

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

**FORM 125 - APPEAL**

Before completing this form, please review the instructions on the reverse side.  
Print or type all information unless otherwise indicated.

Pursuant to §§ 3100 and 3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the

administrative decision of: **DCRA Chief Building Official** Name of administrative officer and title

made on **July 3, 2014** Date of decision that states Building Permit No. B1409246 issued for

1536 T street NW, Washington, DC 20009, Square 191, Lot 98 pursuant to BZA decision in #18725.

Address(es) of Affected Premises		Square(s)	Lot(s)	Zone Districts
1538 T Street NW		191	97	R4
1540 T Street NW		191	96	R4
1839 16th Street NW		191	94	R4

Present use of Property: Residential

Proposed use of Property: Residential

Name of Owner of Property: Rafael Romeu

Address: 1536 T Street NW, Washington, DC

Phone No(s).: unknown Fax No.: unknown E-Mail: rafael.romeu@gmail.com

Name of Lessee: NA

Address:

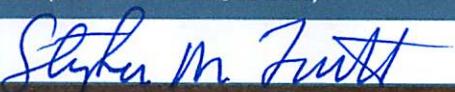
Phone No(s).: Fax No.: E-Mail: jasphill@aol.com

Name of Appellant, if other than Owner: James Hill, Amir A. Afkhami, and Robert Uth. See annexed Statement

Address: 1538 T Street NW, Washington, DC (see also Statement for address of other appellants)

Phone No(s).: 202 525 5607 Fax No.: na E-Mail: jashill@aol.com

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 appeal 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)

Date:  Signature of Appellant\*: 

Waiver of Fee - Status of Appellant

ANC  DC Government Agency  NCPC  Citizens' Association/Association created for civic purposes that is not for profit

To be notified of hearing and decision (Appellant or Authorized Agent\*):

Name: Stephen M. Truitt Esq. (see Attached Authorizations)

Address: 600 14th Street NW, Suite 500, Washington, DC 20005

Phone No(s).: 202 220 1452 Fax No.: 202 220 1665 E-Mail: truittsm@gmail.com

\* If an appeal is filed by the agent of the Appellant, Form 125 - Appeal shall be accompanied by a letter signed by the Appellant authorizing the agent to act on its behalf in this appeal.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

District of Columbia  
CASE NO.18851  
EXHIBIT NO.2

## **STATEMENT OF APPELLANTS**

### **Board of Zoning Adjustment No.**

Re: Building Permit B1409246, Square 191, Lot 98

Pursuant to §3(b) of the Instructions on Form 125 Appellants submit this Statement in support of their appeal of the issuance of Building Permit No. B1409246. This permit authorizes construction of a deck on the premises of 1636 T Street, NW, Square, Lot 98. The deck will extend lot occupancy, already non-conforming, to approximately the entire lot (97%) and increases the size of an already nonconforming structure. The sole basis for the permit's issuance is the Board's decision in No. 18725 which granted an application for the variances necessary to allow the construction.

**Identity of Appellants.** These are identified on the Form 125 to which this Statement is attached. Addresses are shown in the Authorizations annexed hereto.

**Parties.** Appellants appeared in Application No. 18725 and the Board granted them status as Parties in Opposition. These parties will seek review in the D.C. Court of Appeals of the final order in No 18725 when it issued. At present the Board is in process of preparing its order denying Opponents' motion for rehearing and reconsideration in No 18725.

**Procedural Status and Relation of this Appeal to 18725.** Because the validity of permit B1409246 depends entirely on the validity of the Board's decision in No. 18725, the present appeal is inextricably entwined with No. 18725. An appellate reversal of the Board's decision in No. 18725 will require immediate cancellation of the permit at issue in the present

appeal. Accordingly and to negative any possible inference that Opponents have abandoned their opposition to the proposed deck construction as authorized, they take this appeal.

Because this appeal depends on the validity of the Board's Order in No. 18725 and that decision will be reviewed by the D.C. Court of Appeals, appellants believe that it would be most efficient in terms of conserving the time of the Board, the Owner, relevant D.C. agencies, and involved counsel to suspend the handling of this appeal until the review proceedings in No. 18725 are completed.

We invite the views of the owner on this suggestion.

**Basis for Appeal.** The grounds for appealing permit B1409246 include all the grounds for opposing the grant of the variance applications in No. 18725 in the first place. They include:

1. The proposed construction and area variances on which it is based are not in harmony with the Zoning Act and Regulations. See §2001.3, §403.2, §223. §223.3, §223.4, §404.1
2. The Zoning Act (DC Code 6-641.06a) prohibits the enlargement of a non-conforming structure.
3. The Applicant in 18725 did not meet its burden of proof establishing the prior lawful (i.e. permitted) use of a deck on his lot.
4. There is nothing unusual about the lot in question nor does using the premises without the variance granted impose any hardship. Nor is there any practical difficulty in the owner's use of the property without the variances granted. See DC Code 6-641.07(g)(3), 11 DCMR §3103.2.

5. The Advisory Neighborhood Commission report supporting the proposed variances was a legal nullity because improperly noticed. Its recommendation was, therefor, a nullity
6. The owner did not establish any detrimental reliance on the prior building permit erroneously issued to him and procured by omission of relevant information from the permit application.
7. The permit under which the deck is to be constructed is not consistent with the provisions of the relevant Overlay, namely §§1501.1 and 1501.4 of the Zoning Regulations, the Dupont Circle Overlay provisions. (11 DCMR § 1501.4(a).)
8. The permit does not comply with the provisions of 11-2300 PRIVATE GARAGES AND CARPORTS.
9. The permit does not comply with 11-2116 LOCATION OF PARKING SPACES
10. The entire record in No 18725, on which the building permit is based, is relied on.
11. The permit is contrary to the D.C. Building Code provisions governing exterior stairs. Building Code §1009.7. The riser and tread dimensions violate those provisions.

## CERTIFICATE OF SERVICE

I certify I have this 14<sup>th</sup> day of August 2014 served the following persons via email of the foregoing Form 125, Statement and attachments all as shown on the email filing of the Form 125 via the Board's electronic case filing system

By email:

Office of Planning of the District of Columbia

Raphael Romeu, the owner

By Regular mail:

Advisory Neighborhood  
Commission 2B  
#9 Dupont Circle, NW  
Washington, DC 20036



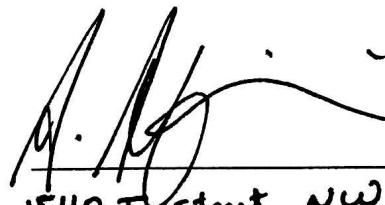
Stephen M. Truitt, Esq.  
600 14<sup>th</sup> St. NW, Suite 500  
Washington, DC 20005  
202 220 1452  
truittsm@gmail.com

The Board of Zoning Adjustment  
441 4<sup>th</sup> Street NW, Suite 200S  
Washington, DC 20001

Please take note that I hereby authorize

Stephen M. Truitt Esq.  
600 14<sup>th</sup> St. NW, Suite 500,  
Washington, DC 20005  
202 220 1452 office  
202 220 1665 fax  
truittsm@gmail.com

to file and prosecute an appeal on my behalf from Building Permit  
B1409246 relating to construction of a deck at 1526 T Street NW.

  
Signature  
1540 T Street, NW  
Address  
Washington DC 20009

Washington, DC

The Board of Zoning Adjustment  
441 4<sup>th</sup> Street NW, Suite 200S  
Washington, DC 20001

Please take note that I hereby authorize

Stephen M. Truitt Esq.  
600 14<sup>th</sup> St. NW, Suite 500,  
Washington, DC 20005  
202 220 1452 office  
202 220 1665 fax  
truittsm@gmail.com

to file and prosecute an appeal on my behalf from Building Permit  
B1409246 relating to construction of a deck at 1526 T Street NW.

John Truitt Signature  
1839-16th St. NW Address

Washington, DC, 20009

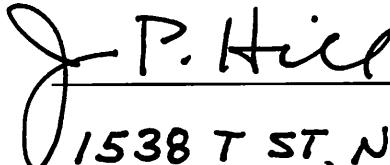
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202 220 1665 fax  
[truittsm@gmail.com](mailto:truittsm@gmail.com)

to file and prosecute an appeal on my behalf from Building Permit  
B1409246 relating to construction of a deck at 1526 T Street NW.

JAMES P. HILL

 P. Hill Signature

1538 T ST, NW Address

Washington, DC 20009

DATE: June 30, 2014

OWNER: Rafael Romeo

ADDRESS: 1536 T Street, N.W.  
Washington, DC 20009

TEL: 202-352-8138

E MAIL: rafael.romeu@gmail.com

1. WORK ALONG PROPERTY LINE (NS)  
 2. ADDITION OF STRUCTURE ALONG PARTY LINE, (NS)  
 3. WORK AFFECTING PARTY WALL (NS)

## NOTIFICATION FORM



ADJACENT OWNER: James Hill

ADDRESS: 1538 T Street, N.W.  
Washington, DC 20009

TEL: \_\_\_\_\_

E MAIL: \_\_\_\_\_

### SCOPE OF WORK:

4. UNDERPINNING OF FOUNDATION (S)  
 5. ADDITION OF STRUCTURE ON PARTY WALL (S)

OTHER, SPECIFY \_\_\_\_\_

(NS) NON-STRUCTURAL (S) STRUCTURAL

Dear Mr. Hill:

My name is Rafael Romeo (I am/we are) the owner of the property located at 1536 T Street, N.W. which adjoins your property. (I am/We) are proposing to carrying out the job indicated in the scope of work above which may have an impact on your building or structure.

The District of Columbia Building Code, DCMR 12 A (2008), Section 3307.2 further requires that (I/we) notify you. This notification together with copies of all the documents filed with the District for the necessary permit for the proposed work shall be delivered to the adjoining property owner, and a copy submitted to the code official, not less than thirty (30) days prior to the proposed starting date. If the work is non-structural, notification shall not be less than ten (10) business days prior to the scheduled starting date of the work.

Consequently, (I am/we are) hereby providing you (my)our written 30 or 10 days notice, of the proposed work specified above and (I am/we are) also requesting your permission to enter your property, to perform the related work, at my expense, necessary to preserve and protect your building from damage, disruption or personal injury.

The Building Code also requires that you provide written permission or denial to this request.

Please note, if the necessary permission is not granted, the Building Code, Section 3307.2 also provides that it shall then be your duty and at your expense to preserve and protect your building and property. In like manner you are hereby granted permission to enter my property at reasonable times, if necessary, to take cognizance of the situation.

Please provide your response by signing the appropriate line below which will be accepted as your written permission or denial. Your response must be provided not more than 30 days of receipt of this letter.

If you have any questions or concerns, please do not hesitate to contact me from the information above.

Sincerely,

Signature of Owner

Adjoining Owner's Permission Granted \_\_\_\_\_ Denied \_\_\_\_\_ Signature \_\_\_\_\_

DATE \_\_\_\_\_

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Board of Zoning Adjustment



Application No. 18725 of Rafael Romeu, pursuant to 11 DCMR §§ 3103.2, for a variance from lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the nonconforming structure requirements under subsection 2001.3, to allow the construction of a rear deck in the DC/R-4 District at premises 1536 T Street, N.W. (Square 191, Lot 98).

**HEARING DATE:** March 11, 2014  
**DECISION DATE:** March 11, 2014

**DECISION AND ORDER**

Rafael Romeu (the "Applicant"), the owner of the subject property, submitted this self-certified application on December 30, 2013, seeking a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the nonconforming structure requirements under subsection 2001.3, to allow the construction of a rear deck in the DC/R-4 District at premises 1536 T Street, N.W. (Square 191, Lot 98).

The Board of Zoning Adjustment (the "Board") held a hearing on the application on March 11, 2014, at which it voted 4-0-1 to grant the requested relief.

**PRELIMINARY MATTERS**

**Notice of Application and Notice of Public Hearing.** By memoranda dated January 6, 2014, the Office of Zoning sent notice of the application to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 2; Advisory Neighborhood Commission ("ANC") 2B, the ANC for the area within which the subject property is located; and the Single Member District ANC 2B-09. Pursuant to 11 DCMR § 3112.14, on January 10, 2014, the Office of Zoning mailed notice of the hearing to the Applicant, ANC 2B, and the owners of all property within 200 feet of the subject property. Notice was published in the *D.C. Register* on January 10, 2014 (61 DCR 219).

**Request for Party Status.** The Applicant and ANC 2B were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application to a

**BZA APPLICATION NO. 18725**

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group of persons that included individuals James Hill of 1538 T Street, N.W., Washington, D.C. 20009, Amir A. Afkhami of 1540 T Street, N.W., Washington, D.C. 20009, and Robert Uth of 1839 16<sup>th</sup> Street, N.W., Washington, D.C. 20009.

**Applicant's Case.** The Applicant provided evidence and testimony from Rafael Romeu, the owner of the subject property, and Bill Morris, the architect for the Applicant. They described the Applicant's plans to construct a rear deck on the subject property, and provided testimony and evidence to show that the application satisfied all requirements for approval of the requested zoning relief.

**OP Report.** By report dated March 4, 2014, and through testimony at the public hearing, OP noted that OP would not ordinarily support a proposal to increase nonconforming lot occupancy and a further reduction to an already nonconforming rear yard. However, given the fact that the Applicant began construction of the deck in good faith reliance upon THE Department of Consumer and Regulatory Affairs ("DCRA") approvals that were later rescinded, OP concluded it could support the grant of variance relief for a smaller deck or for the proposed deck if the Applicant could identify the practical difficulty that would prevent it from modifying its proposal to provide for a smaller deck. OP made no finding as to whether the current proposal would substantially impair the public good, but noted that the sun study submitted by the Applicant showed little impact on the light enjoyed by the adjacent properties. However, OP concluded that granting the Application would substantially impair the intent, purpose and integrity of the Zoning Regulations and Map given the extent of the increased nonconformities proposed.

**DDOT Report.** By memorandum dated February 28, 2014, DDOT indicated no objection to the application, noting that the proposal will have no adverse impacts on the District's transportation network.

**ANC Report.** By letter dated February 20, 2014 the Chairman of ANC 2B indicated that at a regular, duly noticed monthly public meeting held on February 17, 2014, with a quorum present, the ANC voted 4-2-1 to recommend approval of the Application, contingent on plans and a project that protects and demarcates the easement in the rear of the property, including assurances that vehicles or other objects cannot impede easement. In his written and oral testimony, the ANC Chairman clarified that the ANC's regular meeting was to be held on February 12<sup>th</sup>. Originally, the February 17<sup>th</sup> meeting was added to accommodate agenda items that might not be reached on the 12<sup>th</sup>. However, the regular meeting was cancelled due to a weather event, and the ANC gave notice that the entire agenda would be considered on February 17<sup>th</sup>.

**Persons in Support.** The Board received a letter in support of the application from Mr. Jochen R. Andritzky, of 1534 T Street, N.W., stating that he thought the deck would be an overall positive for the neighborhood.

**Party in Opposition.** The Board heard testimony from members of the group of residents that were granted party status (the "Opposition Party"), including James Hill, Amir Afkhami, and

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Robert Uth. The Board also heard testimony on behalf of the Opposition Party from Mr. Edward Hanlon of 1523 Swann Street, N.W., Washington, D.C. 20009.

