CRAIG G. GOODMAN
3254 O STREET, NW
WASHINGTON, DC 20007

Licensed to Practice Law:
Texas
Florida
Washington, DC

Office: (202) 333-3288
Fax: (202) 333-3266
Home: (202) 333-0311

August 22, 2001

Chairman Cross-Reid, Vice Chairperson Renshaw
Commissioners Mitten and Geoffrey Griffis
C/O Mrs. Jerrily R. Kress, Director of the Office of Zoning
Board of Zoning Administrator
441 4th Street, NW
Suite 210
Washington, DC 20001

2001 AUG 22 PM 1:05

Re: BZA Application No. 16696
Post Hearing Evidentiary Submissions
Legal Motions, Rebuttal and Brief

Dear Madame Chairman and Members of the Board,

During the Hearing on July 17, 2001, the Board requested post-hearing submissions of additional evidence in support of Applicants request for a 5-foot height variance. Attached is (1) Expert Testimony of a Registered Architect supporting the legal and factual points required to be proven pursuant to Code Section 3103.2; (2) Memorandum to ANC in Support of Application No. 16696; (3) Expert Testimony of Archeologist; (4) Expert Testimony of Arborist; (5) Archive Records of Case Numbers OG-84-30 and OG-84-57; (6) Floor plan of the main house and landscape plan of the rear yard; and (7) Expert Testimony on the "Required Rear Yard" Zoning requirements. Rebuttals, legal motions and arguments relating to the Application are also contained in this document.

I
Summary of Evidence in Support of Variance

BZA
Case No. 16996
Exhibit No. 75

A. The Property is Unique and there Would be No Density-Related Impacts on the Neighborhood and No Light or Air Impacts on the Neighbors. The Neighborhood ANC (ANC), the DC Office of Planning (OP), Expert Witness Almy and Applicants agree that 3254 O Street is a unique historical property and that granting the variance would cause no density-related impacts on the neighborhood and have no light and air impact on the neighbors. Specifically, there would be no light, air or density-related impacts because the property contains a fully detached house on an R-1 sized lot and the 12-foot addition to the accessory garage is approximately 28 feet from the next nearest residence.

Board of Zoning Adjustment
District of Columbia
CASE NO.16696
EXHIBIT NO.75

B. There are "Exceptional Practical Difficulties" Inherent in the Land that make the Expansion of the Main House to Accommodate a Legally Permitted Use "Sufficiently Difficult" and/or "Legally Impossible." The attached Expert Testimony of Registered Architect Almy supports, in detail, all of the elements required to be proven to support a variance under DC Code Section 3103.2. Without restating all of the reasons again, Applicants incorporate by reference Expert Almy's Opinion, attached hereto as Exhibit 1, Applicants Brief to the BZA Dated June 25 with 9 Attachments, and the **June 5, 2001, Submission to the ANC which is attached hereto as Exhibit 2.**

OP recognized that there were difficulties associated with the strict application of the Code. However, the BZA requested additional evidentiary evidence that these difficulties were in fact "difficult enough" to warrant a variance. **Exhibit 1, is the expert opinion of a Registered Architect** stating that it is impossible to extend the house without (1) destroying the architectural integrity of the historic federal period house, (2) impairing the light and privacy of both the Applicant and the neighboring properties, (3) destroying both the historic garden and the archeological remnant located a short distance from the rear of the house, and that (4) it would not be possible to get earth moving equipment into the rear yard.

(1) Exhibit 3 is the expert opinion of an Archeologist for the DC Government that the archeological remnant behind the main house is a 19th Century brick cistern "which likely has terra cotta pipe running from the house and not too far beneath the surface." Applicant testified and both Expert Almy and OP agreed that this presents an exceptional practical difficulty inherent in the land that renders it extremely difficult or impossible to expand the main house or build out this property to the limitation allowed for R-3 properties.

