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DIRECT EMAIL: mmoldenhauer@washlaw.com

December 2, 2015

Marnique Heath, Chairperson  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 210S  
Washington, DC 20001

**Re: Application No. 19161 – 1537-1541 6<sup>th</sup> Street NW (Square 0478, Lots 56-58)**  
**Prehearing Statement of the Applicant**

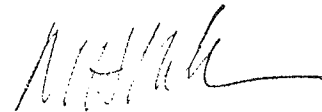
Chairperson Heath and Honorable Members of the Board:

On behalf of 1537 6<sup>th</sup> Street NW, 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 December 22, 2015.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,  
MOLDENHAUER & WIGGINS,  
LLP



By: Meridith H. Moldenhauer

Cc: Advisory Neighborhood Commission 6E  
c/o, Marge Maceda, Chair (via email)  
Single Member District 6E02 Commissioner Kevin Chapple (via email)  
Office of Planning (via email)

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 19161  
EXHIBIT NO. 23

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

**APPLICATION OF  
1537 6<sup>TH</sup> STREET NW, LLC**

**BZA APPLICATION NO. 19161  
HEARING DATE: DECEMBER 22, 2015**

**PREHEARING STATEMENT OF THE APPLICANT**

**I.     NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of 1537 6<sup>th</sup> Street NW, LLC (the “Applicant”), the owner of property located at 1537-1541 6<sup>th</sup> Street NW, Lots 56-58 in Square 0478 (the “Property”), in support of its application for an area variance from the requirements 11 DCMR §2101. The Applicant seeks variance relief under §3103.2 to construct three flats at the Property.

**II.    EXHIBITS IN SUPPORT OF THE APPLICATION**

**Exhibit A:   Letters of Support**  
**Exhibit B:   Communication with DDOT**

**III.   APPLICANT MEETS BURDEN OF PROOF FOR AREA VARIANCE**

The Board is authorized to grant an area variance 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 Board is authorized to grant an area variance where it finds that the Applicant fulfills the three-prong area variance standard. As described in Statement of the Applicant, this

Prehearing Statement, and as will be further explained at the public hearing, all three prongs of the area variance test are satisfied.

The Property, three contiguous lots, is currently vacant. The Property was previously improved with three structures until at least 1965 and the Applicant seeks to return the Property to a productive use by constructing three flats. However, since the Property is landlocked and Square 0478 does not have an alley, the Applicant cannot develop the Property without a parking variance. The requested relief results in the utilization of a vacant infill lot; the parking variance converts useable idle land into productive land. The proposed development of the Property will not have a detrimental impact to the public good or impair the intent of the zone plan.

#### **IV. APPLICANT HAS COMMUNITY AND ANC SUPPORT**

The Applicant has conducted extensive outreach in the community and obtained nine letters of support from neighbors, included both adjacent property owners. *See*, Letters of Support from Neighbors at **Exhibit A**. The Applicant has also obtained the support of ANC 6E. The Applicant presented before ANC 6E's Zoning Committee in October and November. At the request of the Zoning Committee, the Applicant consulted with DDOT regarding their opinion of obtaining curbs cuts at the Property. As shown in **Exhibit B**, DDOT would not support a request for curb cuts at this Property before the Public Space Committee. Consequently, as a result of the community outreach conducted by the Applicant and the written opinion of DDOT regarding curb cuts at the Property, the Zoning Committee voted unanimously to support the variance request at their November meeting. The Applicant presented to ANC 6E on December 1, 2015. During the presentation, two homeowners spoke in full support of the proposed development,

noting that the Property had been vacant for a long time. Following the presentation, the Applicant received a motion in support of the proposed project from ANC 6E.