**FINDINGS OF FACT**

1. The subject property is located at 1536 T Street, N.W. (Square 191, Lot 98).
2. The subject property is a rectangular property 16.83 feet wide by 54.73 feet long; with a land area of 921 square feet.
3. The subject property is located in the R-4 Zone District and is also included in the Dupont Circle Overlay District.
4. The subject property is currently improved with a three-story structure built around 1900. The structure is currently used as a flat, including an English basement and the main part of the dwelling occupied by the Applicant. The English basement is accessed from the front of the structure, on T Street.
5. The rear of the structure, at the ground level, has a door that provides access to a utility room. This door provides no access to the English basement unit or to the Applicant's residence in the structure.
6. The subject property currently has a patio at the ground level in the rear, with no steps or other available access to the rear door of the main level of the structure. The Applicant has no way of accessing their rear yard from the rear of the building.
7. The subject property is nonconforming as to lot area, width and occupancy and also as to rear yard depth.
8. The lot on the subject property has a land area of 921 square feet and is 16.83 feet wide. Subsection 401.3 requires at least 1,800 feet of land area and a minimum width of 18 feet. The structure on the subject property occupies 72% of the lot. The maximum lot occupancy permitted in an R-4 zone by § 403.2 is 60%, while a maximum lot occupancy of 70% may be allowed as a special exception pursuant to § 223.3. The rear yard has a depth of 15 feet, whereas a depth of 20 feet is required by § 404.1
9. The rear - south - of the subject property abuts, and is perpendicular to, a property that fronts on 16<sup>th</sup> Street, N.W. The subject property abuts a garage located on this adjacent property for approximately half of the width of the rear yard. The remaining portion of the rear yard abuts open space adjacent to the north-south alley located just east of the subject property.
10. The adjacent garage encroaches approximately eight inches onto the south edge of the subject property.

12. The subject property is encumbered by a recorded easement that grants use of a three-foot wide space at the rear of the subject property, along its entire width, "for alley purposes." According to the deed for the subject property, the easement was given for the benefit of three properties to the west, including Lot 97 (1538 T Street), Lot 96 (1540 T Street), and Lot 93 (1837 16<sup>th</sup> Street).
13. The subject property is bounded by T Street to the north; the row dwelling at 1538 T Street to the west; the property located on 16<sup>th</sup> street to the south (rear), and a 10-foot wide public alley to the east.
14. The adjacent public alley runs in a north-south direction between T Street and Swann Street.
15. The subject lot is one of six small lots in the northwest corner of Square 191 that were created by dividing three larger lots when the current structures on these six properties were built around 1900. The large majority of lots in the subject square are nearly twice the size of the subject property.
16. The Applicant purchased the subject property in September 2012, and shortly thereafter began investigating whether or he could construct a rear deck addition as a matter-of-right.
17. In November 2012, the Applicant hired an architect to perform a zoning analysis and to inquire of DCRA whether a rear deck would be permitted as a matter-of-right. As part of its investigation, the Applicant discovered plans from a 2010 permit application, aerial photo evidence, and a letter from the previous owner, all which demonstrated that a full-sized rear deck had existed in this location as recently as 2011, as early as 1951, and at various times in between those dates.
18. In February, 2013, a DCRA zoning technician informed the Applicant's architect that the Applicant was permitted to build a rear deck to 97% lot occupancy as a matter-of-right as the replacement of a legally nonconforming structure.
19. Based on such representation from the DCRA zoning technician, the Applicant proceeded to further engage his architect to design the rear deck and prepare plans to accompany a building permit application. The Applicant paid the architect approximately \$11,000 for this phase of the work.
20. On July 26, 2013, DCRA issued Building Permit No. B1309278 to the Applicant, allowing the construction of a rear deck on the subject property that would take the subject property's lot occupancy to approximately 97%, and eliminate all but about eight inches of the Applicant's rear yard.

**BZA APPLICATION NO. 18725**

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21. The Applicant relied in good faith both on the initial oral approval from the DCRA zoning technician in February 2013, as well as on Building Permit No. B1309278 issued in July, 2013, in taking certain actions toward construction of the approved rear deck.
22. In September 2013, the Applicant entered into a contract with a contractor to construct the deck, and paid \$32,500 to the contractor as the first and second installments on that contract. The Applicant has not received any refund of this money, some of which is for custom-ordered materials that are difficult to return or redeem.
23. The Applicant commenced construction of the rear deck pursuant to Building Permit No. B1309278, including removing the existing rear patio pavers and digging holes for installation of the footings for the proposed deck. According to an estimate provided to the Applicant, the Applicant would have to expend about \$7,800 to restore the rear patio to the condition it was in prior to the issuance of the Building Permit and commencement of the deck construction.
24. On October 2, 2013, the Applicant learned that Appeal No. 18677 had been filed by his neighbor, James Hill, owner of the property immediately to the west, at 1538 T Street, N.W., and by a Mr. Edward Hanlon, owner of a house located on Swann Street. The Applicant then halted construction of the project.
25. On December 6, 2013, the D.C. Zoning Administrator issued a Notice to Revoke Permit for Permit No. B1309278, effectively rescinding his office's approval of the application for Building Permit No. B1309278. The notice indicated that it would become effective in 60 days unless the Applicant appealed the proposed revocation to the BZA.
26. The Applicant did not appeal the proposed revocation within the period allowed, but instead submitted this application for variance relief to allow the construction of the rear deck substantially as it was approved in Building Permit No. B1309278. Because the revocation had become final, the Board dismissed Appeal No. 18677 as moot on February 25, 2014.<sup>1</sup>
27. The Applicant is proposing to construct a deck at the rear of the subject property. The proposed deck will extend from the rear of the structure to the edge of the abutting garage. The deck will occupy all but about eight inches of the property's rear yard and will cause the subject property to have a lot occupancy of 97%. Thus the Applicant requires variance relief from the lot occupancy requirements under § 403 and a variance from the rear yard requirements under § 404. In addition, because the addition will increase the existing lot occupancy and lot area nonconformities, relief is required from § 2001.3.
28. After filing the initial BZA application, the Applicant revised his plans for the proposed deck, moving two supporting columns so that the columns would not be located within

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<sup>1</sup> A Board order dismissing the appeal has not been issued as of the date of this Order.

the area of the three-foot wide easement at the rear of the subject property. The Applicant also revised the proposed plans to include wooden louvers above the railing of the deck where the deck abuts the neighbor's property at 1538 T Street, N.W.

29. Shadow studies provided by the Applicant showed a minimal impact on sunlight from the proposed deck to the neighboring property to the west.

## CONCLUSIONS OF LAW

The Applicant requests variances from §§ 403.2, 404.1, and 2001.3 to permit the construction of a rear deck at the main level (first floor) of the subject property in the DC/R-4 Zone at 1536 T Street, N.W. (Square 191, Lot 98). The Board is authorized to grant variances from the strict application of the Zoning Regulations where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict application of any zoning regulation "would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property ...." D.C. Official Code 6-641.07(g)(3) (2012 Repl.); (11 DCMR § 3103.2.)

A showing of "practical difficulties" must be made for an area variance, while the more difficult showing of "undue hardship" must be made for a use variance. *Palmer v. Board of Zoning Adjustment*, 287 A.2d 535 (D.C. 1972). The Applicant in this case is requesting area variances; therefore, he had to demonstrate an exceptional situation or condition of the property and that such exceptional condition results in a practical difficulty in complying with the Zoning Regulations. Lastly, the Applicant had to show that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." (11 DCMR § 3103.2.)

The "exceptional situation or condition" of a property can arise out of "events extraneous to the land," including the zoning history of the property. See, e.g. *De Azcarate v. Board of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978), and see *Monaco v. Board of Zoning Adjustment*, 407 A.2d 1091, 1097, and 1098 (D.C. 1979). See also *Application No. 17264 of Michael and Jill Murphy* (2005). The "exceptional situation or condition" can also arise out of the structures existing on the property itself." See, e.g., *Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 293-294 (D.C. 1974).

In order to prove "practical difficulties," an applicant must demonstrate first that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. See *Association For Preservation of 1700 Block of N St., N.W., and Vicinity v. District of Columbia Bd. of Zoning Adjustment*, 384 A.2d 674, 678 (D.C. 1978).

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Based on the above findings of fact, the Board concludes that the Applicant has satisfied the burden of proof and that the application should be granted.

The subject property faces several exceptional situations or conditions. Among these is the recent zoning history for this property; specifically, the Applicant relied in good faith on actions of DCRA officials in approving the proposed rear deck by first indicating that the deck could be built as a replacement and then issuing a building permit for its construction as a matter-of-right.

The DCRA decision was not made in haste. Rather, the issuance of the building permit in July of 2013 was made only after the Applicant provided evidence to DCRA permitting officials showing the existence of a rear deck in a similar footprint to the one requested by the Applicant here. Such evidence included not only aerial photos which clearly showed the deck occupying virtually the entire rear yard of the property, but also, 2010 building permit plans from a previous owner requesting demolition of an existing deck that clearly occupied virtually the entire rear yard, and a parking pad underneath that deck. Having apparently accepted the Applicant's view that the deck could be constructed as a matter of right, the Applicant in July of 2013 had no reason to suspect that DCRA would propose to revoke the permit five months later. The actions of DCRA in approving the Building Permit, and the actions of the Applicant in relying on that approval to its detriment, constitute an exceptional condition.

That detrimental reliance took several forms. First, after receiving an initial approval from DCRA zoning division staff, the Applicant spent a significant amount of money for his architect to design the proposed deck, prepare plans for a building permit application, and pursue that application. After being issued a building permit for construction of the deck, the Applicant engaged a contractor, to which he paid a considerable amount of money; none of which has been returned to the Applicant and some of which is for custom-made materials which may be difficult to return or redeem. In addition, the Applicant actually commenced construction pursuant to the Building Permit, including removal of the existing patio on the ground floor and digging holes to hold the footings for the deck. Such work included several days of work, and the Applicant has received an estimate of \$7,800 just to restore the patio back to its original condition. The Board further notes that once the Applicant learned of the appeal of the permit, he halted the work. Although this prevented further loss, it could not reverse the detriment the Applicant would suffer should these variances be denied.

The practical difficulty that arises from these circumstances is both the waste of time and money that would result in not proceeding with the project and the costs of having to restore the property to its preexisting condition. There is no doubt that to incur this waste and cost would be unduly burdensome to the Applicant.

In addition to the zoning history, the Board finds a further confluence of factors constituting exceptional situations or conditions with the subject property, including the small size of the subject property, the encroachment of a neighboring garage on the rear yard of the subject property, a three-foot wide easement burdening the rear portion of the property, the location of the property along an internal alley in the square, and the internal configuration of the structure

on the subject property such that the Applicant cannot access his rear yard without exiting the building through the front door and walking through the alley, as there is no access from the Applicant's living space within the structure to the rear yard.

The Board further finds that requiring strict compliance with the Zoning Regulations would also be unnecessarily burdensome to the Applicant because of the effects of the internal configuration of the dwelling on the subject property, and because of the already restricted use of the Applicant's rear yard as a result of the small size of the lot, the encroachment from the neighboring garage, and the three-foot wide easement.

The Board concludes that the requested variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. The Applicant's sun study demonstrated only a minor impact on the sunlight to the neighboring property to the west, and the Applicant will provide louvered wooden slats above the deck railing to address the west neighbor's privacy concerns.

As to the private easement, the Board has no authority to determine whether the proposed deck violates this private agreement. The Board's jurisdiction is defined by Section 8 of the Zoning Act, which allows it to decide applications for special exceptions and variances, appeals from zoning decisions, and special questions put to it by the Zoning Commission. The Court of Appeals has stated repeatedly that it is "reluctant to read into a statute powers for a regulatory agency which are not fairly implied from the statutory language, since the agency is statutorily created." *See Spring Valley Wesley Heights Citizen Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 644 A.2d 434, 436 (D.C. 1994) (citing *Chesapeake & Potomac Tel. Co. v. Public Service Comm'n of District of Columbia*, 378 A.2d 1085, 1089 (D.C. 1977)). The Commission's authority is thus limited to and controlled by its statute, which neither expressly nor implicitly permits the Board to resolve a dispute as to the scope of an easement. If the Opposition Party believes that the proposed deck violates their private rights, its resort is to the courts.

Nor would the impact of any claimed violation likely be relevant. The easement was not in favor of the public, but was to provide alley-type access to certain property owners. The Board's role is not to determine whether the grant of a variance affects one private property owner's enjoyment of another person's property. Rather, the Board decides whether granting a variance on one piece of private property will impair an adjoining property owner's use of his or her own property. The Board has already concluded that no such impairment will result.

Nevertheless, the Board notes that the Applicant amended the Application to move two small columns out of the easement area. The moving of these columns not only leaves the easement area clear, but it provides a barrier between the easement area and the Applicant's parking space, addressing one of the main concerns of the party in opposition that a car would be likely to block access to the easement area.

Finally, granting the variance will not impair the purposes of the Zoning Regulations or Map. The R-4 District is designed to include those areas now developed primarily with row dwellings,

but within which there have been a substantial number of conversions of the dwellings into dwellings for two or more families. (11 DCMR § 330.1.) The "primary purpose" of the zone is stabilization of remaining one-family dwellings. (11 DCMR § 330.2.) The Dupont Circle Overlay serves similar goals, (*see* 11 DCMR 1501.4), including that the scale of development be consistent with the nature and character of the Dupont Circle area in height and bulk. (§ 1501.4 (a).) There is nothing about the proposed deck that could result in destabilizing the remaining one family-dwellings in the zone district. It simply allows a deck to occupy more of a very small lot than is otherwise permissible. Neither the existing structure nor the proposed deck is out of character with the neighborhood, and in fact it appears that a prior deck of the same size previously existed on the property.

The Board is required to give great weight to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)). Great weight means acknowledgement of the issues and concerns of the Office of Planning. In this case, OP stated in its report that the Applicant demonstrated that the zoning history exhibited an exceptional condition, but thought that the Applicant should build a smaller deck or demonstrate the practical difficulty of building a smaller deck.

The Board agrees with OP that the zoning history, among several other items, was an exceptional condition. The Board disagrees, however, with OP's position that the Applicant should build a smaller deck, or that the Applicant has not demonstrated the practical difficulty in building a smaller deck. Part of the practical difficulty demonstrated by the Applicant involves the limited amount of space available to the Applicant as a result of the garage encroachment and the three foot easement. Decreasing the deck size further limits that space, thereby increasing the practical difficulty. In addition, the Applicant demonstrated that it had taken certain actions in good-faith detrimental reliance on the approval by DCRA, and those actions relied on a deck size approved in the subject Building Permit.

As to whether granting the variance would cause substantial detriment to the public good, the Board agrees with OP that the shadow study demonstrated that the deck would cause limited impact on the light of adjacent properties. The Board however disagrees with OP's view that granting the variances will substantially impair the intent, purpose, and integrity of the Zoning Regulations and Map. OP points to no purpose served by the R-4 Zone or the Dupont Circle Overlay that would be violated by a grant of the variances, but simply argues that the deck should be smaller so as to limit the extension of the existing nonconforming lot occupancy and the further reduction of the rear yard. OP thus appears to contend that because it believes that the Applicant has not shown the practical difficulty in building a smaller deck, then the deck the Applicant proposes to build must cause substantial detriment to the zone plan. The Board disagrees. The existence of practical difficulties and the question of whether there will be substantial detriment are two different tests. For the reasons stated earlier, the Board has concluded that exceptional circumstances created practical difficulties in constructing anything other than the deck as proposed and that no purpose of the R-4 Zone District or the Overlay is contravened by the grant of the relief requested.

**BZA APPLICATION NO. 18725**

**PAGE NO. 10**

The Board is also required to give great weight to issues and concerns raised by the affected ANC (D.C. Official Code § 1-309.10(d).) To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. ANC 2B submitted a resolution in support of granting the variances contingent on plans and a project that protects and demarcates the easement in the rear of the property, including assurances that vehicles or other objects cannot impede easement. As noted, the issue of whether the easement will be impaired by the addition is of no legal relevance to the Board. However, the Board notes that the revisions made to the plans by the Applicant adequately address the ANC's concerns.

The Party in Opposition argued that ANC 2B had not provided proper legal notice for its February 17, 2014 meeting at which the Applicant presented its request and the ANC voted to recommend approval. Whether that is correct depends upon an interpretation of the ANC statute and the bylaws of ANC 2B. Both the Chairman and the Vice-Chairman (also the SMD in this case) attended the BZA hearing and provided testimony that offered a reasonable interpretation that the ANC's recommendation in this case was duly and validly issued. This Board is only charged with interpreting the Zoning Regulations and will defer to the ANC with respect to the laws and bylaws that govern its procedures.

