

GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

MARK G. GRIFFIN (DC, MD)
 BRIAN P. MURPHY (DC, MD)
 ASHLEY E. WIGGINS (DC, MD, VA)
 MERIDITH H. MOLDENHAUER (DC, MD, VA)
 ERIC M. DANIEL (MD, DC)

DIRECT DIAL: 202-530-7159
 DIRECT EMAIL: edaniel@washlaw.com

Executive Summary

Case No. 18786

Site Description

Address: 304 M Street, NW
Square/Lot: Sq. 524, Lot 19

Zoning: DD/R-5-B

Existing: Vacant Lot

Historic District: Mount Vernon
 Square Historic District

Public Transportation:

- Metro: Mt. Vernon Sq/7th St – Convention Center Metro
- Metrobus Routes: 96, 70, P6
- Capital Bikeshare:
 - NJ Ave & N St NW (19 docks)
 - 7th & M Street NW (19 docks)
- Car Sharing:
 - Zipcar: 6th & NY Ave (8 cars)
 - Car2Go

Cases:

- *Palmer*
- *Clerics of St. Viator, Inc.*
- *Gilmartin*

Project Description

Applicant	Fenton 302/304 M St, LLC
Proposal	Single-family home
Relief Sought	Lot Occupancy (§403); FAR (§402); Rear Yard (§404); Parking (§2101.1)
Variance Standard	Exceptional Circumstance: Confluence of Factors • Property is exceptionally small; • Property is vacant; • Property was previously improved with a nonconforming single-family rowhouse; • Property has no curb cut or access to a public alley. Strict Application Results in Practical Difficulty: • Compliance with lot occupancy, FAR, and rear yard would result in an unusually small structure and cause design and other construction challenges; • Compliance with the parking requirement would prevent the currently vacant lot from being built upon as any structure, including any single-family home, would require parking relief No Detriment to Public Good: • Puts vacant property to productive use • Single-family home proposed is modest and in keeping with historic character of the neighborhood

Comments of District Agencies and Community:

- Unanimous Approval from ANC 6E Zoning Committee
- Unanimous Approval from ANC 6E
- 24 Letters of Support, including 9 Letters from the 300 block of M Street

Board of Zoning Adjustment
 District of Columbia

CASE NO. 18786
 EXHIBIT NO. 24

LAW OFFICES
GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

MARK G. GRIFFIN (DC, MD)
BRIAN P. MURPHY (DC, MD)
ASHLEY E. WIGGINS (DC, MD, VA)
MERIDITH H. MOLDENHAUER (DC, MD, VA)
ERIC M. DANIEL (MD, DC)

DIRECT DIAL: 202-530-1482
DIRECT EMAIL: mmoldenhauer@washlaw.com

June 10, 2014

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

Re: Application No. 18786 – 304 M Street NW (Square 524, Lot 19)
Prehearing Statement of the Applicant

Chairman Lloyd Jordan and Honorable Members of the Board:

On behalf of Applicant Fenton 302/304 M St, LLC, enclosed please find the Prehearing Statement for the above-referenced application. The application is scheduled to be heard before the Board of Zoning Adjustment on June 24, 2014.

This Applicant has also requested zoning relief in BZA Case No. 18782 regarding 302 M Street NW, the abutting Property. The Applicant, after modifying plans to address a response from the Historic Preservation Office, has requested that BZA Case No. 18782 be removed from the §223 expedited review calendar and heard concurrently with this case.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Eric M. Daniel

Enclosures:

Cc: Advisory Neighborhood Commission 6E
c/o Alexander Padro, Chair (via email)
SMD Representative 6E04, Rachelle P. Nigro (via email)
Office of Planning (via email)
Cliff Moy, Board of Zoning Adjustment (via email)

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

**APPLICATION OF
FENTON 302/304 M ST, LLC**

**BZA APPLICATION NO. 18786
HEARING DATE: JUNE 24, 2014**

PREHEARING STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Fenton 302/304 M St, LLC (the "Applicant"), the owner of property located at 304 M Street NW, Lot 19 in Square 524 (the "Property"), in support of its application for variance relief, pursuant to 11 DCMR §3103.2, from the requirements regarding lot occupancy (§403), FAR (§402), rear yard (§404), and parking (§2101.1) to allow the Applicant to construct a single family home on a vacant lot in the DD/R-5-B District at the Property.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the variance requested herein pursuant to §3103.2 of the Zoning Regulations.

III. EXHIBITS IN SUPPORT OF THE APPLICATION

Exhibit A: Neighbor Letters in Support

IV. APPLICANT MEETS BURDEN OF PROOF FOR VARIANCE RELIEF

The Board is authorized to grant an area variance where it finds that the Applicant fulfills the three-prong area variance standard. As described in the Initial Application, and as will be further explained at the public hearing, all three prongs of the area variance test are satisfied.

V. COMMUNITY OUTREACH

The Applicant attended the ANC 6E Zoning Committee meeting on May 29, 2014 where it received unanimous support. On June 4, 2014 ANC 6E voted unanimously to support the application and commended the Applicant on its extensive community outreach campaign. Furthermore, the Applicant

has received 24 letters of support from nearby neighbors, including 9 letters of support from the 300 block of M Street NW. *See* Neighbor Letters of Support at Exhibit A.