**V. 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 December 22, 2015.

Respectfully submitted,

GRIFFIN, MURPHY,  
MOLDENHAUER & WIGGINS,  
LLP



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

# Exhibit A

To: Marnique Heath, BZA Chairperson and other members of the BZA

CC: Commissioner Maceda, Chairperson ANC 6E

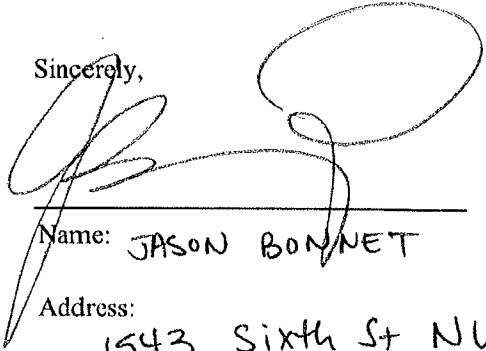
Commissioner Chapple SMD 6E02

Re: BZA Application No. 19161: 1537-1541 6<sup>th</sup> Street NW

To Whom It May Concern:

I am an adjacent property owner to 1537-1541 6<sup>th</sup> Street NW. I have spoken with the owner of the property and I understand that he intends to construct three flats on this long vacant lot. I am also aware that he needs a parking variance from the Board of Zoning Adjustment to develop the site. Like my home, his lot does not have alley access and cannot provide parking on-site. Due to the fact that this is an existing lot condition, the fact that the Property was previously improved with three residences and the fact that this Property is the only vacant lot on the block, I am writing to offer my full support of the plan to redevelop this vacant lot. I hope that the Zoning Committee of ANC 6E, the full board of ANC 6E, and the Zoning Board are able to support this project as well.

Sincerely,



Name: JASON BONNET

Address:

1543 Sixth St NW  
President of Condo. Association  
Washington, DC 20001

To: Marnique Heath, BZA Chairperson and other members of the BZA

CC: Commissioner Maceda, Chairperson ANC 6E

Commissioner Chapple SMD 6E02

Re: BZA Application No. 19161: 1537-1541 6<sup>th</sup> Street NW

To Whom It May Concern:

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Sincerely,



Name:

Address:

1535-6<sup>th</sup> St.  
N.W.  
Washington, D.C.  
20001

To: Marnique Heath, BZA Chairperson and other members of the BZA

CC: Commissioner Maceda, Chairperson ANC 6E

Commissioner Chapple SMD 6E02

Re: BZA Application No. 19161: 1537-1541 6<sup>th</sup> Street NW

To Whom It May Concern:

I reside very close to 1537-1541 6<sup>th</sup> Street NW. I have spoken with the owner of the property and I understand that he intends to construct three flats on the vacant lot on my block. I am also aware that he needs a parking variance from the Board of Zoning Adjustment to proceed with the project. 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, considering our proximity to public transportation, it is highly unlikely that these homes will have a substantial 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 homes there. I hope that the Zoning Committee of ANC 6E, the full board of ANC 6E, and the Zoning Board are able to support this project as well.

Sincerely,



Name: Marc Steinhardt

Address: 1531 6<sup>th</sup> St NW  
WDC 20001

To: Marnique Heath, BZA Chairperson and other members of the BZA

CC: Commissioner Maceda, Chairperson ANC 6E

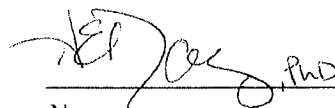
Commissioner Chapple SMD 6E02

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Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Ashley Darcy", written over a horizontal line.

Name:

Dr. Ashley Darcy

Address:

1430 5<sup>th</sup> St NW  
Washington, DC 20001

To: Marnique Heath, BZA Chairperson and other members of the BZA

CC: Commissioner Maceda, Chairperson ANC 6E

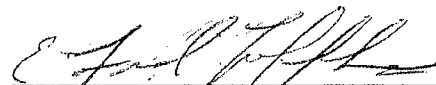
Commissioner Chapple SMD 6E02

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Sincerely,



Name:

E. FRED CEFFLER III

Address:

1536 6<sup>th</sup> St. NW

WDC, 20001

To: Marnique Heath, BZA Chairperson and other members of the BZA

CC: Commissioner Maceda, Chairperson ANC 6E

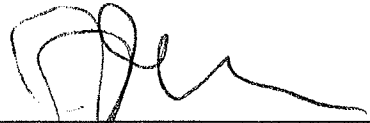
Commissioner Chapple SMD 6E02

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Sincerely,



Name: John Cochran

Address: 1508 6<sup>th</sup> ST NW  
WASHINGTON DC  
20001

To: Marnique Heath, BZA Chairperson and other members of the BZA

CC: Commissioner Maceda, Chairperson ANC 6E

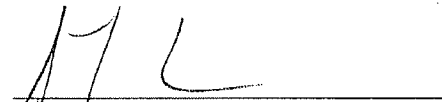
Commissioner Chapple SMD 6E02

Re: BZA Application No. 19161: 1537-1541 6<sup>th</sup> Street NW

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Sincerely,



Name:

Sidra Fofman

Address:

1508 6<sup>th</sup> St NW  
WDC 20001

To: Marnique Heath, BZA Chairperson and other members of the BZA

CC: Commissioner Maceda, Chairperson ANC 6E

Commissioner Chapple SMD 6E02

Re: BZA Application No. 19161: 1537-1541 6<sup>th</sup> Street NW

To Whom It May Concern:

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Sincerely,

Levi Roethlis

Name: Levi Roethlis

Address: 1519 6<sup>th</sup> St NW

To: Marnique Heath, BZA Chairperson and other members of the BZA

CC: Commissioner Maceda, Chairperson ANC 6E

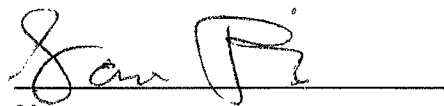
Commissioner Chapple SMD 6E02

Re: BZA Application No. 19161: 1537-1541 6<sup>th</sup> Street NW

To Whom It May Concern:

I reside very close to 1537-1541 6<sup>th</sup> Street NW. I have spoken with the owner of the property and I understand that he intends to construct three flats on the vacant lot on my block. I am also aware that he needs a parking variance from the Board of Zoning Adjustment to proceed with the project. 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, considering our proximity to public transportation, it is highly unlikely that these homes will have a substantial 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 homes there. I hope that the Zoning Committee of ANC 6E, the full board of ANC 6E, and the Zoning Board are able to support this project as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Pieray", written over a horizontal line.

Name:

Samantha Pieray

Address:

1512 6<sup>th</sup> St. NW

# Exhibit B

## Ajoke Agboola

---

**From:** Israel, Evelyn (DDOT) <evelyn.israel@dc.gov>  
**Sent:** Friday, November 06, 2015 12:11 PM  
**To:** Ajoke Agboola  
**Cc:** Meridith Moldenhauer; El-Hamri, Jamel (DDOT)  
**Subject:** RE: Curb cuts at 1537-1541 6th Street NW

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Ajoke,

I'm sorry for the delay in getting back to you. I've CCed Jemel El-Hamri, who is the case manager for the BZA case, on this email.

While ultimately it is up to the Public Space Committee (PSC) to approve or deny any curb cuts, you are right that we (PPSA, and DDOT in general) would not support curb cuts at this location. Our support, or lack thereof, weighs heavily in the decision making process of the PSC, and I highly doubt they would approve curb cuts at this location.

If you have further questions, you can follow up with either Jemel or me. I will be on vacation starting Monday and will return on November 18<sup>th</sup>, after which I can respond.

Thanks,  
Evelyn

---

**From:** Ajoke Agboola [<mailto:aagboola@washlaw.com>]  
**Sent:** Friday, October 30, 2015 5:49 PM  
**To:** Israel, Evelyn (DDOT)  
**Cc:** Meridith Moldenhauer  
**Subject:** Curb cuts at 1537-1541 6th Street NW

Hello Ms. Israel,

Our client owns three contiguous lots located at 1537-1541 6<sup>th</sup> Street NW and would like to develop this property with three flats. The property, as more fully described in the attached Statement of the Applicant and Exhibits, is landlocked and thus we are seeking a parking variance from the BZA. I understand that DDOT is generally unsupportive of curb cuts to provide parking for flats, however the community has requested that we obtain DDOT's official position regarding curb cuts at this particular location. I was advised by Mr. Westrom that you are the person I should talk to. I am happy to speak with you about this project early next week. In the meantime, please find attached the materials we submitted to the BZA. Thank you and have a great weekend.

All the best,  
Y. Ajoke Agboola



GRIFFIN, MURPHY,  
MOLDENHAUER & WIGGINS, LLP

1912 Sunderland Place, N.W. · Washington, DC 20036  
[aagboola@washlaw.com](mailto:aagboola@washlaw.com) · [www.washlaw.com](http://www.washlaw.com)