However, the Board also concludes that even if it had found the ANC's recommendation to not be valid, the Board would still approve this Application. The Board found that the Applicant met the burden of proof for being granted the variances independent of anything stated by the ANC, and therefore even if the ANC letter had never been received, the result would have been the same.

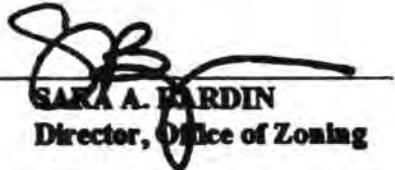
For the reasons stated above, the Board concludes that the applicant has met its burden of proof. It is hereby **ORDERED** that the application is **GRANTED, SUBJECT** to Exhibit 29, Tab S (Revised Plans).

**VOTE: 4-0-1 (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Anthony J. Hood to Approve; Marnique Y. Heath not present, not voting.)**

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

The majority of the Board members approved the issuance of this order.

**ATTESTED BY:**

  
SARA A. HARDIN  
Director, Office of Zoning

**FINAL DATE OF ORDER: May 7, 2014**

**BZA APPLICATION NO. 18725**  
**PAGE NO. 11**

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Board of Zoning Adjustment



BZA APPLICATION NO. 18725

As Director of the Office of Zoning, I hereby certify and attest that on May 7, 2014, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail or delivered by electronic mail in the case of those ANCs and SMDs that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Martin P. Sullivan, Esq.  
Sullivan & Barros, LLP  
1990 M Street, N.W., Suite 200  
Washington, D.C. 20036

Stephen M. Truitt, Esq.  
600 14<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20005

Robert Uth  
1839 16<sup>th</sup> Street, N.W.  
Washington, D.C. 20009

Single Member District Commissioner 2B-09  
Advisory Neighborhood Commission 2B  
815 17<sup>th</sup> Street, N.W., Apt. 412  
Washington, D.C. 20009

Melinda Bolling, Esq.  
General Counsel  
Office of General Counsel  
Dept. of Consumer and Regulatory Affairs  
1100 4<sup>th</sup> Street, S.W., 5<sup>th</sup> Floor  
Washington, D.C. 20024

Rafael Romeu & Larissa Leony  
1536 T Street, N.W.  
Washington, D.C. 20009

Amir Afkhami  
1540 T Street, N.W.  
Washington, D.C. 20009

James Hill  
1538 T Street, N.W.  
Washington, D.C. 20009

Chairperson  
Advisory Neighborhood Commission 2B  
9 Dupont Circle, N.W.  
Washington, D.C. 20036

Jack Evans, Councilmember  
Ward Two  
1350 Pennsylvania Avenue, N.W., Suite 106  
Washington, D.C. 20004

ATTESTED BY:

  
SARAH A. BARDIN  
Director, Office of Zoning

---

441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Faximile: (202) 727-6072

E-Mail: [dcovz@dc.gov](mailto:dcovz@dc.gov)

Web Site: [www.dcovz.dc.gov](http://www.dcovz.dc.gov)

DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR

Washington, D.C., July 8, 2013

Plot for Building Permit of: SQUARE 191 LOT 98

Scale: 1 Inch = 10 feet Recorded in Book 17 Page 73

Receipt No. 13-05446

Furnished to: PAULA CANELOS MORRIS

I hereby certify that all existing improvements shown herein, are completely dimensioned, and are correctly planned; that all proposed buildings or improvements, or parts thereof, including covered portions, are correctly dimensioned and planned and agree with plans accompanying the application; that the foundation plans as shown herein is drawn, and dimensioned accurately to the same scale as the property lines shown on this plotplan; that by reason of the proposed improvements to be erected on shown herein the size of any existing lot or premises is not diminished to an area less than is required by the Zoning Regulation for right-of-way, easements, and so forth; and I further certify and agree that accessible parking areas where required by the Zoning Regulation will be provided in accordance with the Zoning Regulation, and that this area has been correctly drawn and dimensioned herein. I further agree that the elevation of the accessible parking area with respect to the Highway Department approved curb and street 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 lots, 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 the private residential property.)

*John A. Driscoll*  
Surveyor, D.C.

By: *A.S. Morris*

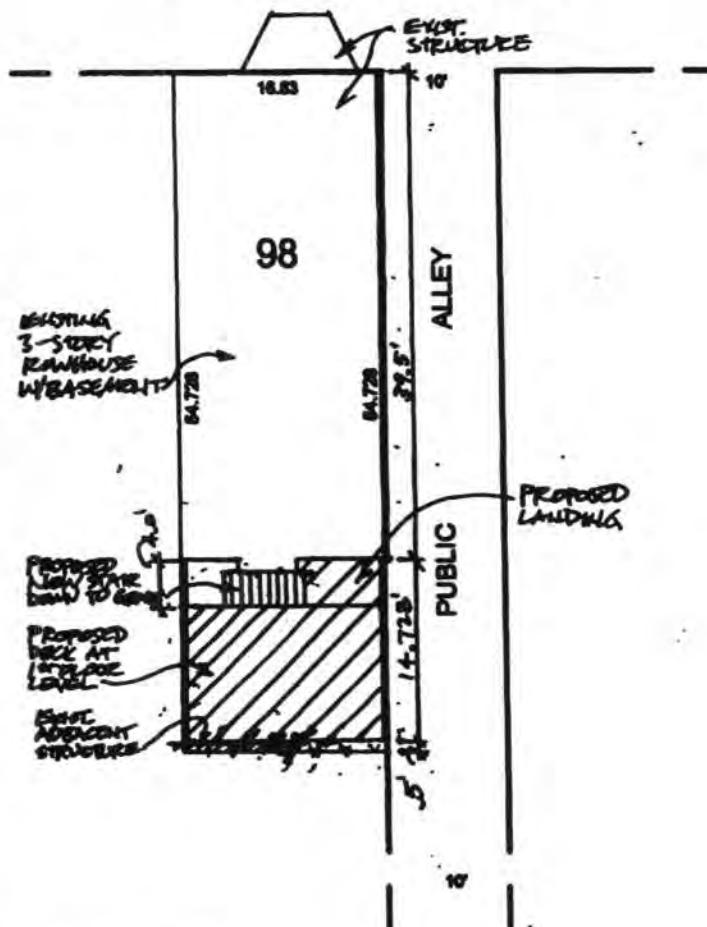
Date: 7/25/13

*Paula C. Morris*  
(Signature of owner or his authorized agent)

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

RECEIVED  
JULY 30 2013  
2013 DEC 30 AND 04

T STREET, N.W.

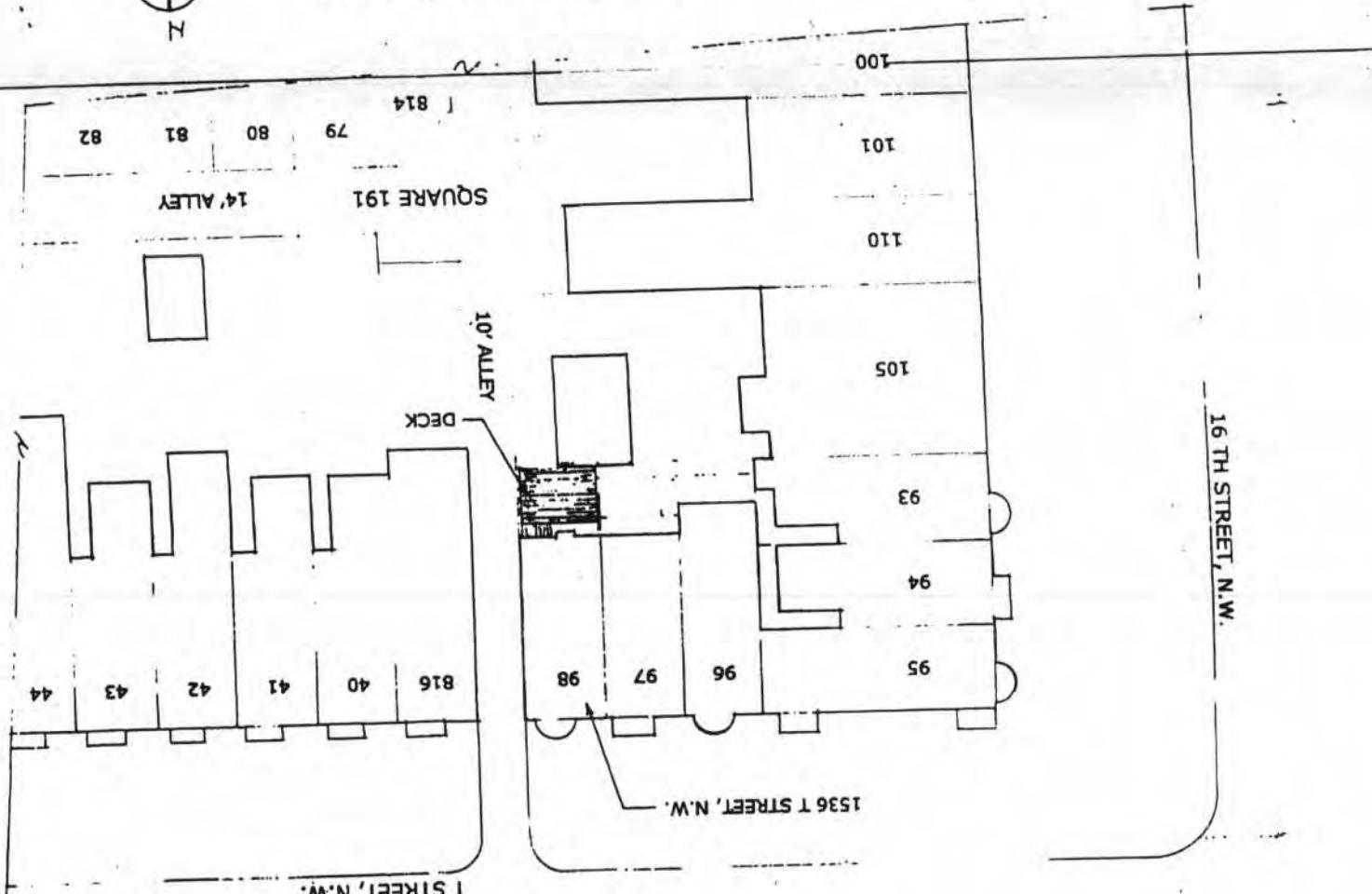


RECEIVED  
JULY 30 2013  
2013 DEC 30 AND 04  
11925

Board of Zoning Adjustment  
District of Columbia  
CASE NO.18725  
EXHIBIT NO.3

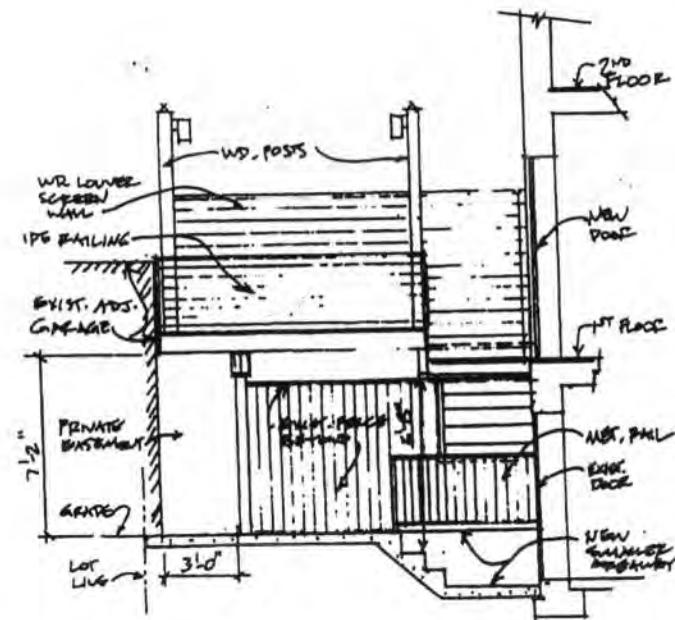
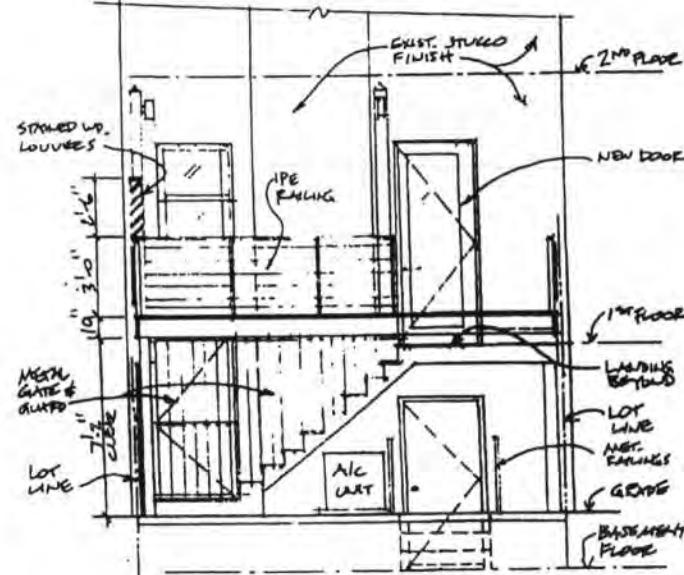
CONTEXT / SITE PLAN

SCALE: 1" = 20'



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PROJECT NUMBER:	1221
REVISION:	
DATE:	2/24/14

2014 MAY - 7 PM 1:51



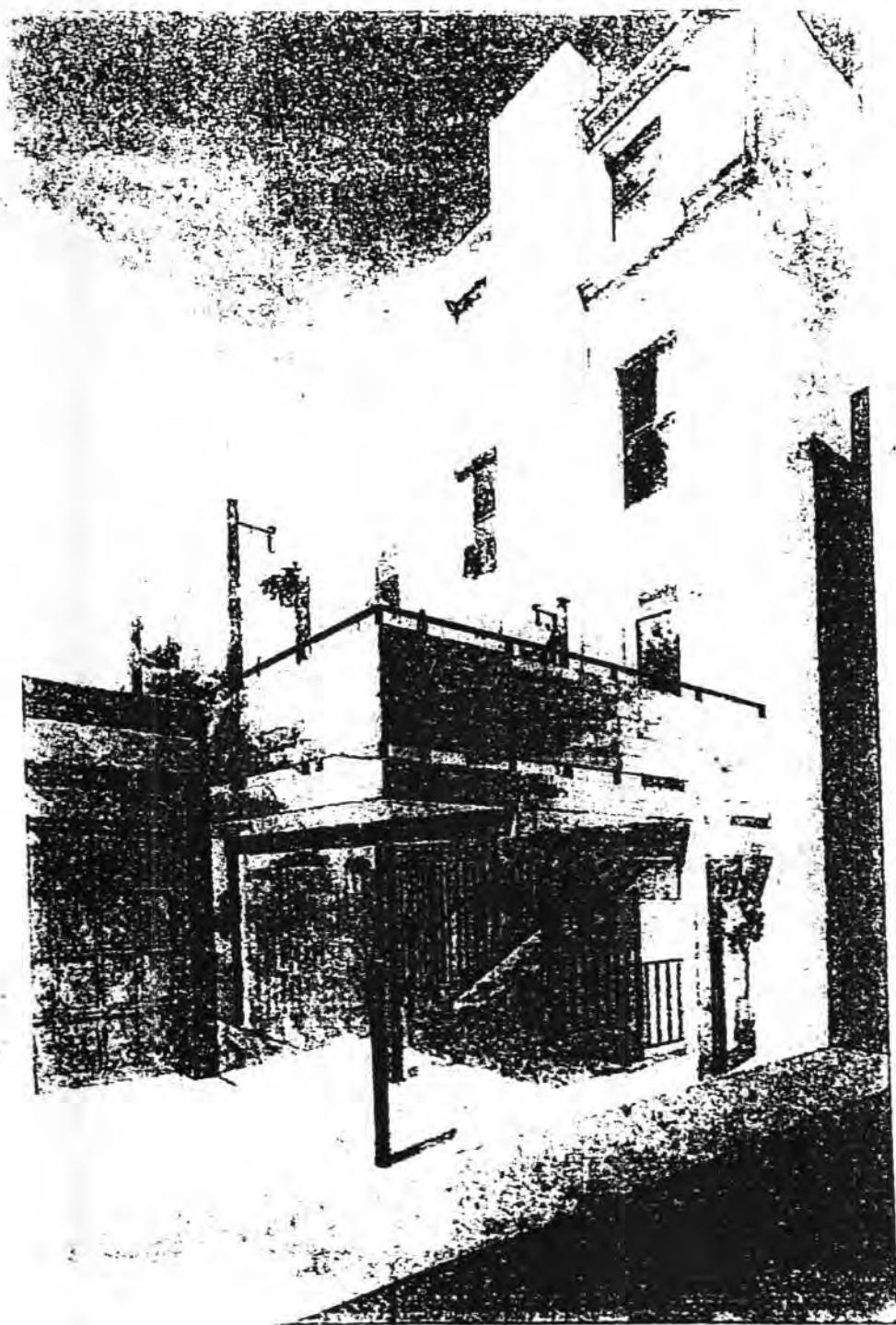
2014 MAY -7 PM 1:51

REVISIONS	
DATE	2/24/14
RONNE RESIDENCE	1536 T STREET, N.W. WASHINGTON, DC 20009
ROBERTS ARCHITECTS	60 MARKET STREET, SUITE 204 / GAITHERSBURG, MD 20878
TEL 301-527-1000	FAX 301-527-1003
SECTION	
SECTION NUMBER	A-6
PRODUCT NUMBER	1222