Therefore, the Applicant reiterates that the application will have a positive impact on the public good and will be consistent with the Zone Plan.

VI. WITNESSES

The following witnesses will appear on behalf of the Applicant:

1. Ulysses Glee, on behalf of the Applicant;
2. Kristine Adey, on behalf of the Applicant; and
3. Will Teass, on behalf of Tektonics Architecture.

VII. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings in this case, we hereby submit that the application meets the requirements for area variance relief. We look forward to presenting our case to the Board on June 24, 2014.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP

By:



Eric M. Daniel
Meridith H. Moldenhauer
1912 Sunderland Place, N.W.
Washington, D.C. 20036
(202) 429-9000

Exhibit A

Date: 5/28/2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

Dear Chairperson Jordan and Members of the Board:

I am writing to express my support for the application for zoning relief at 304 M Street NW submitted by Fenton 302/304 M St, LLC (the "Applicant") to allow the Applicant to construct a single family home on a vacant lot. I urge the Board to approve the application as proposed.

The plans for the Applicant's proposed project have been explained to me. The project will not have a substantially adverse effect on the use or enjoyment of our nearby home. Nor will it affect our light, air, or privacy. The project is comparable to other projects in our immediate vicinity, and will not visually intrude upon the character, scale, or pattern of the houses in our neighborhood.

Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name:

Spencer Griffin

Address:

303 M St NW
Washington DC 20001

Date: May 22/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

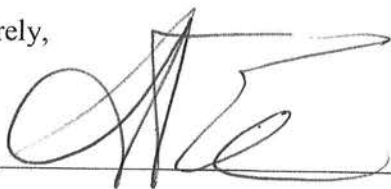
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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

Andrew Elhiger

Address:

307 M St. NW
Washington DC
20001

Date:

5/29/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name:

NATHAN LUCKIN

Address:

310 M St NW #3

WASHINGTON DC 20001

Date:

5/29/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

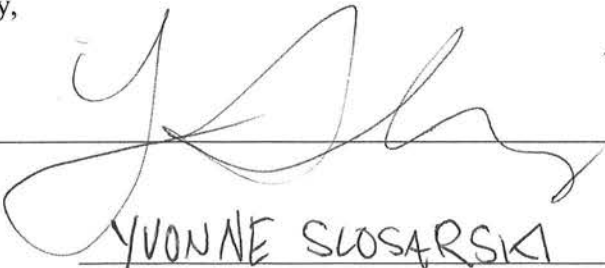
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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

YVONNE SLOSARSKI

Address:

310 M St. NW #3
WASHINGTON DC 20001

Date: 5/23/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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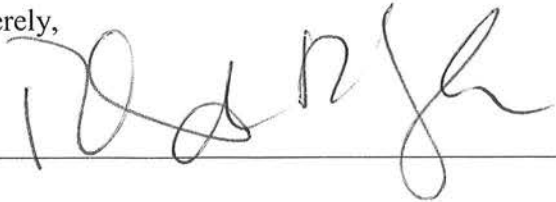
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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name: RONALD D. CROGNALE

Address: 310 M. ST. NW
#7
WASHINGTON, DC 20001

Date: 5-29-14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

Aaron Dubrow

Address:

311 M St

Washington, DC

20001

Date: 5-29-2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

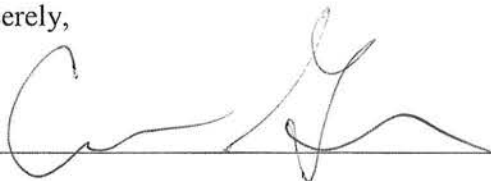
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Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: 311 M St NW Basement

Address: Carson Gross

Date: 5/30

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

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Thank you for the opportunity to provide feedback.

Sincerely,

Brenda Curran (Signature)

Name: Brenda Curran Wasman

Address: 312 M NW ST 20001

Washington DC

Date: 5/29/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

Christopher Bulk (Signature)

Name: Christopher Bulk

Address: 313 M St, NW
20001

Date: 5/28/11

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Alta Ray

Address: 406 M St NW, #3
Washington, DC 20001

Date: 5-29-2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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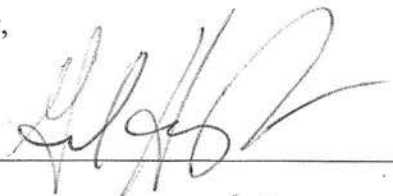
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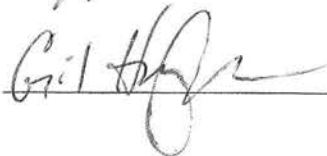
Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:



Address:

410 M St N.W #3
Washington, DC 20001

Date: 5/28/2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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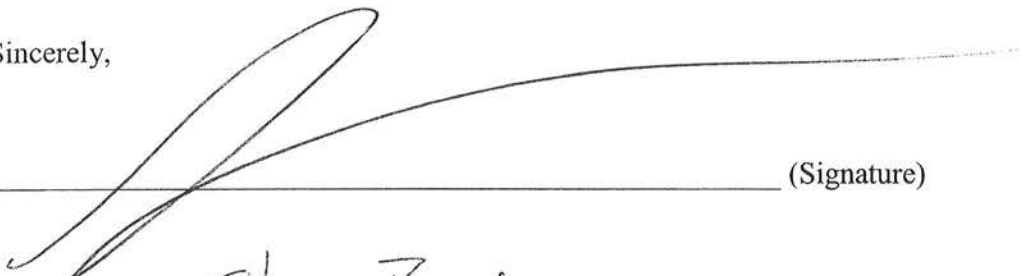
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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

Shawn Baxter

Address:

412 1/2 M St NW
Washington, DC 20001

Date: 5/28/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

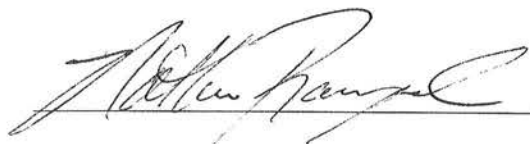
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Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Nathan Raymond

Address: 412 1/2 M Street NW
Washington DC 20001

Date: 5/25/17

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name: Michael Petersen

Address: 412 1/2 M St NW
Washington, DC 20001

Date: 5/28/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

Shuna S. Dwyer

Address:

919 M St N.W.
Washington D.C.

Date: 5/28/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name: Madeline Sarbo

Address: 430 M St. Apt 2
Washington DC
20007

Date: 5/28/2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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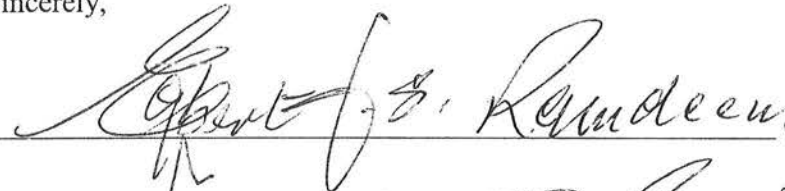
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Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name:

GILBERT J. S. RAMDEEN

Address:

1217 NEW JERSEY AVE. NW
WASHINGTON, D.C. 20001-1225

Date: 5/27/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,


_____. (Signature)

Name: Felix Cheng

Address: 1205 4th St. NW
Washington, DC 20001

Date: 5/28/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

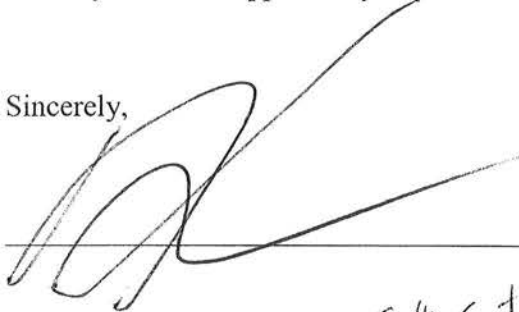
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Thank you for the opportunity to provide feedback.

Sincerely,

 (Signature)

Name:

1423 5th St NW Xavier Robinson

Address:

1423 5th St NW Apt
A 20001

Date: 5/28/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

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Thank you for the opportunity to provide feedback.

Sincerely,

C. L. G. (Signature)

Name: Candice Luebbering

Address: 217 MORGAN ST NW
UNIT B
WASHINGTON DC 20001

Date: 18 May 2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

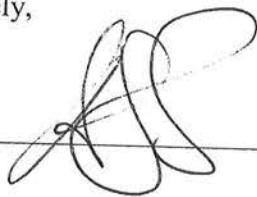
Dear Chairperson Jordan and Members of the Board:

I am writing to express my support for the application for zoning relief at 304 M Street NW submitted by Fenton 302/304 M St, LLC (the "Applicant") to allow the Applicant to construct a single family home on a vacant lot. I urge the Board to approve the application as proposed.

The plans for the Applicant's proposed project have been explained to me. The project will not have a substantially adverse effect on the use or enjoyment of our nearby home. Nor will it affect our light, air, or privacy. The project is comparable to other projects in our immediate vicinity, and will not visually intrude upon the character, scale, or pattern of the houses in our neighborhood.

Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

ARVIND BHATIA

Address:

217 MORGAN ST NW

WASHINGTON DC 20001

Date: 5-29-14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

Dear Chairperson Jordan and Members of the Board:

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Thank you for the opportunity to provide feedback.

Sincerely,

Warren E. McBroom (Signature)

Name: Warren McBroom

Address: 477 Ridge St. NW
Washington DC 20001

Date: May 29, 2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

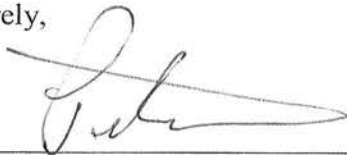
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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

PETER PETERSON

Address:

1208 Kirby ST NW
APT 2B
DC 20001

Date: 5.29.14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18786 – 304 M Street, NW

Dear Chairperson Jordan and Members of the Board:

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Thank you for the opportunity to provide feedback.

Sincerely,



(Signature)

Name:

Justin Siemesebo

Address:

1202 K Street NW

