set forth under § 3113 13 (a) through (e) have been provided, that applicant presented the proposed project at a regularly scheduled ANC meeting, and that applicant has a letter of support from a neighbor abutting the subject property at its rear lot

The Board is authorized to reduce the 14-day period of time prescribed as set forth under § 3110 3

Respectfully,

A handwritten signature in black ink, appearing to read 'TOYE BELLO', written in a stylized, cursive-like font.

Toye Bello

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of Eva Volcikova Noone

BZA No 18729

APPLICANT'S HEARING STATEMENT

March 18, 2014

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This Pre-Hearing Statement ("Statement") outlines the existing and proposed use of the property of application and the manner in which the application ("Application") complies with the specific tests and burden of proof for the variance sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR § 3103.2 for variance to allow the new construction of a Row Dwelling on a lot not in compliance with minimum lot area requirements set forth under §401.3 in the underlying R-3 zone district within which the subject property is located

SUMMARY OF APPLICATION

The applicant seeks the above area variance pursuant to 11 DCMR § 3103.2 under §401.3 to construction a new Row Dwelling which will comply with all other provisions of the zoning regulations with respect to percentage of lot occupancy maximum allowed, minimum side and rear yard setback requirements, maximum height and parking. As set forth under § 199.1, a "Dwelling, Row" is defined as follows

"a one-family dwelling having no side yards"

The proposed building will have no side yard in that it is proposed to be constructed from side lot line to side lot line

JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested variances under § 8 of the Zoning Act, DC Official Code § 6-641.07 (g) (3) (2001), as further set forth in 11 DCMR § 3103.2

PROPERTY LOCATION AND PROJECT DESCRIPTION

The property is located in the Brightwood Park/Petworth neighborhood in Ward 4 and in the Northwest quadrant of the District. The subject property is legally described as being located in Square 2998 and as lot 0025, as recorded the records of the Surveyor of the District of Columbia. The property address is 5316 9th Street NW and is located within the R-3 Zone District.

The subject property is vacant and unimproved. An interior lot by definition, the subject property has frontage only on 9th Street which, at 20 feet (20 ft.) of lot width, complies with the minimum width of lot prescribed for its underlying zone district.

The R-3 zone district requires a minimum twenty feet (20 ft.) of lot width and two thousand square feet (2,000 ft²) of minimum lot area. The subject property complies with the required minimum width of lot, having twenty feet (20 ft.) of frontage on 9th Street, but at approximately 1,283 square feet of lot area, falls short of the minimum 2,000 ft² required for the R-3 zone district within which it is located.

The applicant proposes to construct a three story new Row Dwelling featuring a mezzanine and stair penthouse access to a green roof deck. The proposed building is designed to occupy percentage of lot occupancy not to exceed the sixty percent (60%) maximum prescribed for similar structures under § 403.2 and will comply with all other applicable provisions of the zoning regulations, including the provision of the required parking accessible from a rear public alley more than the ten feet (10 ft.) width prescribed to constitute compliant access.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

The Applicant, by preponderance of the materials submitted with this Application, facts to be presented in the course of the public hearing and further evidence to be submitted fourteen days prior to the hearing date, will prove compliance with the three prong test necessary for the granting of the area variance sought, as outlined below

The Board is authorized to grant an area variance where a property demonstrates three characteristic elements

1. The subject property must demonstrate a unique physical characteristic of shape or size, exceptional narrowness or shallowness which existed as of the time of the original adoption of the Zoning Regulations, or that there exists exceptional topographical conditions or other extraordinary or exceptional situation or condition of property,
- 2 That the physical characteristic(s), or extraordinary or exceptional situation or condition of the property makes the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties to the owner of the property,
- 3 That the Board is able to grant the variance without substantial detriment to the public good and without substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map

UNIQUE PHYSICAL CHARACTERISTIC OF SHAPE OR SIZE AND SHALLOWNESS OF PROPERTY

The subject property is shallow and irregular in shape, conditions which predate the adoption of the Zoning Regulations as of May 12, 1958 Given that all other adjoining lots had improvements prior to May 12, 1958 the subject property's opportunity to physically expand into compliance was already foreclosed as of that date

The applicant therefore contends that this specific physical shape of the subject property constitutes in itself, an extraordinary or exceptional situation or condition of property, and forms the basis for compliance with the first burden of proof on uniqueness

PECULIAR AND PRACTICAL DIFFICULTIES TO OWNER OF PROPERTY

The unique physical characteristic of the subject property results in peculiar and practical difficulties upon the owner, because the strict application of the Zoning Regulations with respect to the minimum required lot area or size set forth in § 401.3 prohibits the improvement of the lot without the relief sought, notwithstanding that the proposed building complies in all respects with all other applicable provisions of the Zoning Regulations

SUBSTANTIAL DETRIMENT TO PUBLIC GOOD AND SUBSTANTIAL IMPAIRMENT OF INTENT, PURPOSE AND INTEGRITY OF THE ZONE PLAN

The applicant seeks to construct a new residential row dwelling that is permitted as a matter of right in the underlying R-3 zone district and will put into use, a lot that has remained vacant for all of its existence. Except the unavoidable relief sought and necessary to permit the improvement of the lot, the proposed construction seeks no other relief and complies with all other applicable provisions of the Zoning Regulations.