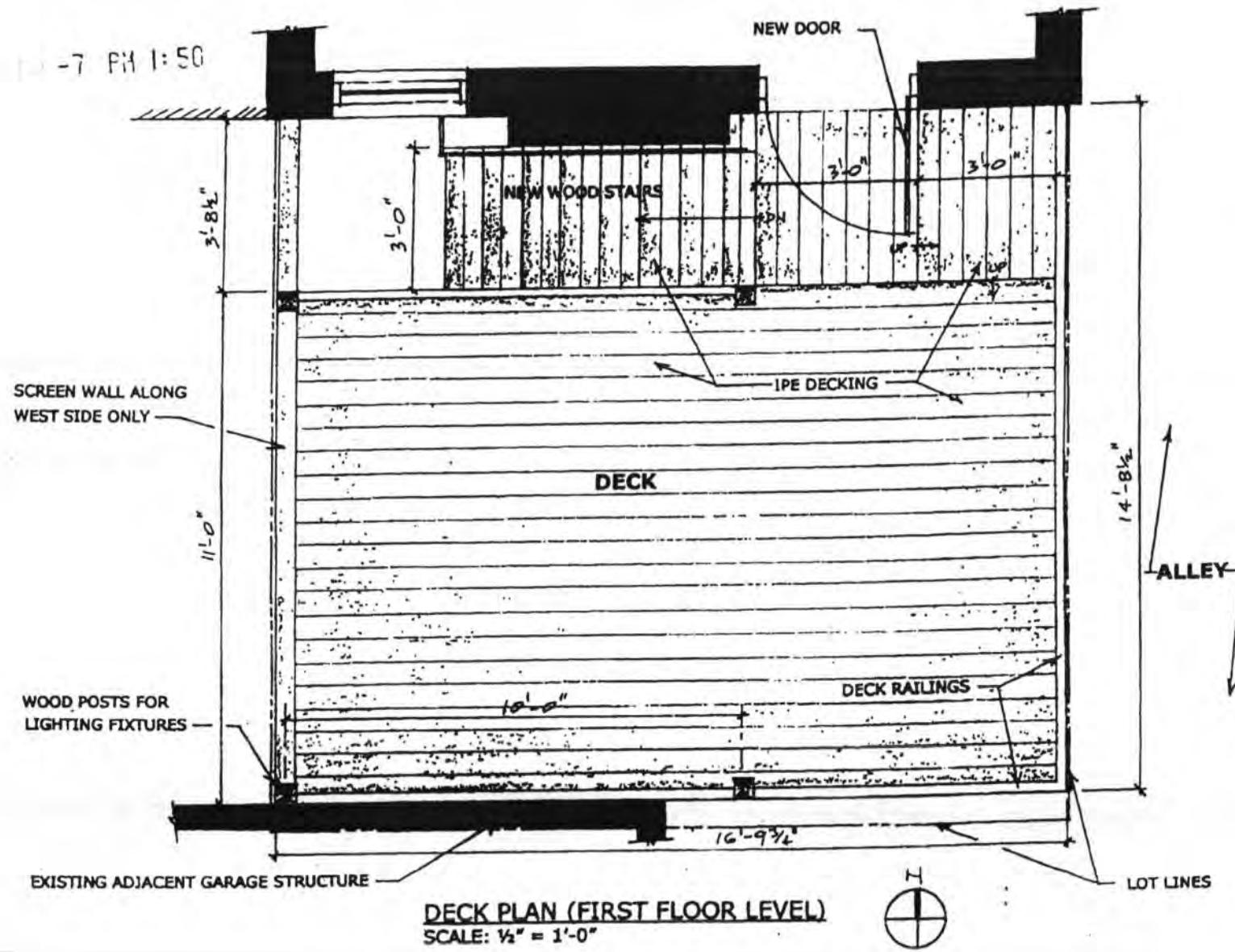
## Exhibit S – Plans and Renderings

2014 MAY - 7 PM 1:51

BOARD OF ZONING ADJUSTMENT  
District of Columbia  
CASE NO. 18725  
EXHIBIT NO. 29 (Tab 5)



-7 P.M 1:50

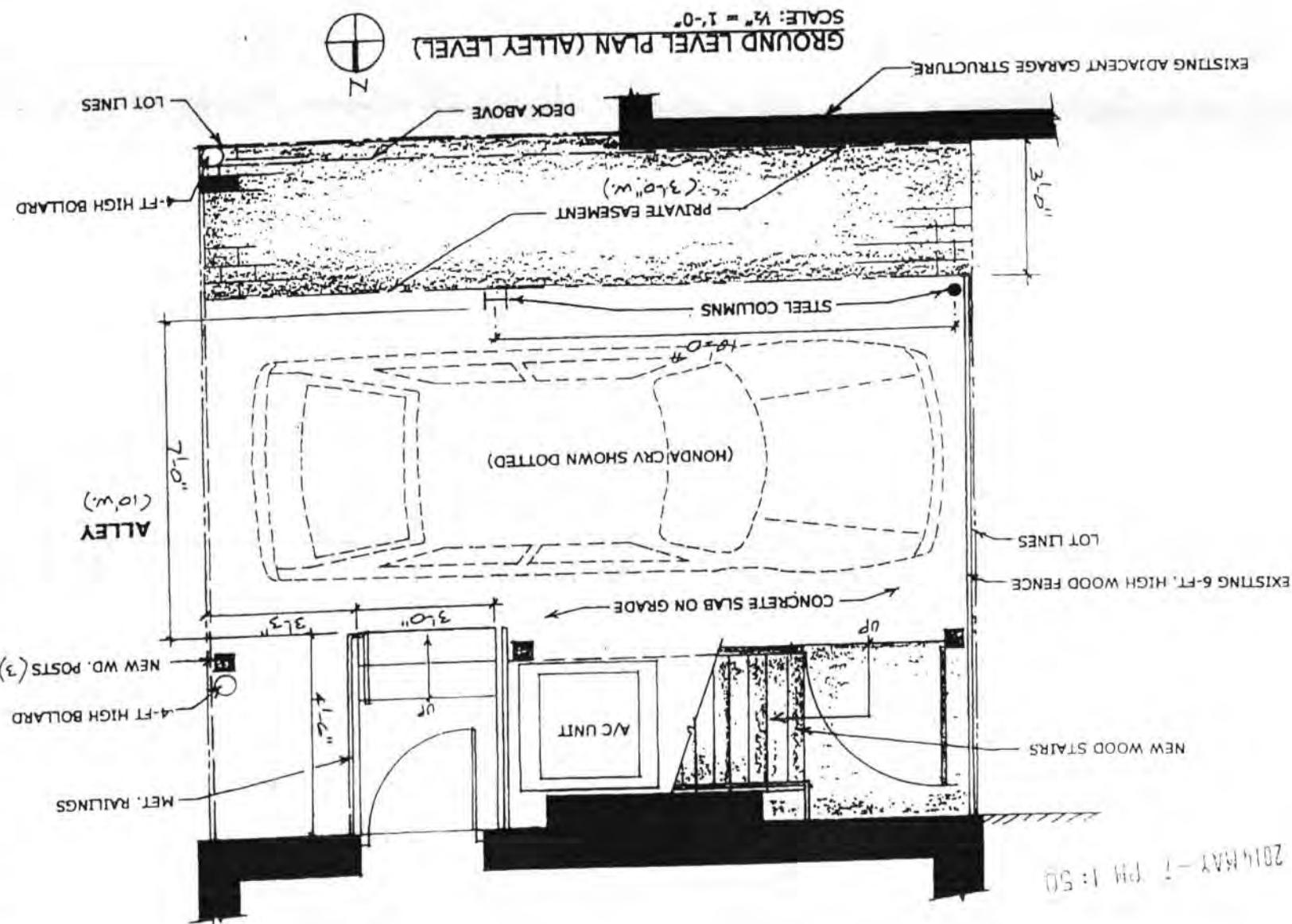


SCALE:  $\frac{1}{2}$ " = 1'-0"

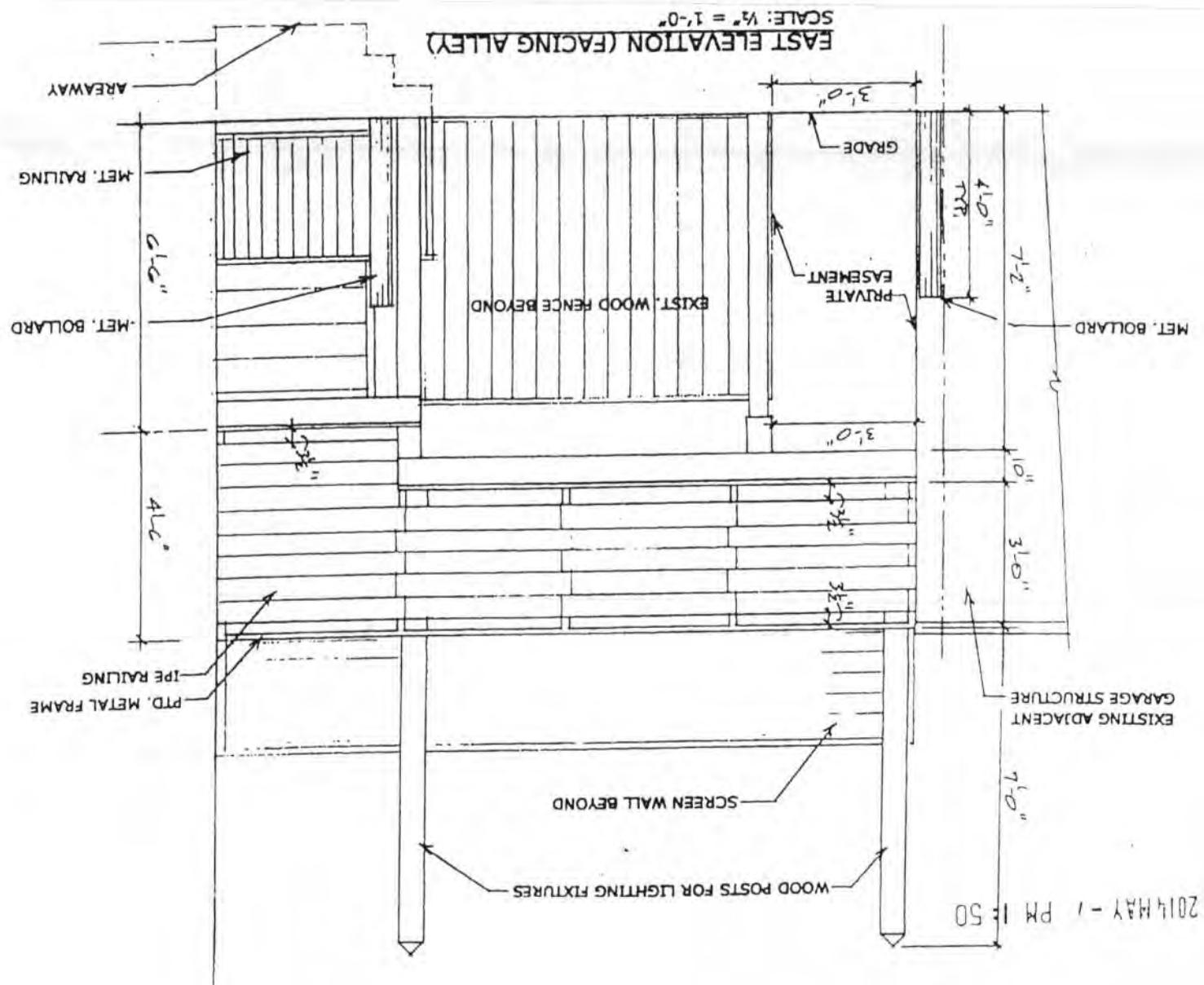


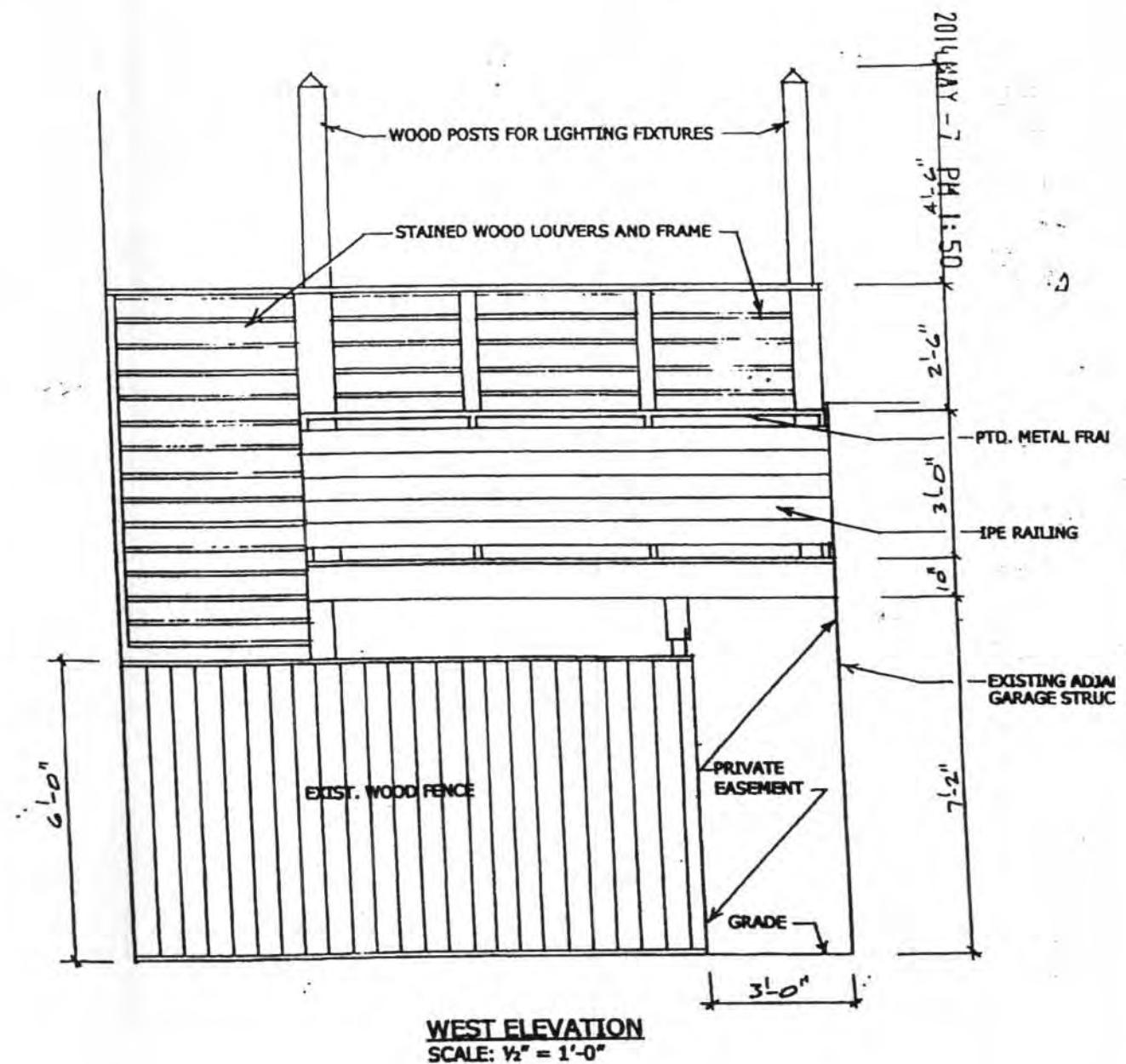
REVISIONS:	
DATE:	
SHEET NUMBER:	<b>ROME RESIDENCE</b>
	1536 T STREET, N.W. WASHINGTON, DC 20009
	MORRIS ARCHITECTS
	60 MARKET STREET, SUITE 204 / GAITHERSBURG, MD 20878
	TEL: 301-527-1002 FAX: 301-527-1003
PRODUCT NUMBER:	<b>A-1</b>

