



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:

Building permit B1400387 issued

made on

10/12/2014

that states

convert from assembly to retail/office/residential
4 units and small 2nd story/partial carriage house addition for "home office"...etc.

Address(es) of Affected Premises

Square(s)

Lot(s)

Zone Districts

1351 Wisconsin Ave

1243

811

C2A (R3)

Present use of Property:

Store - Misc

Proposed use of Property:

Mixed use Retail / Office / Residential

Name of Owner of Property:

1351 LLC ; Robert Bell

Address:

3218 O Street NW ; Washington DC 20007-3276

Phone No(s):

202-3338451

Fax No.:

E-Mail:

Robert & Robert bellarchitects.com

Name of Lessee:

Address:

Phone No(s):

Fax No.:

E-Mail:

Name of Appellant, if other than Owner:

Christian Mulder; Caesar Junker; Tom Adams

Address:

3139 Dumbarton Street ; 3146 O St NW ; 3141 Dumbarton St NW ;

TAdams563@aol.com

Phone No(s):

202-3751055
202-625-6194

Fax No.:

E-Mail:

cbm3139@gmail.com
Caesar.Junker@gmail.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:

April 25, 2015

Signature of Appellant*:

Caesar Junker
James H. Smith

Waiver of Fee - Status of Appellant

☐ ANC

☐ DC Government Agency

☐ NCPD

☐ Citizens' Association/Association created for civic purposes that is not for profit

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

Name:

Appellants (see above)

Address:

Phone No(s):

Fax No.:

E-Mail:

* 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.

Board of Zoning Adjustment
District of Columbia
EXHIBIT NO.83

INSTRUCTIONS

Any appeal that is not completed in accordance with the following instructions shall not be accepted.

1. All appeals shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. All appeals must be filed electronically through the Interactive Zoning Information System (IZIS), which is located on the Office of Zoning's website at: www.dcoz.dc.gov.
3. ***At the time of filing this appeal, the Appellant is REQUIRED to upload the following information into IZIS:***
 - A. Each and every exception to the administrative decision, in specific detail. Details should state the allegations of error in the administrative decision – "why it was an error" – and reference the relevant Sections of the Title 11 DCMR Zoning Regulations and/or Map.
 - B. A detailed statement explaining how the Appellant intends to prove its case.
 - C. In the case of an area variance, a plat drawn to scale and certified by a DC licensed survey engineer or the D.C. Surveyor's Office showing boundaries and dimensions of the existing and proposed buildings and accessory buildings. Also required are, if any, architectural plans and elevations in sufficient detail to clearly illustrate any proposed building to be erected or altered, proposed landscaping/screens and building materials as they relate to the specifics of the appeal. Submittal of plat and plans shall not exceed 11" x 17" in size. (See Form 130 – Plat, Plan and Elevation Specifications for the required information on these drawings.)

Note: Appellant is required at the time of filing to serve all parties; including, as appropriate, the Appellee, the Owner of the property, the Lessee, and the Advisory Neighborhood Commission. In an appeal, only parties can testify or submit information into the record; however, parties may solicit pertinent information from affected persons to include in their submissions into the record.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 200-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



MEMORANDUM

April 10, 2015

From: Matthew Le Grant, Zoning Administrator - DCRA *m22*

To: Joel. Lawson, Associate Director, Development Review - DC Office of Planning

RE: BZA Questions regarding BZA # 18884, 1351 Wisconsin Avenue, N.W.

Please find below a summary of my Office's responses to the inquiry from the BZA:

1. The BZA questioned whether the connection provided between the theater and the residence was a "meaningful connection," which would allow for the provision of one principal building on the lot. Based on our discussion and the latest floor plans, because the connection allows for pedestrian passage through one part of the building into another at ground level or above, it is considered a meaningful connection. This decision is consistent with previous Board interpretations, most recently for the denial of Appeal Application No. 18735 of NH Street Holdings, LLC.
2. The BZA also questioned the FAR calculations provided by the applicant for this case, and if the floor area had been exceeded through the transfer of FAR from the R-3 zoned portion of the lot to the C-2-A zoned portion.
3. Section 2514.2 of the Zoning Regulations does not anticipate that § 2514.1, allowing the transfer of bulk from a more restrictive zone [here R-3] to a lesser restrictive zone [here C-2-A] by right, would be used in conjunction with one another.
4. In this case, the applicant has already transferred the allowable bulk from the R-3 zoned portion of the lot to the C-2-A zoned portion under Section 2514.1. The area in question is that portion of the lot within 35 feet of the zoning boundary which is 1,120 square feet, and § 2514.1(d) allows for the transfer of 60% of the that area to the C-2-A zone, which is 672 square feet. As a result of this transfer, additional floor area in this 35-foot section of the R-3 zone is not permitted.
5. The provision does not allow for additional floor area by multiplying 672 square feet by the permitted 2.5 FAR in the C-2-A zone, as has been done by the applicant. The applicant has already received a building permit for the construction of a vertical addition to the existing

building in the C-2-A zoned portion of the lot, which is not part of the request for relief in the subject application.

6. The applicant proposes to construct a loggia that would connect the theater to the proposed residence, of which 317.5 square feet is located in the 35-foot section of the R-3 zone. The entire area of the loggia is 404.8 square feet.
7. Given that the bulk permitted in the 35-foot section in the R-3 zone has already been transferred to the C-2-A zone, special exception relief from § 2514.1 is required for the proposed 317.5 square feet located in this section.

I hope this information is helpful for the Office of Planning and the Board of Zoning Adjustment.