The proposed building is compatible with the prevailing character of the neighborhood in architecture and massing.

The applicant presented the proposed project to the affected Advisory Neighborhood Commission (ANC), ANC 4D at its regularly scheduled public meeting on February 18th, 2014. Whereas the applicant responded to all community questions, the thrust of which centered on the compatibility of the architectural design of the proposed building, the ANC did not vote on a resolution one way or another, but tabled the matter for further input from the SMD Commissioner, who was not present at the meeting.

All efforts thereafter to engage the SMD Commissioner has proven futile and unsuccessful.

Notwithstanding, the applicant has incorporated the red brick exterior theme which predominates in the neighborhood into the exterior finish material in direct response to community concerns about compatibility and Office of Planning guidance. The proposed exterior material finish is proposed as follows and as renderings to be presented in the course of the hearing will attest:

- Front/Side Dark Red Brick Veneer w/ Precast Lintels (to resemble sandstone)
- Base Precast (to resemble sandstone)
- Bay Window Wood-Clad Casement Windows w/ Metal Panels
- Balcony at 3rd Level Tempered Glass
- Front Door Solid Wood
- Roof Standing Seam Metal Roof

Further, in response to Office of Planning's suggestion, the applicant will incorporate as an option, the inclusion of proposed openings on the exposed exterior wall, subject to the approval of a code modification by the Building Code Official. Openings are not allowed on a lot line wall under the Construction Codes, except a code modification is approved by the Administrator having Jurisdiction (AHJ).

The applicant therefore submits that for all the foregoing reasons, the reliefs sought may be granted without substantial detriment to the public good, and without substantial impairment of the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

WITNESS

1 Eva Volcikova Noone

2 Patrick Jones

CONCLUSION

The Applicant submits that the instant application complies with all conditions for the granting of the requested area variances as outlined above and as shall be further documented, and respectfully requests that the application be granted

Monday, February 03, 2014

Eva Volcikova Noone

4711 Ellicott Street NW

Washington DC 20026

Re: 5316 9th Street NW. BZA No. 18729

RECEIVED
U.S. OFFICE OF
2014 MAR 13 AM 10:43

I am the owner of the property of reference above, which is currently a vacant and unimproved lot. I am proposing to construct a new one-family Row Dwelling on the subject property, which abuts and/or is in close proximity to your property.

An application for an area variance is pending before the Board of Zoning Adjustment (BZA) because the lot is substandard and does not conform to the minimum lot area requirement for a Row Dwelling for the underlying R-3 zone district within which the subject property is located.

The proposed project will comply with all other applicable provisions of the Zoning Regulations, and is designed to be compatible with the architectural character of the neighborhood. The proposed building is three stories and less in height than the prescribed height of 40 feet allowed by the R-3 zone district.

The purpose of this letter is to seek your support of my application before the BZA. My representative in my application before the BZA has requested placement on the next meeting agenda of the Advisory Neighborhood Association (ANC) scheduled for February 18, 2014, and if so placed, will present the project plans for community comments and feedback.

I have attached the project drawings for your review. I am glad to have my representative, Toye Bello, answer any questions you have and to meet with you if further clarification is desired.

I have taken the liberty to provide space below to signify no objection or your support for my application below by way of your signature and the address of your property.

Thank you in advance of your support.

Sincerely,

Eva Volcikova Noone



BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18729

EXHIBIT NO. _____

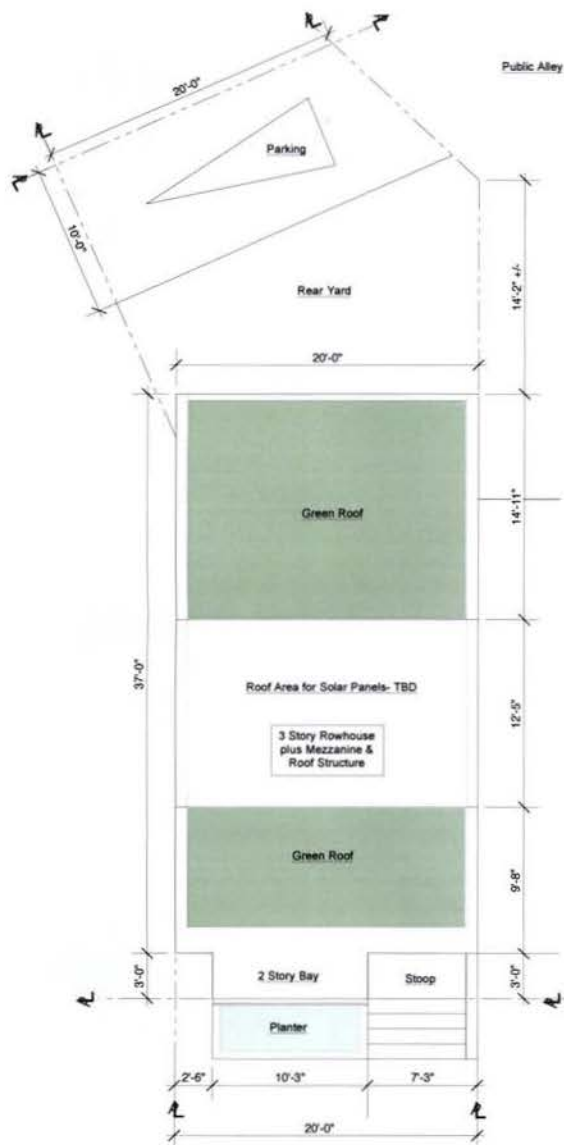
I have no objection to the granting of the variance relief sought in BZA No. 18729