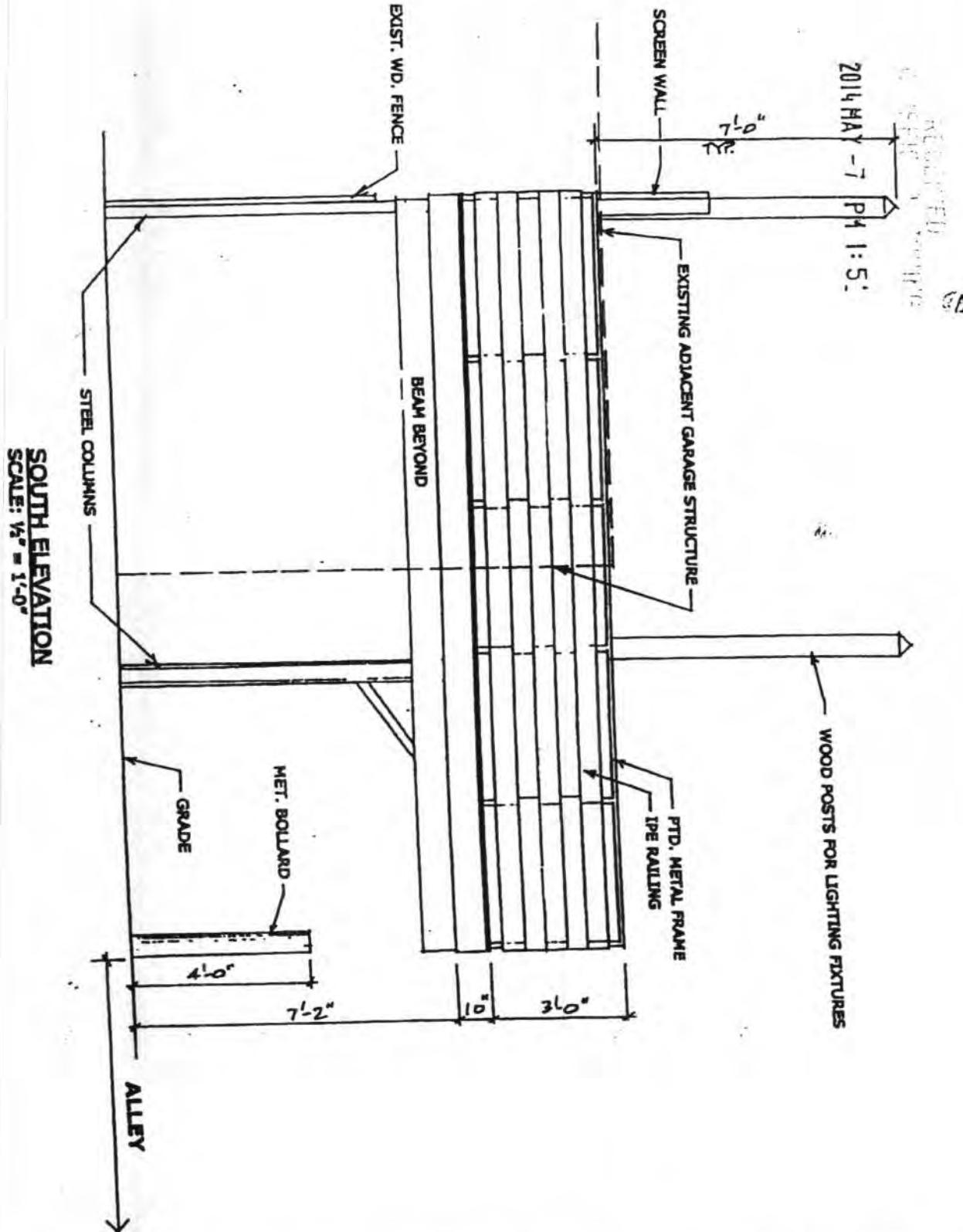
SHEET NUMBER:		REVISIONS:	
<b>A-2</b>			
<b>ROMEU RESIDENCE</b> 1536 T STREET, N.W. WASHINGTON, DC 20009			
<b>MORRIS ARCHITECTS</b> 60 MARKET STREET, SUITE 204 / GAITHERSBURG, MD 20878			
TEL: 301-527-1002 FAX: 301-527-1003			
PROJECT NUMBER:	DATE:		
GARMIN 1 FLOOR PLAN			



SHEET NUMBER:		REVISIONS:
<b>A-3</b>		
<b>ROMEU RESIDENCE</b>		
1536 T STREET, N.W. WASHINGTON, DC 20009		
<b>MORRIS ARCHITECTS</b>		
60 MARKET STREET, SUITE 204 / GAITHERSBURG, MD 20878		
TEL: 301-527-1001 FAX: 301-527-1003		
PROJECT NUMBER:	EAST ELEVATION	
	DATE:	

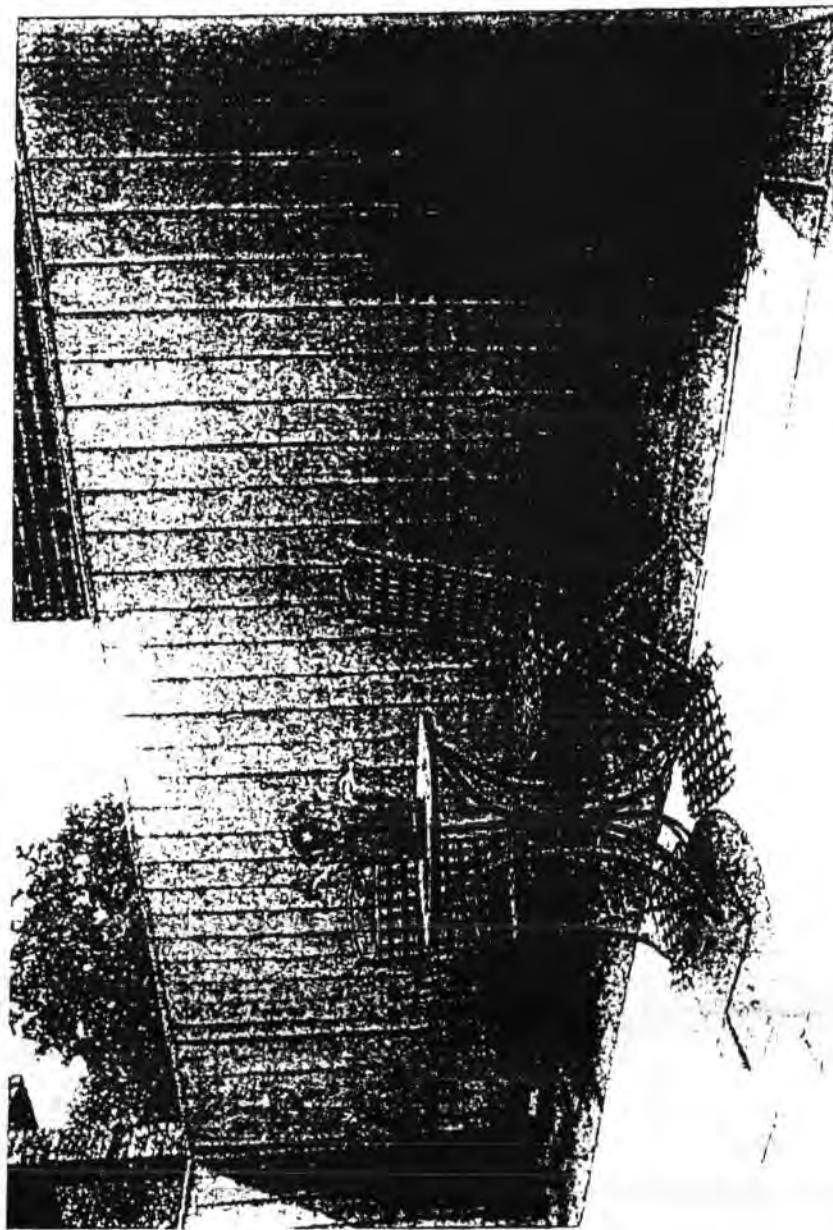




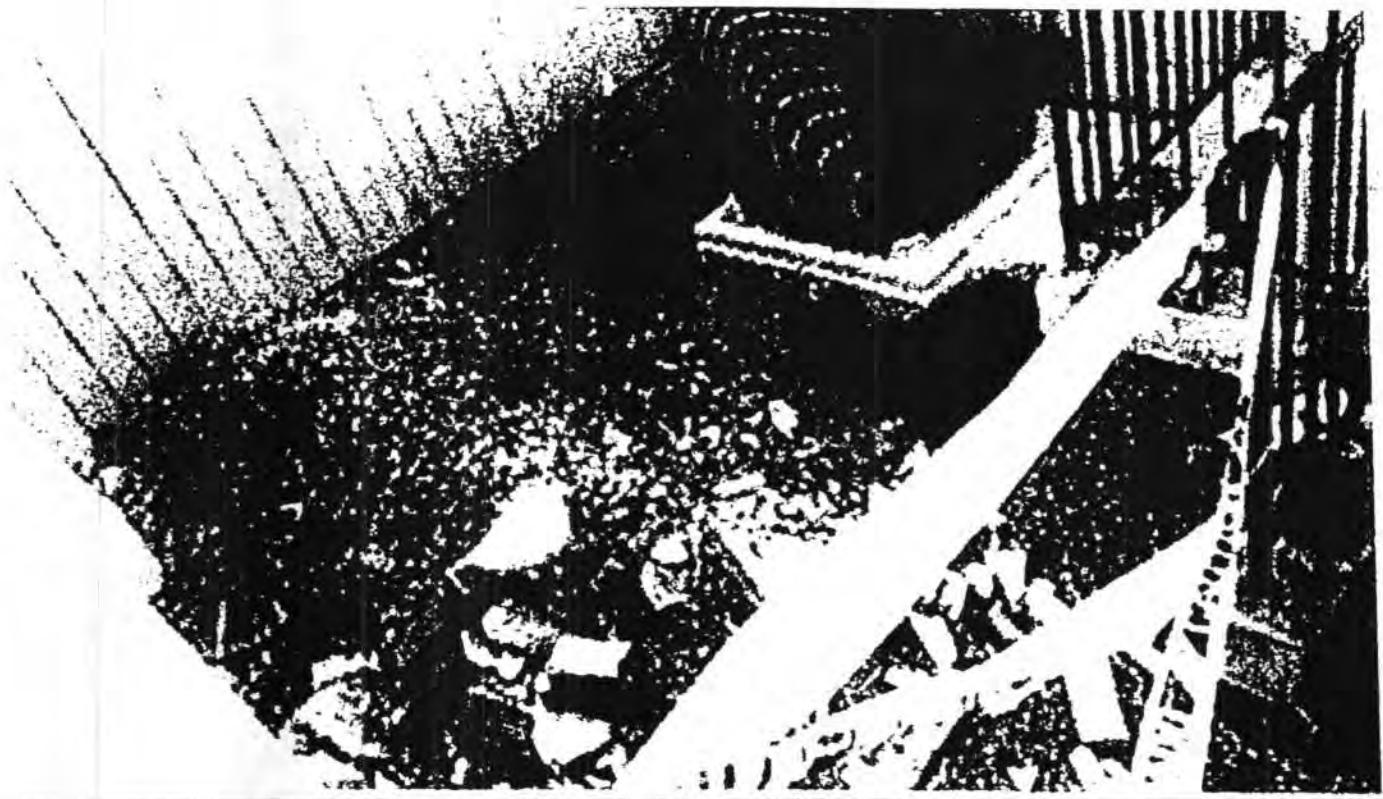


SHEET NUMBER:	ROMEU RESIDENCE 1536 T STREET, N.W. WASHINGTON, DC 20009	REVISIONS:
<b>A-5</b>	MORRIS ARCHITECTS 60 MARKET STREET, SUITE 204 / GAITHERSBURG, MD 20878 TEL: 301-527-1002 FAX: 301-527-1003	
PROJECT NUMBER:	SOUTH ELEVATION	DATE: 2/24/14

D20

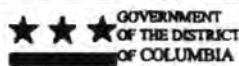


2012 MRIS Photo of patio in the rear of 1535 St NW



Applicants' Rear Yard

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
N.C.P.C. No:	O.G. No:	DC/R-4			By:
H.P.A. No:	S.S.L. No: 0191 0098	Ward No: 2	Receipt No:	Date:	Receipt No:



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**  
**BUILDING AND LAND REGULATION ADMINISTRATION PERMIT SERVICE CENTER**  
[dcra.dc.gov](http://dcra.dc.gov)

\*FJ-8985165\*

BLRA-33  
(Rev.10/2011)

**APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY**  
(PRINT IN INK OR TYPE, DO NOT WRITE IN SHADED AREAS)

CLEARANCE TO FILE	ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION
By _____	Date _____

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

**(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 32**

1 Address of Proposed Work: <b>1536 T STREET NW</b>	Suite No.	2. Lot 0098	3. Square 0191	4. Application Date 6/17/2014
5 Owner of Building or Property <b>Rafael Romeu</b>	6 Address (include Zip Code) <b>1536 T Street NW 20009</b>	7 Phone <b>202-352-8138</b>		
8 Agent for Owner: (if applicable) <b>Paula Morris</b>	9. Address (include Zip Code) <b>60 Market Street 20878</b>	10. Phone <b>301-527-1002</b>		
11. Type of Proposed Work (Select only one) ALL APPLICANTS MUST COMPLETE SECTIONS AF AND AI				
<input type="checkbox"/> New Building(B) <input type="checkbox"/> Awning(G) <input checked="" type="checkbox"/> Addition(B) <input type="checkbox"/> Sign(H) <input type="checkbox"/> Addition Alteration Repair(B) <input type="checkbox"/> After Hours(I) <input type="checkbox"/> Alteration and Repair(B) <input type="checkbox"/> Demolition(J) <input type="checkbox"/> Raze Building(C) <input type="checkbox"/> Blasting Operations(K) <input type="checkbox"/> Retaining Wall(D) <input type="checkbox"/> Christmas Tree Stand(L) <input type="checkbox"/> Fence(E) <input type="checkbox"/> Fireworks Stand(L) <input type="checkbox"/> Shed(F) <input type="checkbox"/> Exterior Cleaning Information(M) <input type="checkbox"/> Garage(F) <input type="checkbox"/> Capacity Placard(N)				
<input type="checkbox"/> Fire Retardant Paint(O) <input type="checkbox"/> Flag Pole(P) <input type="checkbox"/> Observation Stand(Q) <input type="checkbox"/> Scaffolding Information (R) <input type="checkbox"/> Soil Boring(S) <input type="checkbox"/> Tower Crane(T) <input type="checkbox"/> Foundation Only(U) <input type="checkbox"/> Underground Storage Tank(V) <input type="checkbox"/> Water And Damp Proofing(W)				
<input type="checkbox"/> Sheeting and Shoring(X) <input type="checkbox"/> Tenant Layout(Y) <input type="checkbox"/> Swimming Pool(Z) <input type="checkbox"/> Special Sign(AA) <input type="checkbox"/> Projection(AB) <input type="checkbox"/> Excavation only (AC) <input type="checkbox"/> Tent(AD) <input type="checkbox"/> Antenna (AE) Civil Site Work Only (AH)				

12. Description of Proposed Work

New rear deck and stairs, new concrete slab on grade at rear of existing structure.

