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September 28, 2015

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

**Re: Application No. 19084 – 1028 D Street, NE (Square 0962, Lot 0801)
Prehearing Statement of the Applicant**

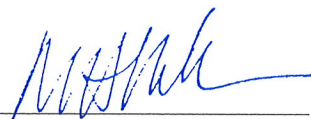
Chairperson Jordan and Honorable Members of the Board:

On behalf of Tito Construction Company, LLC, please find enclosed the Prehearing Statement for the above referenced application. The application is scheduled to be heard before the Board of Zoning Adjustment on October 20, 2015.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS,
LLP



By: Meridith H. Moldenhauer

Cc: Advisory Neighborhood Commission 6A
c/o, Phil Toomajian, Chair (via email)
Single Member District 6A05 Representative, Patrick Malone (via email)
Office of Planning (via email)

Board of Zoning Adjustment
District of Columbia
CASE NO. 19084
EXHIBIT NO. 29

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

**APPLICATION OF
TITO CONSTRUCTION COMPANY, LLC**

**BZA APPLICATION NO. 19084
HEARING DATE: October 20, 2015**

PREHEARING STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Tito Construction Company, LLC (the “Applicant”), the owner of property located at 1028 D Street, NE, Lot 801 in Square 962 (the “Property”) in support of its application for an area variance from the requirements of 11 DCMR §2101. The Applicant seeks variance relief under §3103.2 to construct a single family dwelling at the Property.

II. APPLICANT MEETS BURDEN OF PROOF FOR AREA VARIANCE

The Board is authorized to grant an area where it finds:

- 1) The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;
- 2) The owner would encounter practical difficulties if the zoning regulations were strictly applied; and
- 3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. 11 DCMR §3104.1.

The Applicant satisfies the standard. The Property, currently vacant, was previously improved with a single family dwelling; the Applicant seeks to restore the Property to its prior use. However, since the Property is landlocked and does not have access to the rear alley or the street, the Applicant cannot develop the Property without a variance. The requested relief results

in the utilization of vacant infill lot; it will not have a detrimental impact to the public good or impair the intent of the zone plan.

III. APPLICANT HAS ANC SUPPORT

The Applicant has conducted extensive outreach in the community and obtained letters of support from his neighbors. *See*, Letters of Support from Neighbors at **Exhibit A**. The Applicant has also obtained the support of the ANC. The Applicant attended the August zoning committee meeting and the September ANC meeting, at which the ANC voted unanimously to support the Applicant's BZA application. *See*, ANC Resolution of Support at **BZA Exhibit No. 28**.

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 area variance relief.

We look forward to presenting our case to the Board on October 20, 2015.

Respectfully submitted,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS,
LLP



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

Exhibit A

To: Dan Golden and Andrew Hysell, ANC 6A Economic Development & Zoning Committee

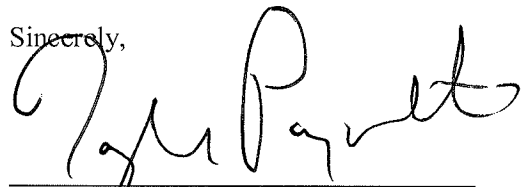
CC: Commissioner Patrick Malone, ANC 6A05

Re: BZA Application for 1028 D Street NE

To Whom It May Concern:

I reside very close to 1028 D Street NE. I have spoken with the owner of the property and I understand that he intends to construct a single family home on this long vacant lot. I am also aware that he needs a parking variance from the Board of Zoning Adjustment to proceed with construction. I am writing to offer my support of the proposed plan to improve this unsightly lot. I know that parking is always an issue when new construction comes to the neighborhood. However, it is highly unlikely that this one home will have a negative impact on the parking in the area. Moreover, it is the only lot on the entire block that is vacant, and it will be better to have a home there. I hope that the Economic Development and Zoning Committee, and ANC 6A, are able to support this project as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor Paquette". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Name: Taylor Paquette
Address: 1009 D St NE

To: Dan Golden and Andrew Hysell, ANC 6A Economic Development & Zoning Committee

CC: Commissioner Patrick Malone, ANC 6A05

Re: BZA Application for 1028 D Street NE

To Whom It May Concern:

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Sincerely,

A handwritten signature in cursive script, appearing to read "Ruby Thomas", written over a horizontal line.

Name:

Address:

1028 D St - NE

To: Dan Golden and Andrew Hysell, ANC 6A Economic Development & Zoning Committee

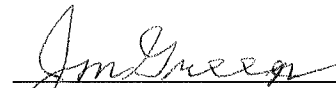
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Sincerely,



Name:

Address:

1025 D St. N.E.