Name VENDIKA RAIS

Signature [Handwritten Signature]

Address 5317 Illinois Ave NW, Washington, DC 20011

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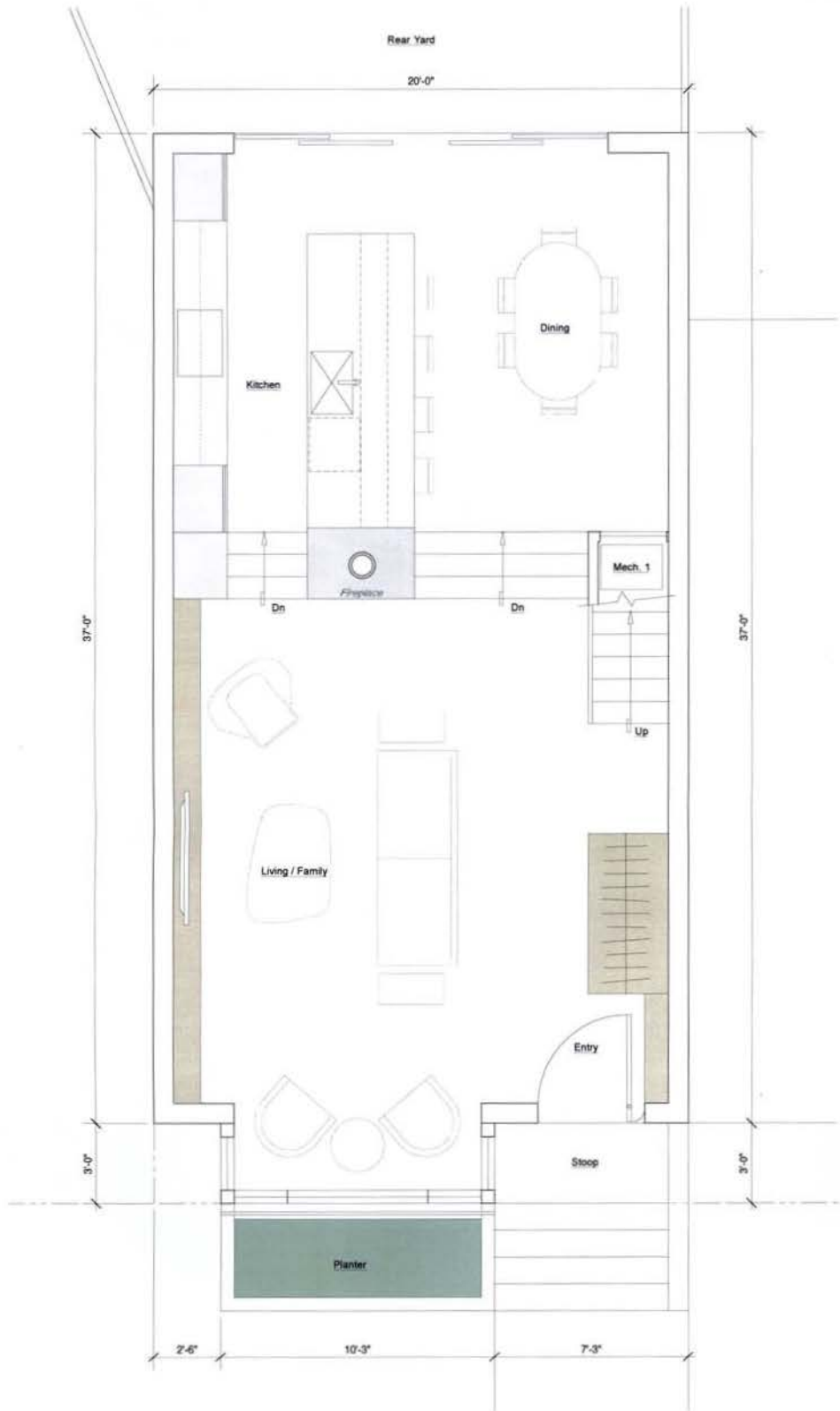


Drawing List

A1.00	Site Plan
A1.01	First Floor Plan
A1.02	Mezzanine Plan
A1.03	Second Floor Plan
A1.04	Third Floor Plan
A1.05	Roof Plan
A2.01	Front Elevation
A2.02	Rear Elevation
A2.03	Side Elevation
A2.04	Typical Building Section
A3.01	Perspective View 1
A3.02	Perspective View 2
A3.03	Perspective View 3