13 Existing Use(s) of Building or Property <b>Flat (Two Family)</b>	14 Ex. No of Stories of Bldg <b>3</b>	15 Ex. No of Dwelling Units <b>2</b>	Official Use Only Miscellaneous FEE <b>\$</b>	
16 Proposed Use(s) of Building or Property <b>Flat (Two Family)</b>	17 Prop. No of Stories of Bldg <b>3</b>	18 Prop. No of Dwelling Units <b>2</b>	By:	Date:
19 Starting Date	20 Completion Date of work	21 Method of Removing Construction Debris <input type="checkbox"/> Pick-up Truck <input type="checkbox"/> Dumpster <input type="checkbox"/> Other (specify)	22 Does the proposed work involve disturbing the earth or razing a building? <input checked="" type="checkbox"/> Yes, answer q. 23 <input type="checkbox"/> No, SKIP q. 23-27	
23. Is the area of disturbed earth more than 50 sq. ft? <input checked="" type="checkbox"/> Yes, answer q. 24-25 <input type="checkbox"/> No, SKIP q. 24-25	24. Soil Erosion Control Methods <b>Silt Fence</b>	25. Area of Offsite Drainage <b>0.00 sq. ft</b>	26. No of Footings or Columns	27. Size of Footings or Columns

ALWAYS SIGN THE APPLICATION ON PAGE 8 (SECTION AI)

**OFFICIAL USE ONLY**

	R	P	H	A	
M					
P					
E					W <input type="checkbox"/> Yes <input type="checkbox"/> No
F					PLANS
S					<input type="checkbox"/> No <input type="checkbox"/> Sm <input type="checkbox"/> Lg

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)  
Complete Section C if the proposed work is razing a building. (Page 2)  
Complete Section D if the proposed work is a retaining wall. (Page 2)  
Complete Section E if the proposed work is a fence. (Page 3)  
Complete Section F if the proposed work is a shed/garage. (Page 3)  
Complete Section G if the proposed work is an awning. (Page 3)  
Complete Section H if the proposed work is a sign. (Page 3)

28. Existing Stories Plus:		29. Proposed Stories Plus:		30. Existing Stories Penthouse: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	31. Proposed Stories Penthouse: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	32. Is this related to a Stop Work order: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>(B) NEW BUILDING, ADDITION, &amp; ALTERATION (COMPLETE ITEMS B-1 THRU B-37)</b>							
B-1. Architect's Name: <b>Paula C. Morris</b>		B-2. D.C. Lic. No.: <b>5556</b>		B-3. Architect's Address: (include Zip Code) 60 Market Street Suite 204 Gaithersburg MD 20878		B-4. Phone: <b>301-527-1002</b>	
B-5. Engineer's Name:		B-6. D.C. Lic. No.:		B-7. Engineer's Address: (include Zip Code)		B-8. Phone:	
B-9. Building Contractor's Name:		B-10. D.C. Lic. No.:		B-11. Contractor's Address:		B-12. Phone:	
B-13. Type of Construction: <input type="checkbox"/> Masonry <input checked="" type="checkbox"/> Wood <input type="checkbox"/> Concrete		B-14. Fire Suppression: <input type="checkbox"/> Fully Sprinklered <input type="checkbox"/> Partially Sprinklered <input type="checkbox"/> Standpipe System <input checked="" type="checkbox"/> None <input type="checkbox"/> Other		B-15. Booster Pump: <input type="checkbox"/> New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> None	B-16. Total Lot Area: 921.00 Sq. ft	B-18. Present Gross Floor Area of Bldg.: 2659.00	B-17. Breakdown of Lot Area (=100%) a. building b. paved area c. greenery
B-19. Proposed Gross floor Area of Bldg.: <b>2887.00</b>	B-20. Length: <b>14.70</b>	B-21. Width: <b>16.80</b>	B-22. Height: <b>8.00</b>	B-23. Floors involved in this permit: <input type="checkbox"/> All <input checked="" type="checkbox"/> Floors <b>1</b>		B-24. Projection beyond building line? <input type="checkbox"/> Yes, Answer q. B-23 to B-27 <input checked="" type="checkbox"/> No, SKIP q. B-23 to B-27	
B-25. Number and type of projection:		B-26. Distance of Projection: ft		B-27. Width of Projection: Ft	B-28. Width of Building frontage: Ft	B-29. Signature of Owner (projection only):	
B-30. Water or Sewer Excavation: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	B-31. Driveway Construction: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	B-32. Sheeting/Shoring Necessary: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		B-33. Elevators Involved: <input type="checkbox"/> Yes, Answer B-34. <input checked="" type="checkbox"/> No	B-34. No. and Type of Elevator:	B-35. Plans Certified by Engineer: <input type="checkbox"/> Yes, Cert. Attached <input checked="" type="checkbox"/> No	
B-36. Estimated Cost of Work (a) New/Add.: <b>\$ 49000.00</b> (b) Alt/Repair \$ 0.00  Total <b>\$ 49000.00</b>		<b>OFFICIAL USE ONLY</b>					
		Alter/Repair FEE <b>\$</b>		New Const. FEE <b>\$</b>		Filing Fee <b>\$</b>	
B-37. Volume of New Bldg. or Addition <b>1975.68</b> Cubic ft.		By:	Date:	By:	Date:	By:	Date:
C-1. Insurance Company:		C-2. Policy or Cert. No.:		C-3. Policy Expiration Date:		C-4. Raze Method:	
C-5. Building Material:		C-6. Raze Entire Building: <input type="checkbox"/> Yes <input type="checkbox"/> No	C-7. Building is Condemned: <input type="checkbox"/> Yes <input type="checkbox"/> No	C-8. Building is Vacant: <input type="checkbox"/> Yes <input type="checkbox"/> No	C-9. Building has Vault: <input type="checkbox"/> Yes <input type="checkbox"/> No	C-10. Disconnect Utilities: <input type="checkbox"/> Yes <input type="checkbox"/> No	
C-11. Length:	C-12. Width:	C-13. Height:	C-14. Volume:		<b>OFFICIAL USE ONLY</b>		
C-15. Is Building an Accessory Structure: <input type="checkbox"/> Yes <input type="checkbox"/> No	C-16. Asbestos in the building? <input type="checkbox"/> No <input type="checkbox"/> Yes, location  _____		C-17. Party Wall: <input type="checkbox"/> Yes <input type="checkbox"/> No	C-18. Owners Notified: <input type="checkbox"/> Yes <input type="checkbox"/> No	Fee: \$	By:	Date:
D-1. Cost of work, \$:	D-2. Material:		D-3. Height:	D-4. Color:	D-5. Location: <input type="checkbox"/> Entirely on Owner's Land <input type="checkbox"/> Party Line with Adjacent Neighboring Land *		
*If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application					<b>OFFICIAL USE ONLY</b>		
D-6. Address of Adjoining Owner:					Fee: \$	By:	Date:

## (E) FENCE (COMPLETE ITEMS E-1 THRU E-5)

E-1. Material and Type:	E-2. Height	E-3. Color:	E-4. Location: <input type="checkbox"/> Entirely on Owner's Land <input type="checkbox"/> Party Line with Adjacent Neighboring Land*
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\*If party fence, the owner of the adjoining property must agree to the erection of the fence and this application

E-5. Address of Adjoining Owner:

## (F) SHED OR GARAGE (COMPLETE ITEMS F-1 THRU F-9)

F-1. Number:	F-2. Length: Ft.	F-3. Width: Ft.	F-4. Area: Sq. ft	F-5. Height: Ft.	F-6. Volume: cu. ft	<b>OFFICIAL USE ONLY</b>	
						Fees:	

F-7. Est. Cost of work: \$	F-8. Material of sides	F-9. Color:	By:	Date:
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G-1. Number:	G-2. Color:	G-3. Type: <input type="checkbox"/> Folding <input type="checkbox"/> Fixed:	G-4. Projections: Beyond Bldg. Line _____ in. Beyond pt of attachment _____ in.	G-5. Height of Lowest Part of awning: (a) _____ ft Above sidewalk (b) _____ ft Above parking (c) _____ ft Above grade	<b>OFFICIAL USE ONLY</b>		
						Fees:	
G-6. Material of Frame:	G-7. Material of Covering:	G-8. Lettering on awning <input type="checkbox"/> Yes <input type="checkbox"/> No	G-9. Fixed Posts: <input type="checkbox"/> Yes <input type="checkbox"/> No	G-10. Over Side-Walk cafe: <input type="checkbox"/> Yes <input type="checkbox"/> No			

H-1. Number:	H-2. Electric Signs: <input type="checkbox"/> Yes, Answer q. H-3 to H-8 <input type="checkbox"/> No, SKIP q. H-3 to H-8	H-3. Type: <input type="checkbox"/> Incandes <input type="checkbox"/> Fluoresc <input type="checkbox"/> Neon	H-4. Power: VA	H-5. Electrical Contractor:  Business License Number:		
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H-5. Address of Electrical Contractor: (include zip)		H-6. Signature of Licensed Electrician :		H-7. Phone No.		H-8. License No.
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H-9. Height relative to building and ground (a) _____ ft in above sidewalk (b) _____ ft in above roof (c) _____ ft in is building height (d) _____ ft in above projection of Window (e) _____ ft in from roof to sign's bottom		H-10. Material of Sign:		H-11. Type of Sign:		H-12. Color:
		H-13. Width: Ft.	H-14. Length: Ft.	H-15. Area of Sign: Sq. ft	H-16. Width of Business frontage: Ft.	

H-17. C of O No for Bldg.:		H-18. Sign Contractor Name:		<b>OFFICIAL USE ONLY</b>			
				Sign FEE      Elect. FEE      Total FEE			

H-19. Sign Contractor's Address:		H-20. Phone:		\$	\$	\$			
				By:	Date:	By:	Date:	By:	Date:

**(I) AFTER HOURS (COMPLETE ITEMS I-1 THRU I-8)**

I-1. Type of permit:	I-2. Existing Permit No.:	I-3. Date of Operation From:	I-4. Date of Operation To:	<b>OFFICIAL USE ONLY</b>	
				Fee:	
I-5. Hours of Operation From:	I-6. Hours of Operation To:	I-7. 500 ft from Residential Zone/Hotel:	I-8. Located in Residential Zone:	By:	Date:
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		

**(J) DEMOLITION (COMPLETE ITEMS J-1 THRU J-5)**

J-1. Type of Demolition:	J-2. Type of Walls:	J-4. Roof Remain:	<b>OFFICIAL USE ONLY</b>	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	Fee:	
J-3. Number of Exterior Walls Removed	J-5. Are Walls Load-Bearing:		By:	Date:
		<input type="checkbox"/> Yes <input type="checkbox"/> No		

**(K) REPAIRS (COMPLETE ITEMS K-1 THRU K-7)**

K-1. Type of structure:	<b>OFFICIAL USE ONLY</b>		
	Fee:	By:	Date:

L-1. No. of Stands:	L-2. Stand Location:	L-3. Electrical Permit No.:		<b>OFFICIAL USE ONLY</b>	
				Fee:	
L-4. Electrical Use: <input type="checkbox"/> Yes <input type="checkbox"/> No	L-5. Letter of Authorization: <input type="checkbox"/> Yes <input type="checkbox"/> No	L-6. Starting Date:		By:	
L-7. Expiration Date:	L-8. Power Requirements:	L-9. Site Plan:	L-10. Surveyors Plat: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date:	

M-1. Exterior Cleaned:	M-2. Material Used:		<b>OFFICIAL USE ONLY</b>		
				Fee:	
M-3. Scaffolding: <input type="checkbox"/> Yes <input type="checkbox"/> No	M-4. Location of Scaffold:		By:		Date:

N-1. Name:	N-2. Max Occupancy Load:	N-3. Location:	N-4. Sprinkler: <input type="checkbox"/> Yes <input type="checkbox"/> No	N-5. Bathroom Requirements satisfied: <input type="checkbox"/> Yes <input type="checkbox"/> No	N-6. Exit Requirements Satisfied: <input type="checkbox"/> Yes <input type="checkbox"/> No
N-7. Room:	N-8. Name of Area:	N-9. Floor Location:	N-10. Type of Seating:	N-11. Net Square ft:	N-12. Capacity Use:
N-7A.	N-8A.	N-9A.	N-10A.	N-11A.	N-12A.
N-7B.	N-8B.	N-9B.	N-10B.	N-11B.	N-12B.
N-7C.	N-8 C.	N-9 C.	N-10 C.	N-11 C.	N-12 C.
<b>OFFICIAL USE ONLY</b>					

Fee:	By:	Date:	
		<b>OFFICIAL USE ONLY</b>	
O-1. Quantity of Paint(Gallons):	O-2. Painted Surfaces:		Fee:
O-3. Painted surfaces Location:		O-4. Sq. Footage Painted:	By:
			Date:

**(P) FLAG POLE (COMPLETE ITEMS P-1 THRU P-5)**

P-1. Pole Location:		P-2. Site Location:		<b>OFFICIAL USE ONLY</b>	
				Fee:	
P-3. Pole Height:		P-4. Projection Distance:		P-5. Attached to Building:	
				<input type="checkbox"/> Yes	
				<input type="checkbox"/> No	
				By:	Date:

**(Q) OBSERVATION STAND (COMPLETE ITEMS Q-1 THRU Q-5)**

Q-1. Name of Function:		Q-2. Starting Date:		<b>OFFICIAL USE ONLY</b>	
				Fee:	
Q-3. Ending Date:		Q-4. Hours of Use From:		Q-5. Hours of Use To:	
				By:	Date:

R-1. No. of Stories:	R-2. Engineer of Record:	R-4. Location of Scaffold:	<b>OFFICIAL USE ONLY</b>	
			Fee:	
R-3. Building Permit No.:	R-5. Engineer Signature: <input type="checkbox"/> Yes <input type="checkbox"/> No		By:	Date:

S-1. No. of Bores:	S-2. Location of Bores:	S-3. Site Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>OFFICIAL USE ONLY</b>	
			Fee:	By: Date:

T-1. Crane Location:	T-3. Duration Date From:		T-4. Duration Date To:	<b>OFFICIAL USE ONLY</b>	
				Fee:	
	T-2. Crane Pad Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No		T-5. Site Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	By:	Date:

U-1. Type of Foundation		U-5. Total Cubic Feet:		<b>OFFICIAL USE ONLY</b>	
				Fee:	
U-2. Removal of Trees: <input type="checkbox"/> Yes <input type="checkbox"/> No	U-3. Underpinning Required: <input type="checkbox"/> Yes <input type="checkbox"/> No	U-4. Required Notification to Adjacent Property Owner: <input type="checkbox"/> Yes <input type="checkbox"/> No	By:	Date:	