(2) Exhibit 4 is the expert opinion of an Arborist. As stated, the boxwood garden is historic and will not survive transplantation. Applicants, Expert Almy, OP and the ANC all agree that it would not be appropriate for the BZA to require Applicants to destroy this historic garden (particularly since the intended use is permitted as a matter of right and can be accomplished without such damage).

(3) Exhibit 5 contains the archive records of Case Numbers OG-84-30 and OG-84-57. The prior owners of the property had previously requested an expansion of the main house to enclose an outdoor porch. The Commission of Fine Arts denied permission to extend the house to the exterior perimeter of the house and required that the historic banisters on the preexisting porch be preserved. Applicants submit that this is evidence that expansion of the house would constitute a legal impossibility.

(4) Exhibit 6 is a drawing of the layout of the house and gardens. Pursuant to BZA's request, Applicants submit a landscape plan and a floor plan of the property. The floor plan shows that there is currently no habitable living space for a domestic employee as defined in the DC Zoning Code. The landscape plan confirms that destruction of the historic fabric of the English garden is an additional "exceptional practical difficulty" inherent in the land.

Applicants submit that evidence in this record amply supports a finding that the difficulties inherent in the use of this property under a strict application of the Code represent an "exceptional practical difficulty" as required by Code Section 3103.2. As noted above, Applicants maintain that expanding the house to accommodate this permitted use is, in reality, a legal impossibility. Therefore, given the overwhelming evidence of both "exception practical difficulty" and legal impossibility, Applicants submit that they have exceeded the evidentiary standard required to support a variance under DC Code Section 3103.2.

Consequently, unless the BZA grants this 5-ft variance from the strict application of Section 2500.4, there is no other reasonable, practical or legal way for the owners to add habitable space for live-in quarters for a domestic employee. Additionally, if this structure were built on a property of similar size and density located in a more restrictive zoning district, this 20-foot second story addition on the accessory garage would be permitted as a matter of right under Zoning Code regulations 403.2, 2500.5, 320.1 and 321.1.

II.

Rebuttals and Corrections of the Record

A. ANC and Office of Planning Erred in Fact and Law

(1) The ANC and OP erred in their determination that this variance would set a dangerous precedent. The DC Zoning Code permits as a matter of right the use of an accessory building in an R-3 District as living quarters for a domestic employee. Therefore, granting this variance would not set a dangerous precedent. Both ANC and OP acknowledged that this variance would create no density-related impacts on parking, light, public services, etc. because this property is unique and is three times less dense than all surrounding properties, as well as an anomalous R-1 sized lot in an R-3 district.

However, both ANC and OP object that this variance will create a dangerous precedent that would permit smaller properties to build illegal rental units even though such properties do not meet the unique size and density statistics of this property.[1] It is improper as a matter of law to judge Applicants' qualification for this variance based on some undocumented, future, speculative and hypothetical use of properties that have no relation to Applicants' property. Both OP and ANC have found that a 5-foot height variance for Applicants' intended and permitted use is consistent with the Zoning Plan and Map and that other properties in the neighborhood are already of similar height. Judging Applicants' case based on some speculative, hypothetical future use by other property owners who do not qualify would set a dangerous precedent as it would render the application of the rule of law subject to arbitrary and subjective application and deprive Applicants of valuable property rights.

Second, the Zoning Administrator has interpreted DC Code Sections 2500.4, 2500.5, 320.1 and 321.1 in a manner that requires a 5-foot height variance to build

[1] See Hearing Transcript at page 231 line 3.

up to 20 feet on an accessory garage on a R-1 Sized lot located in an R-3 District. Additionally, Zoning Administrator has interpreted the same Code Section in a manner that does not require a use variance as the use of an accessory building for the living quarters of a domestic employee is permitted as a matter of right in an R-3 district.[2] **If a use is permitted as a matter of right than objections to this variance on the basis that it sets a dangerous precedent are erroneous as a matter of law.**

Third, Applicants submit that Code Section 321.1(a) permits "any accessory use or accessory building permitted in R-1", in an R-3 district. The same Code Section that permits the intended use as a matter of right, permits a 20 foot height for an accessory building on a lot of the same size and density as a matter of right. Consequently, in order to protect Applicants rights on Appeal, Applicants assert that in addition to meeting or exceeding the evidentiary standard for a variance under DC Code Section 3103.2, BZA also can and should grant this variance under the Code Section 321.1(a) as a matter of right.