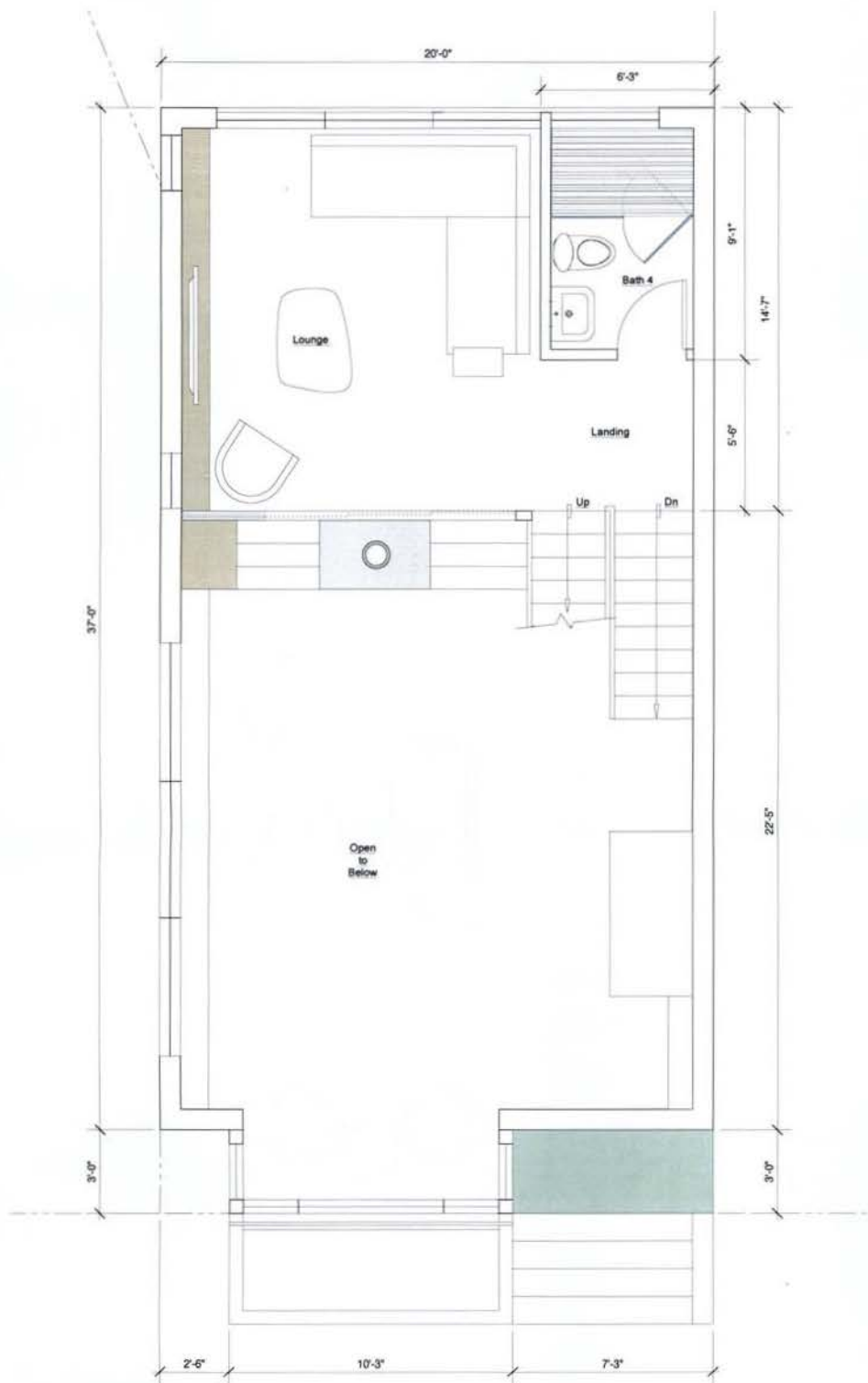
0.0 Proposed Site Plan
scale: 1/8" = 1'-0"

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1.0 Proposed First Floor Plan
scale: 1/4" = 1'-0"