V-1. Size of Tank: Gallons		<b>OFFICIAL USE ONLY</b>			
V-2. Location of Tank:		Fee:	By:	Date:	

W-1. Sq feet Affected:		<b>OFFICIAL USE ONLY</b>			
W-2. Location:		Fee:	By:	Date:	

**(X) SHEETING AND SHORING (COMPLETE ITEMS X-1 THRU X-7)**

X-1. Removal of Trees: <input type="checkbox"/> Yes <input type="checkbox"/> No	X-2. Underpinning Required: <input type="checkbox"/> Yes <input type="checkbox"/> No	X-3. Required Notification to adjacent property owner: <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>OFFICIAL USE ONLY</b>	
			Fee:	
X-4. Tiebacks: <input type="checkbox"/> Yes <input type="checkbox"/> No	X-5. DC Surveyors Plat Submitted: <input type="checkbox"/> Yes <input type="checkbox"/> No	X-6. Plans Certified by D.C. Licensed Engineer: <input type="checkbox"/> Yes <input type="checkbox"/> No	X-7. No. of Cubic ft Removed:	By: Date:

**(Y) TENANT LAYOUT (COMPLETE ITEMS Y-1 THRU Y-3)**

Y-1. First Occupant in Space: <input type="checkbox"/> Yes <input type="checkbox"/> No	Y-3. Type of Tenant Layout:	<b>OFFICIAL USE ONLY</b>	
		Fee:	
Y-2. Floor Location of Tenant Layout:		By:	Date:

**(Z) SWIMMING POOL (COMPLETE ITEMS Z-1 THRU Z-12)**

Z-1. Type of Swimming Pool:	Z-3. Fence: <input type="checkbox"/> Yes <input type="checkbox"/> No	Z-5. Pool Cover: <input type="checkbox"/> Yes <input type="checkbox"/> No	Z-6. D.C. Surveyor's Plat Submitted: <input type="checkbox"/> Yes <input type="checkbox"/> No	Z-9. Pool Type:	<b>OFFICIAL USE ONLY</b>			
				Fee:				
Z-2. No. of Gallons:	Z-4. Height of Fence:	Z-7. Depth of Pool at High End:	Z-8. Depth of Pool at Lower End:	Z-10. Length:	Z-11. Width:	Z-12. Area:	By:	Date:

AA-1. Application Change of Special Sign Artwork and copy:	AA-2. Existing Permit No.:	AA-5. Is the Applicant Seeking a "Temporary Permit":	AA-6. Face Direction of the Wall at St Frontage		
AA-3. Is the Proposed Special Sign Located in a Residential Zoned Area: <input type="checkbox"/> Yes <input type="checkbox"/> No	AA-4. Is the Proposed Special Sign Wall Part of a Historic Building or a Historic District : <input type="checkbox"/> Yes <input type="checkbox"/> No	AA-7. Has the Applicant Completed an Affidavit that is in Compliance with the D.C. "Clean Hands Act": <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>OFFICIAL USE ONLY</b>		
AA-8. Is the Applicant Registered with the District of Columbia Office of Tax and Revenue : <input type="checkbox"/> Yes <input type="checkbox"/> No	AA-9. Does the Applicant have a Valid D.C Certificate of Good Standing : <input type="checkbox"/> Yes <input type="checkbox"/> No	AA-10. Proposed Dimensions of the Special Sign (Width):	AA-11. Proposed Dimensions of the Special Sign (Height):	By:	Date:

AB-1. Type of Projection:	AB-2. Is Projection Beyond Building Line: <input type="checkbox"/> Yes <input type="checkbox"/> No	AB-3. Number of Projections:	AB-4. Distance of Projection:	<b>OFFICIAL USE ONLY</b>	
AB-5. Width of Projection	AB-6. Width of Building Frontage:	AB-7. Signature of owner: <input type="checkbox"/> Yes <input type="checkbox"/> No	AB-8. Street Name:	Fee:	
AB-9. Street Width: Ft.	AB-10. Road Width: Ft.	AB-11. Sidewalk Width: Ft.	AB-12. Parking Restrictions:	By:	Date:

**(AC) EXCAVATION ONLY (COMPLETE ITEMS AC-1)**

AC-1. No. of Cubic Feet Removed:	<b>OFFICIAL USE ONLY</b>		
	Fee:	By:	Date:

AD-1. Total No. of Tents:	AD-2. Event Date From:	AD-3. Event Date To:	AD-4. Special Event Name:	AD-5. Certificate of Flame Resistance: <input type="checkbox"/> Yes <input type="checkbox"/> No	AD-6. Site Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No
AD-7. Number of Tents:	AD-8. Length of Tent:	AD-9. Width of Tent:	<b>OFFICIAL USE ONLY</b>		
AD-7A.	AD-8A.	AD-9A.	Fee:	By:	Date:
AD-7B.	AD-8B.	AD-9B.			
AD-7C.	AD-8C.	AD-9C			

## (AE) ANTENNA (COMPLETE ITEMS AE-1 THRU AE-20)

AE-1. Type of Antenna Proposed:	AE-2. Number of Existing Antennas on Site:	AE-3. Number of Proposed Antennas on Site:	AE-4. Replacement Antenna: <input type="checkbox"/> Yes <input type="checkbox"/> No	AE-5. Mount Type:	AE-6. Accessory Equipment Location:
AE-7. Existing and/or Proposed Equipment Cabinet Height:	AE-8. Existing and/or Proposed Equipment Platform Height:	AE-9. Existing and/or Screening Provided Height:	AE-10 Height of Building from the Grade to Roof:		OFFICIAL USE ONLY  Fee:
AE-11. Height of Building from the curb to Roof:	AE-12. Height of Proposed Antennas from the Grade to Roof:	AE-13. Height of Proposed Antennas from the Curb to Roof:	AE-14. Fully Mounted height of all Antennas and Equipment from the Roof and /or Parapet:		By: _____ Date: _____
AE-15. Office of Planning Recommendation Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No	AE-16. Radio Frequency Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No	AE-17. Scaled D.C. Surveyor's Plats: <input type="checkbox"/> Yes <input type="checkbox"/> No	AE-18. Scaled Plans Elevations and the Sheet Location within the Plans: <input type="checkbox"/> Yes <input type="checkbox"/> No	AE-19. Structural Certification: <input type="checkbox"/> Yes <input type="checkbox"/> No	AE-20. Screening Provided: <input type="checkbox"/> Yes <input type="checkbox"/> No

AF-1. Was the structure Built before 1978: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	AF-2. Removing more than 2 Sq Ft of Lead Paint: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OFFICIAL USE ONLY  Fee: _____ By: _____ Date: _____		
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AG-1. Green Building: <input type="checkbox"/> Yes <input type="checkbox"/> No	AG-2. Certification Level :	AG-3. Owner Type :	AG-4. Scope of Project:	AG-5. Project Type:
AG-6. Green Building Standards:		AG-7. Other Standard:	AG-8. Energy Star Rating:	AG-9. Green Building Square Feet:

AG-10. LEED Scorecard Provided: <input type="checkbox"/> Yes <input type="checkbox"/> No	AG-11. Is Project Publicly Owned or Financed: <input type="checkbox"/> Yes <input type="checkbox"/> No	AG-12. Is the Project Substantial Improvement: <input type="checkbox"/> Yes <input type="checkbox"/> No	OFFICIAL USE ONLY  Fee: _____ By: _____ Date: _____	
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AG-13. Green Design Elements:				
<input type="checkbox"/> Cool Roof <input type="checkbox"/> Energy Efficient HVAC System <input type="checkbox"/> Energy Efficient Lighting <input type="checkbox"/> Green Roof <input type="checkbox"/> Greywater <input type="checkbox"/> Geothermal System		<input type="checkbox"/> Hazard Reducing Product <input type="checkbox"/> Hydro Power <input type="checkbox"/> Low Emitting Windows <input type="checkbox"/> Low Flush Toilets <input type="checkbox"/> Low Flow Shower Heads <input type="checkbox"/> Local Regional Building Materials		<input type="checkbox"/> Passive Solar Energy <input type="checkbox"/> Permeable Concrete <input type="checkbox"/> Plant Building Material <input type="checkbox"/> Recycled Building Materials <input type="checkbox"/> Wind Power Energy

AH-1. Applicant's First Name:	AH-2. Applicant's Last Name:	AH-3. Applicant's Organization Name:	AH-4. Applicant's Street Address:	
AH-5. Applicant's Suite or Unit:	AH-6. Applicant's City:	AH-7. Applicant's State:	AH-8. Applicant's Zip Code:	AH-9. Applicant's Phone:
AH-10. Applicant's Email:	AH-11. Is Lot(s) Vacant?: <input type="checkbox"/> Yes <input type="checkbox"/> No	AH-12. Contractor's Information Available: <input type="checkbox"/> Yes <input type="checkbox"/> No		AH-13. Contractor's First Name:
AH-14. Contractor's Last Name:	AH-15. Contractor's Organization Name:	AH-16. Contractor's Street Address:		AH-17. Contractor's Suite or Unit:
AH-18. Contractor's City:	AH-19. Contractor's State:	AH-20. Contractor's Zip Code:		Fee: _____
AH-21. Contractor's Phone:	AH-22. Contractor's Email:			By: _____ Date: _____

## (A) APPLICANT SIGNATURE

A. OWNER: I hereby certify that I am the owner of the property, that the application and plans are complete and correct to the best of my knowledge, that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner \_\_\_\_\_ Address \_\_\_\_\_ Date \_\_\_\_\_

B. AGENT: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or Permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia

Signature of Agent \_\_\_\_\_ Address \_\_\_\_\_ Date \_\_\_\_\_

**(A) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):**

**(A) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):**

**A. PERMIT CONTROL**

1. Fine Arts by: \_\_\_\_\_ Date: \_\_\_\_\_

2. Historic by: \_\_\_\_\_ Date: \_\_\_\_\_

3. Cap. Gateway by: \_\_\_\_\_ Date: \_\_\_\_\_

4. NCPC: \_\_\_\_\_ Date: \_\_\_\_\_

5. W.H./Obs. Precinct by: \_\_\_\_\_ Date: \_\_\_\_\_

6. Flood Control by: \_\_\_\_\_ Date: \_\_\_\_\_

7. WMATA by: \_\_\_\_\_ Date: \_\_\_\_\_

8. Condem. by: \_\_\_\_\_ Date: \_\_\_\_\_

9. Rental Accom. by: \_\_\_\_\_ Date: \_\_\_\_\_

10. Chinatown Distr. by: \_\_\_\_\_ Date: \_\_\_\_\_

11. Utility Clearance by: \_\_\_\_\_ Date: \_\_\_\_\_

12. General Liability Ins. Policy Clearance by: \_\_\_\_\_ Date: \_\_\_\_\_

**B. CLEARANCE TO FILE PLANS**

1. Zoning by: \_\_\_\_\_ Date: \_\_\_\_\_

2. DDOT – Permit and Records Division  
Access to Parking Street  Street  Alley  
Cleared by: \_\_\_\_\_ Date: \_\_\_\_\_

3. DDOT – Consumer Engineer  
Cleared by: \_\_\_\_\_ Date: \_\_\_\_\_

4. ERA – Erosion Control  
Cleared by: \_\_\_\_\_ Date: \_\_\_\_\_

Restrictions of the Permit:

**TO REPORT WASTE, FRAUD,  
OR ABUSE BY ANY D.C. GOVERNMENT  
OFFICIAL, CALL THE D.C. INSPECTOR  
GENERAL AT 1-800-521-1639**

**C. PLANS AND APPLICATION APPROVAL**

1. Information Counter by: \_\_\_\_\_ Date: \_\_\_\_\_

2. Information Center by: \_\_\_\_\_ Date: \_\_\_\_\_

(a) ABRA by: \_\_\_\_\_ Date: \_\_\_\_\_

(b) Noise Control by: \_\_\_\_\_ Date: \_\_\_\_\_

(c) Industrial Safety by: \_\_\_\_\_ Date: \_\_\_\_\_

(d) Vector Control by: \_\_\_\_\_ Date: \_\_\_\_\_

(e) D.C. Animal by: \_\_\_\_\_ Date: \_\_\_\_\_

(f) Police Dept. by: \_\_\_\_\_ Date: \_\_\_\_\_

3. Zoning by: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Update by: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Overlay approval by: \_\_\_\_\_ Date: \_\_\_\_\_

4. DDOT – Permit and Records Division/Deposit #  
Sidewalk Deposit \$ \_\_\_\_\_ Driveway Deposit \$ \_\_\_\_\_  
by \_\_\_\_\_ Date: \_\_\_\_\_

5. Water/Sewer Design Branch  
Consumer Eng. by: \_\_\_\_\_ Date: \_\_\_\_\_

6. Environmental Regulation Administration  
 Environmental Policy Review  
Control No. \_\_\_\_\_  
by \_\_\_\_\_ Date: \_\_\_\_\_

Erosion Control by: \_\_\_\_\_ Date: \_\_\_\_\_

Storm Water Mgmt. by: \_\_\_\_\_ Date: \_\_\_\_\_  
Plan No. \_\_\_\_\_

Air Quality by: \_\_\_\_\_ Date: \_\_\_\_\_

Underground Storage by: \_\_\_\_\_ Date: \_\_\_\_\_

7. Mechanical Eng. Review by: \_\_\_\_\_ Date: \_\_\_\_\_

8. Plumbing Eng. Review by: \_\_\_\_\_ Date: \_\_\_\_\_

9. Electrical Eng. Review by: \_\_\_\_\_ Date: \_\_\_\_\_

10. Health Plan Review  
 (a) Food Plan Review by: \_\_\_\_\_ Date: \_\_\_\_\_  
 (b) Medical X-Ray Plan Rev.  
by: \_\_\_\_\_ Date: \_\_\_\_\_

11. Fire Protection Plan Review  
by: \_\_\_\_\_ Date: \_\_\_\_\_

12. D.C. Fire Dept. (Fire Prevention Plan Review Section)  
by: \_\_\_\_\_ Date: \_\_\_\_\_

13. Elevator Plan Rev. Sec. by: \_\_\_\_\_ Date: \_\_\_\_\_

14. Plumbing Insp Rev. by: \_\_\_\_\_ Date: \_\_\_\_\_

15. Construction Insp. Branch (Field Check)  
by: \_\_\_\_\_ Date: \_\_\_\_\_

16. Historic Pres. Div. by: \_\_\_\_\_ Date: \_\_\_\_\_

17. EISF: \_\_\_\_\_ Date: \_\_\_\_\_

18. Structural Eng. by: \_\_\_\_\_ Date: \_\_\_\_\_

19. Permit and Certificate Issuance Counter  
by: \_\_\_\_\_ Date: \_\_\_\_\_

20. QC By: \_\_\_\_\_ Date: \_\_\_\_\_

**ZONING**

C of O Number \_\_\_\_\_ Date: \_\_\_\_\_

Existing Use(s) \_\_\_\_\_

Proposed Use \_\_\_\_\_

**DDOT – PUBLIC SPACE**

New Bldg  
 P.O.D.  
 File in  
room 2124

Street Name: \_\_\_\_\_

Street Width: \_\_\_\_\_

Road Width: \_\_\_\_\_

Sidewalk Width: \_\_\_\_\_

Parking: \_\_\_\_\_

Restrictions: \_\_\_\_\_

Job No. \_\_\_\_\_

BZA Case No. \_\_\_\_\_

PUD Order No. \_\_\_\_\_



DEPARTMENT OF CONSUMER &amp; REGULATORY AFFAIRS

## Environmental Intake Form

## Owner &amp; Contact Information

Complete address of proposed work

Square  
0191

Suffix (if any)

