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July 7, 2015

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

Re: Application No. 19030 – 1826 12th Street NW (Square 275, Lot 51)
Prehearing Statement of the Applicant

Chairperson Jordan and Honorable Members of the Board:

On behalf of Unified Investments, LLC, please find enclosed the Prehearing Statement for the above-referenced application. The application is scheduled to be considered by the Board of Zoning Adjustment as part of the Consent Calendar on July 21, 2015.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS,
LLP



By: Kinley Bray

Cc: Advisory Neighborhood Commission 1B
c/o James Turner, Chair (via email)
Single Member District 1B12 Representative, John Green (via email)
Office of Planning (via email)

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

**APPLICATION OF
UNIFIED INVESTMENTS, LLC**

**BZA APPLICATION NO. 19030
HEARING DATE: JULY 21, 2015**

PREHEARING STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Unified Investments, LLC (the “Applicant”), the contract purchaser of the property located at 1826 12th Street NW, Lot 51 in Square 275 (the “Property”) in support of the application for special exception review pursuant to 11 DCMR §223. The Applicant seeks special exception relief under §3104.1 to construct an addition to an existing one-family dwelling in the R-4 District that is currently nonconforming with respect to minimum lot area, lot occupancy, rear yard and minimum court width.

II. APPLICANT MEETS BURDEN OF PROOF FOR SPECIAL EXCEPTION

The Board is authorized to grant a special exception where it finds:

- 1) The proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Zone Maps; and
- 2) the proposed use is not likely to adversely affect the use of neighboring property, subject to the conditions specified in the Zoning Regulations for the particular special exception use. 11 DCMR §3104.1.

Under 11 DCMR §223, the Board may authorize a special exception to permit an addition to a one-family dwelling or flat, even though the addition does not comply with all of the applicable area requirements of §§ 401,403,404,405,406, and 2001.3, provided the addition does not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or

property. Additionally, the Board must find that the proposed development meets the following requirements:

- 1) The light and air available to neighboring properties shall not be unduly affected;
- 2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- 3) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and
- 4) The lot occupancy of all new and existing structures on the lot shall not exceed 70%.

The Applicant proposes to extend the existing third floor of the dwelling southward over the existing building footprint, alter the entrances to the building, remove the roof of the existing garage, and create an enclosed garden area that may be used for parking. The third floor addition will add approximately 250 square feet to structure and will not alter the existing building footprint. Upon making the proposed changes, the Applicant seeks to convert the Property to a flat.

As detailed in the initial Application, the Applicant satisfies the requirements for a special exception. The Property is a corner lot with a public alley to the rear, therefore it only abuts one other property. That property, 1202 T Street NW, which is immediately adjacent to the west, is a vacant lot currently being developed as a two-family dwelling (Flats). The owner of 1202 T Street has indicated that they support this Application (see Exhibit A, attached). The modest addition proposed on the Property will not compromise the light, air, privacy, or use and enjoyment of the neighboring property.

To the south, across the alley from the Property, is a parking lot owned by the Thurgood Marshall Center, which occupies the historic 12th Street YMCA Building at 1816 12th Street N.W. The Thurgood Marshall Center's building is located approximately 135 feet south of the proposed

addition on the Property (see Exhibit B, a Streetview photograph of the block) The modest addition will have no impact on the use or enjoyment, nor the light or air available to the Thurgood Marshall Center.

The Properties' unique position as a corner lot, with a vacant lot to the west (and the support of the developer of that property), and a non-residential use to the south, which is separated by more than 135 feet of surface parking area, ensures that the light and air available to neighboring properties, along with the privacy of use and enjoyment of neighboring properties will not be unduly affected.

Finally, as the addition is simply an extension of the existing third floor, the view from the street and other public ways will not be out of character, scale or pattern with the existing buildings along 12th and T Street. In fact, the proposed addition will facilitate the rehabilitation of the Property and has been approved by HPRB (see Exhibit C, HPRB Actions, approving the proposed rear/side addition by consent on March 26, 2015), and the scope of work includes the removal of the garage roof, reducing the existing lot occupancy from 89% to 67%, in compliance with the special exception standards.

III. APPLICANT HAS ANC SUPPORT

The Applicant's representatives appeared before the ANC 1B Planning and Zoning Committee on February 23, 2015 at the Thurgood Marshall Center. At that meeting, the Committee voted unanimously to support both the historic concept design (approved by HPRB as noted in Exhibit C), and the requested special exception relief.¹

¹ Note that the Minutes reflect this was a regularly-scheduled public meeting and indicate that a quorum of 10 of 12 Commissioners were present.

On March 10, 2015, the full Advisory Neighborhood Commission met and acted upon the Planning & Zoning Committee's recommendation, also unanimously approving a resolution to support the historic concept design and the special exception relief. See Exhibit D, Minutes of Advisory Neighborhood Commission 1B meeting.

IV. EXHIBITS

EXHIBIT A	Letter of Support from Ditto Residential, on behalf of DR Condos, LLC, owner of 1202 T Street NW (adjacent neighbor)
EXHIBIT B	Streetview Photograph of the 1800 block of 12 th Street NW
EXHIBIT C	HPRB Actions, March 26, 2015
EXHIBIT D	Minutes of ANC 1B March 10, 2015 meeting noting unanimous approval of zoning relief requested
EXHIBIT E	Authorization of Raul Falconi, owner (supplementing initial agent authorization from Unified Investments, LLC as contract purchaser, filed with Application)

IV. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings in this case, we hereby submit that the application meets the requirements for special exception relief and urge the Board to approve the requested relief at its July 21, 2015 hearing.

Respectfully submitted,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



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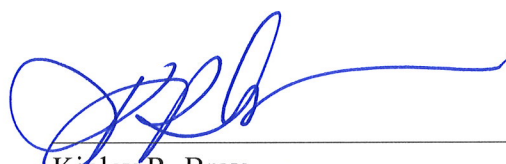
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of July, 2015, a copy of the foregoing was sent, via electronic mail, to the following:

Office of Planning
c/o Matt Jesick
matthew.jesick@dc.gov

Advisory Neighborhood Commission 1B
c/o Chairman James Turner
1b@anc.dc.gov
1b09@anc.dc.gov

Advisory Neighborhood Commission 1B
c/o Single Member District Commissioner John Green
1b12@anc.dc.gov


Kinley R. Bray