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2014 MAR 13 AM 10:43



1.1 Proposed Mezzanine Plan
scale: 1/4" = 1'-0"



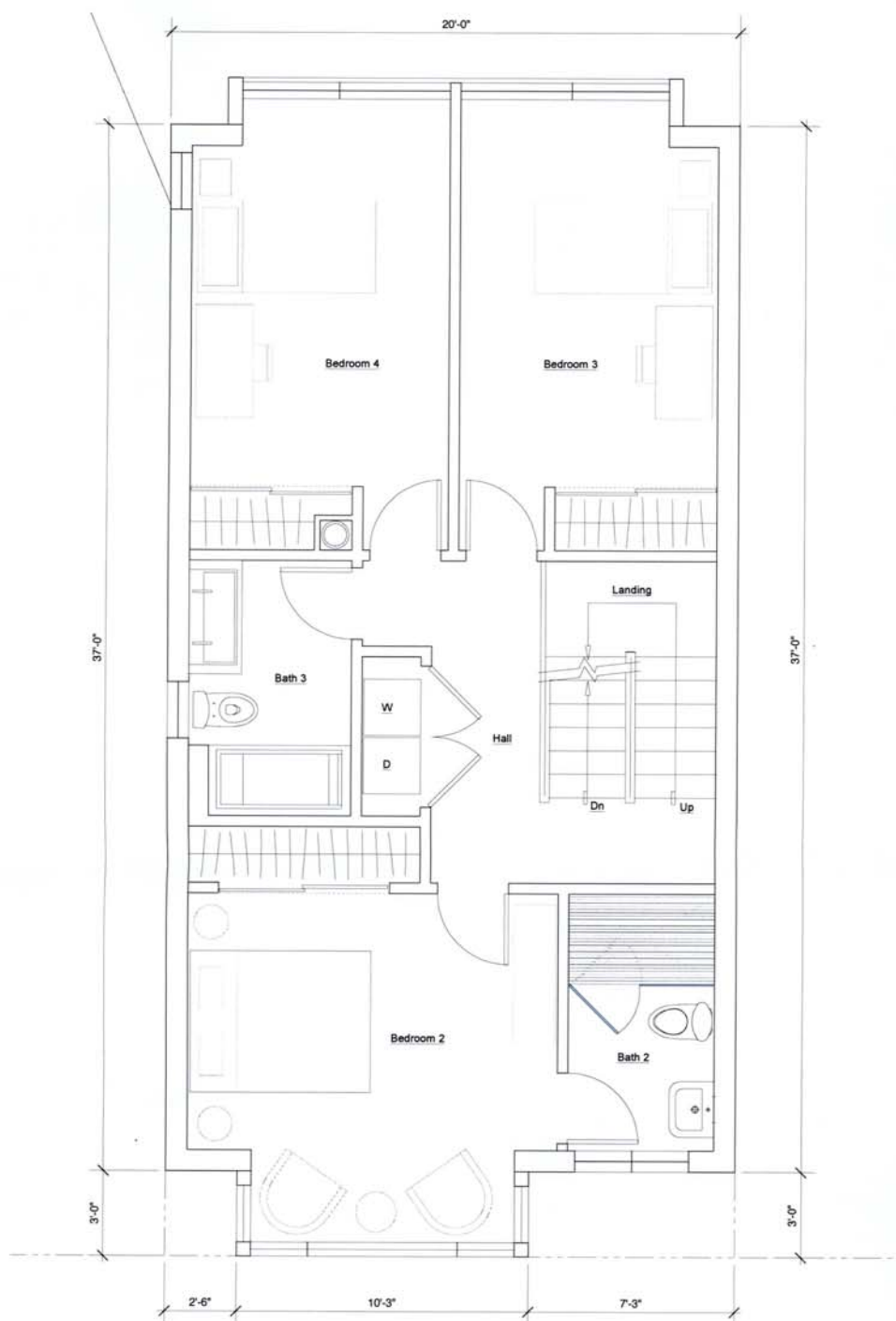
FOR DESIGN PURPOSES ONLY.
NOT FOR CONSTRUCTION.

New Rowhouse Design for:
Lot 25 Square 2998
Washington, DC

Review Set 03.10.14
date

A- 1.02

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2014 MAR 13 AM 10:43



2.0

Proposed Second Floor Plan

scale: 1/4" = 1'-0"