Lot  
0098Application date (4 numbers for year)  
07012014

Number 1536	Ext T	Official street name STREET	Quadrant NW	Unit/Suite
Project name 1536 T Street, N.W.		Application number (if applicable)	Project Description New rear deck and stairs, new concrete slab at rear of structure	
6. Owner Rafael Romeo		7. Complete mailing address (include zip) 1536 T Street, N.W. Washington, DC 20009	8. Phone 202-352-8138	9. Email, if you prefer e-notice
10. Agent for owner, if applicable Paula C. Morris		11. Complete mailing address (include zip) 60 Market St., #204 Gaithersburg, MD 20878	12. Phone 301-527-1002	13. Email, if you prefer e-notice

## Project Scope

1. Is this project a residential structure within R-1 through R-5-A zoning districts?	<input checked="" type="checkbox"/>	Skip to the signature line.
2. Is this project a single-family structure not built in conjunction with 2 or more units?	<input type="checkbox"/>	
3. Is this project an accessory structure, such as a garage, patio, pool, or fence?	<input type="checkbox"/>	
4. Is this project only an interior renovation with no building use or capacity change?	<input type="checkbox"/>	
5. Is this project in an Economic Development Zone, as defined in DC Official Code § 6-1501 et seq (DC Law 7-177)?	<input type="checkbox"/>	
6. Is this project in the Central Employment Area, defined in DC Zoning Regulations?	<input type="checkbox"/>	
7. Does the project involve only operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features, with negligible or no expansion of use beyond its current use?	<input type="checkbox"/>	
8. Does the owner of this site own adjacent or abutting property?	<input type="checkbox"/>	
9. Do you plan to develop adjacent/abutting property in next 3 years?	<input type="checkbox"/>	Attach a site plan. If there is no plan, attach a written explanation.
10. Do you plan more development that requires permit(s) on any site in this square in next 3 years?	<input type="checkbox"/>	
11. Is this project a solid waste facility?	<input type="checkbox"/>	See EIS Coordinator.
12. Have you prepared an Environmental Impact Statement (EIS) or a functional equivalent, as required by the National Environmental Policy Act of 1969 (NEPA)?	<input type="checkbox"/>	Attach the EIS or equivalent.
13. Are you claiming an exemption, other than those listed in this form, from the requirement to submit an Environmental Screening Form, under Title 20 § 7202.	<input type="checkbox"/>	Attach an explanation; cite relevant section of regulations.
14. Is the total project cost more than \$1.51 million, including site preparation and construction?	<input type="checkbox"/>	If you're not claiming an exemption, attach an EISF.
15. For projects with a total cost of \$1.51 million or less, check all that apply:		
<input type="checkbox"/> Contains threatened or endangered plant or animal species. <input type="checkbox"/> Is within 100 feet of a pond, stream, lake, spring, or wetland. <input type="checkbox"/> Project will produce emission of odorous or other air pollutants (from any source, including VOCs). <input type="checkbox"/> Project produce, use, or dispose of hazardous substances, as defined in 20 DC MR 7299. <input type="checkbox"/> Will be built on land where the water table depth is less than 3 feet. <input type="checkbox"/> Will require blasting. <input type="checkbox"/> Will generate medical, infectious, radioactive, or hazardous waste.		
If you check any item, attach EISF or equivalent.		

I certify that all statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable DC laws and regulations. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)

Signature of Owner/Authorized Agent  
*Rafael Romeo*

OFFICIAL USE ONLY

Date 6/30/2014

NOTE: Building permit approval is not the same as approval of an action or entire project under the Environmental Policy Act of 1969. If you build on the same, adjacent, or abutting property, or expand on work covered by this Environmental Intake Form within 3 years, you may be required to file an EISF for the whole project, including the part covered by this application and permit approval. If the action violates any federal or DC environmental laws, an EISF can be required.

To report waste, fraud, or abuse by any DC government office or official, call the Inspector General: 1-800-521-1630

## CONTRACT AGREEMENT

Name of Contractor/Owner SLK Construction, Inc. Contractor's License No. 70103573

Address of Contractor/Owner 8557 Horseshoe Lane, Potomac, MD 20854 Date: 6/30/14

ADDRESS OF PROPOSED WORK	<u>1536 T St., N.W.</u>	LOT:	<u>98</u>
OWNER OF BUILDING OR BUSINESS:	<u>Rafael Romeo</u>	SQUARE:	<u>191</u>
DESCRIPTION OF PROPOSED WORK:	<u>New rear deck and stairs, new concrete slab on grade at rear of existing structure.</u>		
CONSTRUCTION e.g. drywall, ceilings, framing, carpentry etc.	\$ <u>45,500</u>		
ELECTRICAL	\$ <u>2,000</u>		
MECHANICAL	\$ <u>0</u>		
PLUMBING	\$ <u>500</u>		
FIRE PROTECTION e.g. sprinkler system, fire alarm system, generator etc.	\$ <u>0</u>		
DEMOLITION	\$ <u>1,000</u>		
MISC/OTHER (please specify)	\$ <u></u>		
<b>TOTAL</b>	\$ <u>49,000</u>		

The labor and material costs of counter tops, kitchen cabinets, floor coverings, tile work, caulkling, patching and plaster repair, painting other than fire retardant paint, gutters and downspouts, not more than 160 square foot of gypsum board shall not be included in the cost estimate for permitting purposes. The entire list can be seen in the 1999 D.C Building Supplement Chapter 1 Section 107.3.

The foregoing terms, specifications and conditions are satisfactory and hereby agreed to. You are authorized to work as specified and payment will be made in the amount as outlined. Upon signing this agreement, the owner represents and warrants that he or she is the owner or the authorized agent of the owner of the aforesaid premises and that he or she has read this agreement.

CONTRACTOR R. Romeo Date: 6-30-14

Signature & print

OWNER OF  
BUILDING/BUSINESS R. Romeo Date: 6/30/14

Signature & print

Upon signing this document, the owner and contractor declare that the cost of construction as specified above for the referenced project is true and correct to the best of their knowledge

Please fill out this agreement form in accordance with D.C Construction Code Supplement 1999, Chapter 1 Section 112.1.

## DISTRICT DEPARTMENT OF THE ENVIRONMENT

## BUILDING PERMIT APPLICATION SUPPLEMENTAL FORM - ENVIRONMENTAL QUESTIONNAIRE

PROJECT ADDRESS: 1536 T St., N.W. LOT 98 SQUARE 191

Note: please answer all 10 questions in this questionnaire, by checking either column "Yes" or "No" for each question. If you answer "Yes" to any of the questions, you should contact the corresponding office(s) indicated in column 'contact person/office', as soon as possible. Until this application is reviewed and approved by the concerned office(s), the permit will not be issued.

SCOPE OF PROJECT	YES	NO	CONTACT PERSON/OFFICE	OFFICE USE
1. Does the total cost of the project exceed \$1 million? This does not apply if project is for internal (tenant space) renovation only and there will be no change in the use of the building.		<input checked="" type="checkbox"/>	(202) 535-2600, EIS Coordinator	
2. Will the work to be performed involve the installation, removal, abandonment, or repair of an underground storage tank (UST) system?		<input checked="" type="checkbox"/>	(202) 535-2600, Underground Storage Tank Division	
3. Will the work to be performed involve the assessment or clean-up of soils associated with the release of materials from an underground storage tank (UST)?		<input checked="" type="checkbox"/>	(202) 535-2600, Underground Storage Tank Division  (202) 535-2600, Air Quality Division	
4. Will the work to be performed involve the assessment or clean-up of groundwater associated with the release of materials from an underground storage tank (UST)?		<input checked="" type="checkbox"/>	(202) 535-2600, Underground Storage Tank Division  (202) 535-2600, Air Quality Division  (202) 535-2600, Water Quality Division	
5. Will the proposed project involve the installation or drilling of wells other than for the purposes stated in questions 3 and 4?		<input checked="" type="checkbox"/>	(202) 535-2600, Water Quality Division  (202) 535-2600, Air Quality Division	
6. Will the proposed project involve the generation, treatment, storage, disposal or transportation of chemicals or other substances which may be considered hazardous?		<input checked="" type="checkbox"/>	(202) 535-2600, Hazardous Waste Division	
7. Will the proposed project involve construction which will disturb the sediment in rivers, streams or wetlands?		<input checked="" type="checkbox"/>	(202) 535-2600, Water Quality Division	
8. Will the proposed project result in the discharge into the air of gases, dust, or the creation of any objectionable odors?		<input checked="" type="checkbox"/>	(202) 535-2600, Air Quality Division	
10. Was the building built before 1978? (Lead paint may be present).	<input checked="" type="checkbox"/>		If you answer "YES" to this question, please answer the questions and follow the instructions on the "Lead Hazard Control Questionnaire" to determine if you need a permit to conduct a Lead Abatement Project.	

## AFFIDAVIT

I hereby certify that I have the authority of the owner of the property to make this application. I declare that the answers to the above questions in this Questionnaire are complete and correct to the best of my knowledge.

Signature Paula C. Morris

Name (print) Paula C. Morris

Address 60 Market St., #204, Gaithersburg, MD 20878 Date 6/30/14 Phone 301-527-1002

DDOE APPROVAL BY _____	NAME (Print) _____
CONTACT NUMBER: (202) _____	DATE: _____
COMMENTS AND PERMIT RESTRICTIONS _____	



## LEAD PERMIT SCREENING FORM

1) Is the work you will be conducting going to disturb paint on the interior or exterior of a property built prior to 1978? This includes residential and commercial properties, as well as child-occupied facilities such as daycares, pre-schools, libraries, etc...

Yes (continue to next question)

No (there is no lead abatement permit requirement; you can skip the rest of this form)

2) Do you have a lead Inspector's written report stating that the paint you'll be disturbing is NOT lead-based paint?

Yes (there is no lead abatement permit requirement and you can skip the rest of this form; BUT you must submit a copy of the Inspector's report to DDOE's Lead and Healthy Housing Division)

No (continue to next question)

3) Will you be doing work that involves the enclosure/encapsulation of painted components, the use of chemical stripping, the replacement of painted surfaces or fixtures, or the removal or covering of lead-contaminated soil?

Yes (this abatement work requires a DDOE lead abatement permit)

No (there is no lead abatement permit requirement; you can skip the rest of this form)

### Lead Abatement Permit Requirements

If you are required to obtain a lead abatement permit, you must:

- 1) Apply for a lead abatement permit from DDOE's Lead and Healthy Housing Division (call 535-1934 for details)
- 2) Use a DDOE certified lead abatement worker/supervisor to conduct the abatement activity
- 3) Produce an independent "clearance report" at the end of the work, confirming that the abatement activities were conducted in such a manner that no lead-based paint hazards remain in the work area(s).

To obtain a DDOE lead abatement permit application, please visit:  
[www.ddoe.dc.gov](http://www.ddoe.dc.gov) and click on Lead and Healthy Housing Division.

### NOTICE: Lead Abatement Permit Exemptions

- 1) Are you a property owner who is performing lead-based paint activities or renovations in a residence that you own and live in, which is occupied solely by you or your immediate family, AND where neither children under 6 years of age NOR a pregnant woman lives?  Yes
- 2) Will the work that you will perform disturb 2 square feet or less of paint per room?  Yes

If you answered "yes" to either one of these questions, NO DDOE lead abatement permit is required.



## Zoning Data Summary

General Instructions: Pursuant to 12 DCMR, § 106.1.11.6, submit this completed form with Building Permit and Certificate of Occupancy applications for:

- proposed new construction of buildings
- additions to existing buildings
- changes in use or occupant load.

Print clearly in ink. Do not write in gray areas. Write N/A (non-applicable) for items that do not apply. If you erase, cross out, white out, or otherwise change any information on this application, the application will be void.

For more information, call the Office of Zoning Administrator at 202-442-4576. If you need more forms, you can download them at [dcos.dcs.gov](http://dcos.dcs.gov) (go to Permits/Zoning/Certificates of Occupancy and Zoning) or pick them up at the Permit Center, 1100 4th St SW, 2nd Floor.

### Site Address

Give complete and legal District address. If you need to apply for a new address, complete a New Address Application, before you complete this form. Do not abbreviate street names. Write the correct quadrant (NW, NE, SW, SE), suite or office number. Enter the correct Square, Suffix, and Lot number (SSL) or parcel ID.

Street Number 1536	Street Name T Street	Quadrant NW	Unit / Suite -	Application Date 7/1/2014
Square 191	Suffix -	Lot 98	Proposed use Flat	

### Owner/Contact Information

Agent must be an individual – not company.

Owner of Building or Property Rafael Roman	Complete mailing address (include zip) 1536 T St NW Washington, DC 20009	Phone Number(s) 202-352-8138	Email rafael.romain@gmail.com
Agent for owner, if applicable Paula C. Morris	Complete mailing address (include zip) 600 Market St. # 204 Gaithersburg, MD 20878	Phone Number(s) 301-527-1002	Email morrison@aoi.com

Give the correct zoning and overlay zoning district(s). Check with Zoning staff if you are unsure. If your proposed construction was subject to Board of Zoning Adjustments (BZA) or Zoning Commission review, write the order number. Attach copies of BZA order and Office of Zoning stamped plan exhibits (site plan, elevations, and floor plans).

District DC / R-4	Overlay(s), if any DC (Dupont Circle)
----------------------	--

Number of Board of Zoning Adjustment (BZA) or Zoning Commission (ZC) Order, if applicable BZA Order No. 18725
--

For items with asterisks (\*) refer to the Definitions Section of the Zoning Regulations, 11 DCMR, § 199.1, available online at [dcos.dcs.gov/info/reg.htm](http://dcos.dcs.gov/info/reg.htm).

Data	Existing	Proposed	Official Use Only - code requirements
Fill in both columns: numbers must match those on attached applications, plats, and plans.			
Units & Parking Spaces			
Number of dwelling units	2 Units	2 Units	
Number of parking spaces (8' x 18')	0 Units	0 Units	
Setbacks & Building Heights			
Side Yard* Setback (left when you face property)	0 Linear foot	0 Linear foot	
Side Yard* Setback (right when you face property)	0 Linear foot	0 Linear foot	
Rear Yard* Setback	14.4 Linear foot	0.5 Linear foot	
Building Height*	3 Stories	3 Stories	
	36.7 Feet	36.7 Feet	
Areas			
Lot Area	921 Square feet	921 Square feet	
Gross Floor Area* (GFA) of entire building (sum of all floors)	2,659 Square feet	2,887 Square feet	
Floor Area Ratio*	2.89 GFA / Lot Area	3.13 GFA / Lot Area	
Building Area* (sum of footprints of all buildings)	893 Square feet		
Lot Occupancy* (Bldg Area / Lot Area)	72.2 %	97.0 %	

Form Completed by (sign and print name): Paula C. Morris Date: 6/30/14

Paula C. Morris

## LETTER OF TRANSMITTAL

## MORRIS ARCHITECTS

60 MARKET STREET, SUITE 204

519 N. MARKET STREET, SUITE 100  
GAIITHERSBURG, MD 20878

TEL: 301-527-1002 FAX: 301-527-1003

TO:

Mr James Hill  
1538 T Street, N.W.  
Washington, DC 20009

DATE: 7/16/2014  
JOB NO: 1221  
ATTENTION: James Hill  
RE: 1536 T Street, N.W.

WE ARE SENDING YOU *documents*

VIA Fed Ex & UPS

THESE ARE TRANSMITTED AS CHECKED BELOW:

FOR APPROVAL APPROVED AS SUBMITTED RESUBMIT COPIES FOR APPROVAL

AS REQUESTED       RETURNED FOR CORRECTIONS       FOR REVIEW AND COMMENT

## Non-mutant fixation

✓ FOR ADDITIONAL

REMARKS: \_\_\_\_\_

REMARKS: This material is being sent via multiple express mail services at the request of Rafael Roman.

**COPIES TO:**

Rafael Romeo | enclosures  
file

**SIGNED:**

Paula Mies