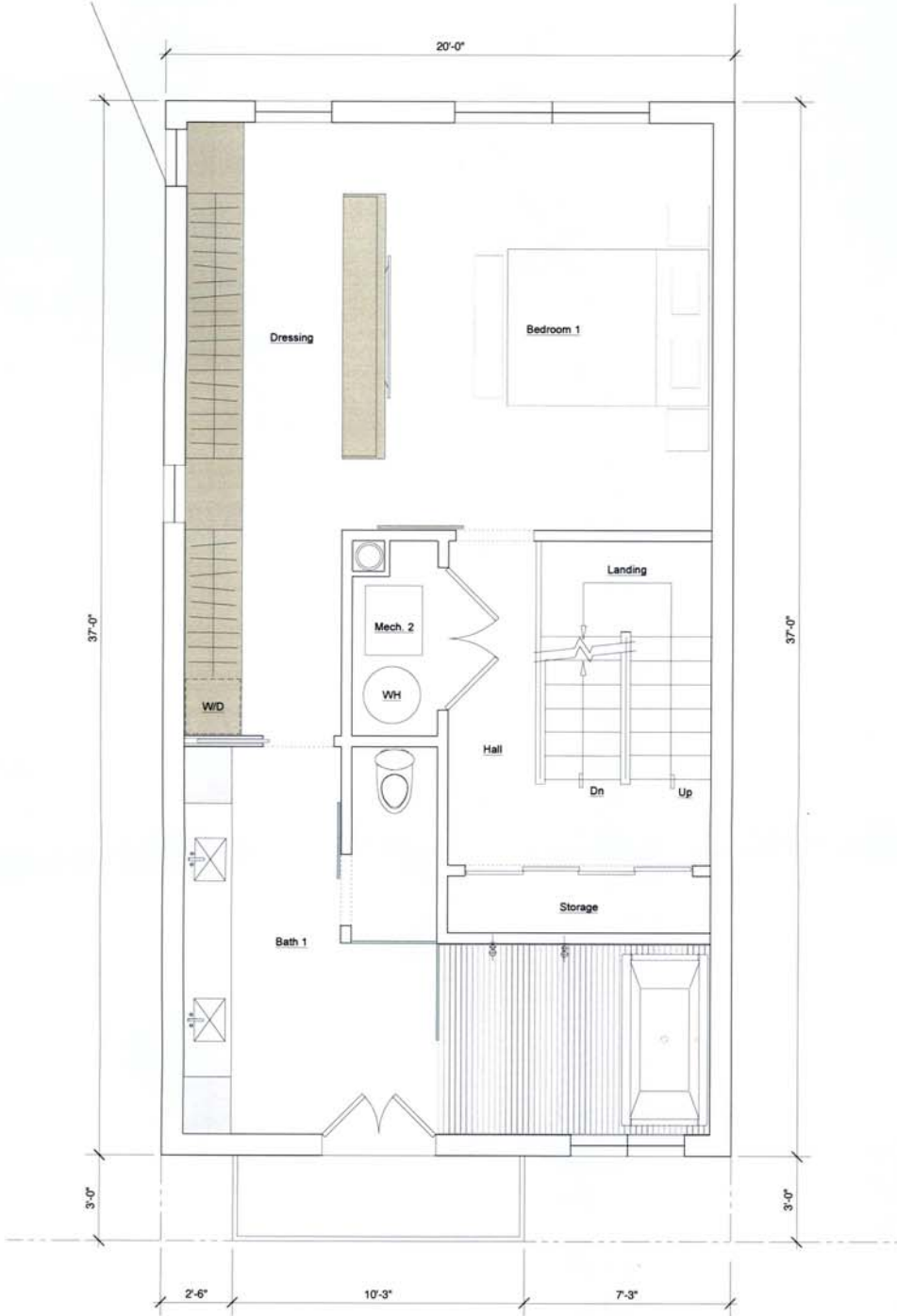
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New Rowhouse Design for:
Lot: 25 Square: 2998
Washington, DC

Review Set 03.10.14
date

A- 1.03

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2014 MAR 13 AM 10:43



3.0 Proposed Third Floor Plan
scale: 1/4" = 1'-0"



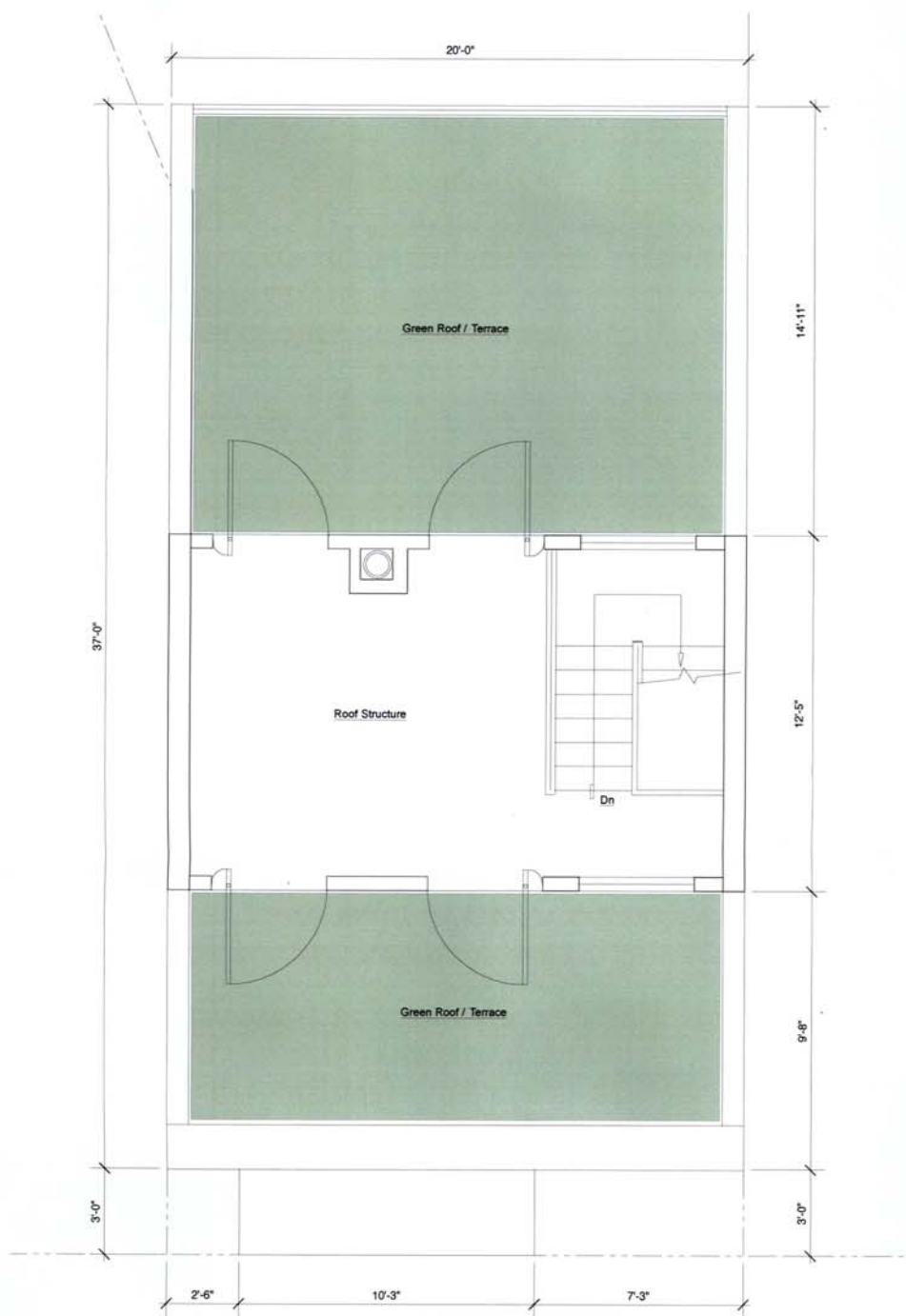
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New Rowhouse Design for:
Lot 25 Square: 2998
Washington, DC

Review Set 03.10.14
date

A- 1.04

RECEIVED
J.C. OFFICE OF ZONING
2014 MAR 13 AM 10:43



3.1

Proposed Roof Structure Plan

scale: 1/4" = 1'-0"



FOR DESIGN PURPOSES ONLY.
NOT FOR CONSTRUCTION.

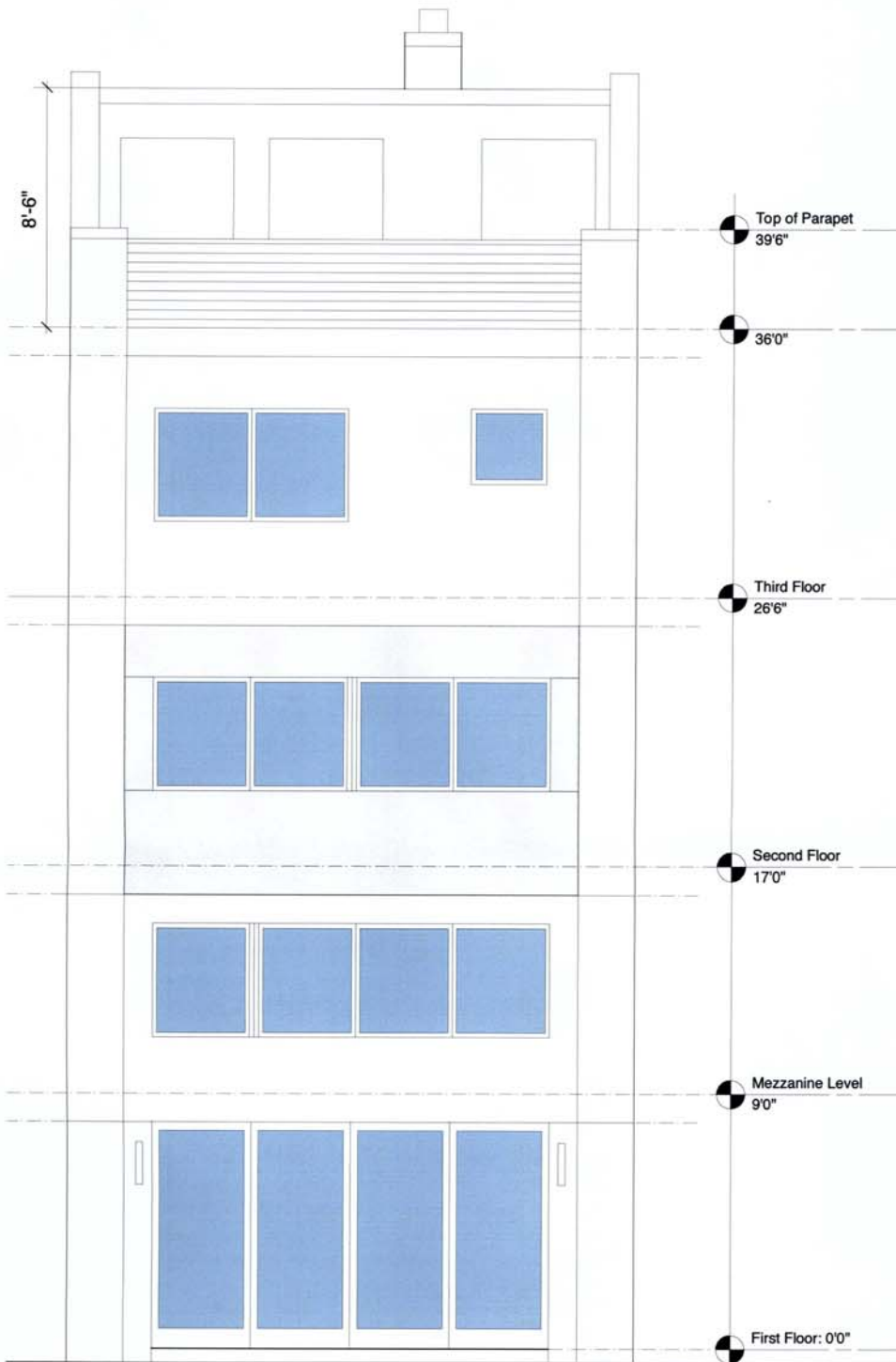
New Rowhouse Design for:
Lot: 25 Square: 2998
Washington, DC

Review Set 03.10.14
date

A- 1.05



○ Proposed Front Elevation
scale: 1/4" = 1'-0"



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2014 MAR 13 AM 10:44

○ Proposed Rear Elevation
scale: 1/4" = 1'-0"

RECEIVED
D.C. OFFICE OF ZONING
2014 MAR 13 AM 10:44



○ Proposed Side Elevation
scale: 3/16" = 1'-0"



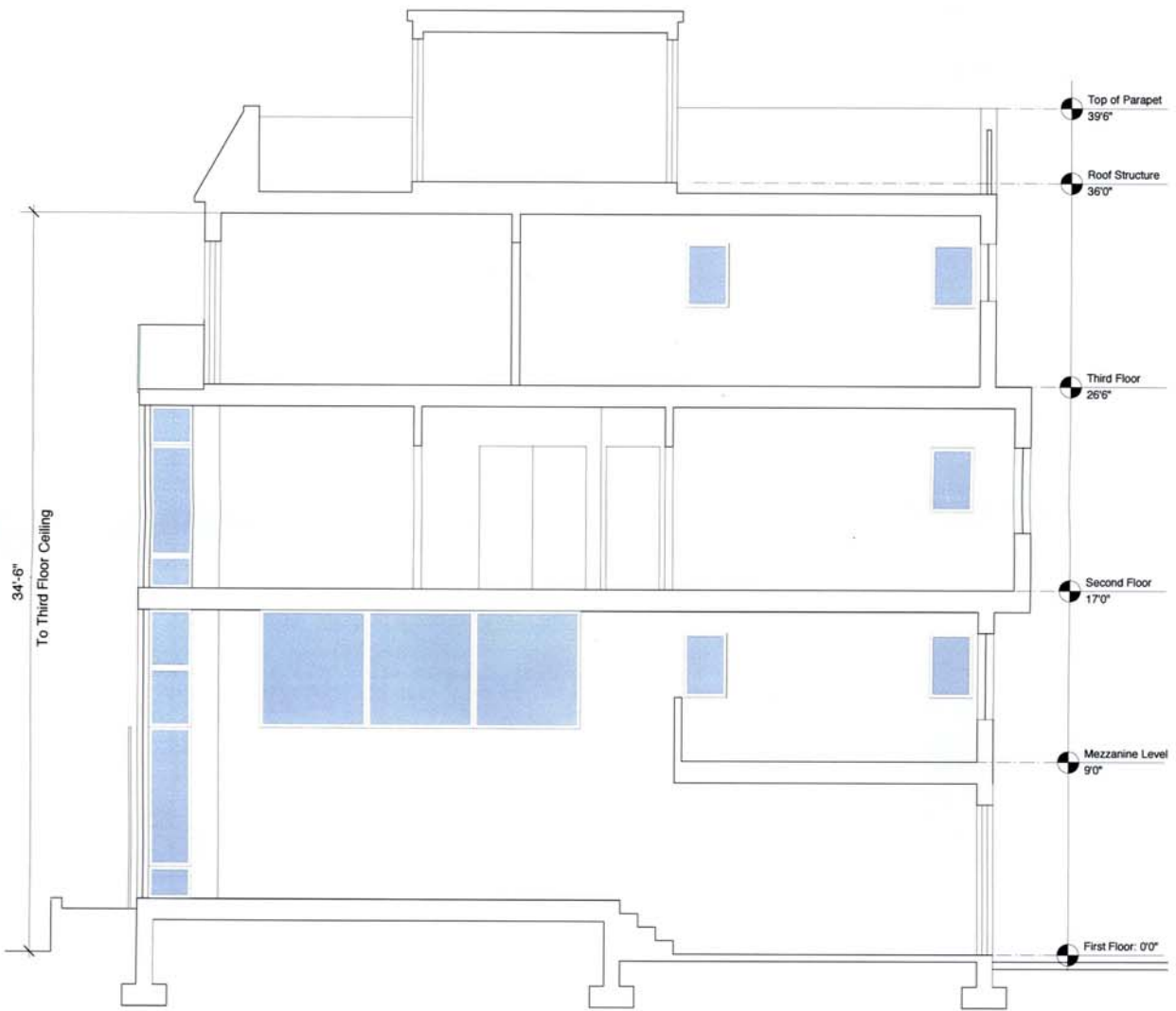
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New Rowhouse Design for:
Lot: 25 Square: 2998
Washington, DC

Review Set 03.10.14
date

A- 2.03

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2014 MAR 13 AM 10:44



○ Proposed Building Section
scale: 3/16" = 1'-0"



FOR DESIGN PURPOSES ONLY
NOT FOR CONSTRUCTION

New Rowhouse Design for:
Lot: 25 Square: 2998
Washington, DC

Review Set 03.10.14
date

A- 2.04