(2) ANC Erred in Fact and Law and is Therefore Not Entitled to Great Weight Under Code Section 3307.02.[3]

(a) ANC made several errors in fact based on misrepresentations that prejudiced Applicants. ANC found that "a large number of surrounding neighbors" opposed the Application. This is not correct. Only 2 neighbors determined by the BZA to be affected oppose this Application and a few other neighbors with personal conflicts of interests have opposed. Over 60 neighbors signed in support of this Modified Application for a 5-foot variance. Opponents have admitted that they materially misrepresented this Application to the entire neighborhood, to the ANC and to several elected officials by mischaracterizing this Application and by submitting signatures in opposition to a "31-foot, three story, multiple rental unit dwelling" and not to the Modified Application for a 5-foot variance which is at issue in this proceeding.[4] Each contacted party and public official in opposition advised Applicants that they opposed based on a the mischaracterization that this variance was for a "31-foot, three story, multiple rental unit dwelling" and was unaware that 60 neighbors actually supported this Modified Application for a 5-foot variance. Applicants request that all signatures and petitions in opposition to the 31-foot structure be stricken from this record.

(b) ANC erred as a matter of law - ANC also based its objection on the following statement: ANC 2E objects to the application because "there would be significant harm to the public good, specifically to the sight lines and air circulation of the neighbors at 1317 and 1319 33rd Street." This finding is erroneous in both fact and law.

1. The Application meets or exceeds the Zoning Regulations governing density, light and air consistent with the "Public Good." Zoning

---

[2] See Hearing Transcript at page 206 line 22; page 208 line 4-6, and page 209, lines 3-7.

[3] Applicants also reiterate their objection to the deprivation of due process that occurred on this issue before the ANC as a result of Zoning Administrator's failure to serve Applicants a copy of his decision prior to the ANC Hearing. See Applicants June 25, 2001, Main Brief at page 8.

[4] See Hearing Transcript at page 284 line 12-13 and page 249 line 2.

Code Section 101.1 states that the building density requirements contained in Section 403.2 for each zoning district sets forth the minimum requirements necessary to protect the public good and provide "adequate air and light." The Application as modified to 20 feet not only exceeds the minimum light and air and density requirements of Code Sections 101.1 and 403.2 for R-3 properties, but it even meets the far stricter light and air requirements under Code Section 403.2 for R-1-B properties, thereby ensuring more than adequate light and air ventilation to all neighboring properties. Additionally, OP and Expert Witness Almy both found the variance would cause no impairment of sight, light or air.

2. Owners of 1317 and 1319 33rd Street have no legal right to a visual easement over Applicants property. Applicants own fee simple ownership over all the property in question and have legally extinguished all easements over same. ANC does not have the legal authority to create a property right that does not in fact exist and to elevate such a non-existent right over the fee simple property rights of Applicants. Additionally, the Zoning Code permits Applicants to extend the accessory structure to 15 feet as a matter of right. OP and Expert Almy both agree that the extension of the structure from 15 to 20 feet will not materially impact the site-line of any neighbors.

B. Witness Gross Erred as a Matter of Law.[5] There is currently no structure in the "Required Rear Yard" as that term is defined in the DC Zoning Code. The owner of 1319 33rd Street submitted testimony into this record that the accessory structure exceeds 30 percent of the "Required Rear Yard." Gross' testimony is inaccurate. The accessory structure occupies zero percentage of the "Required Rear Yard."

The rear yard measures 90 feet from the rear building line of the main house to the rear property line. The total square footage of the rear yard is 3391 feet. The total square footage of the accessory building is 756 square feet. The total percentage of the entire lot occupied by the accessory building is only 22 percent. The accessory structure is situated 67 feet from the rear building line of the main house and no part of the structure falls within the 20 feet of rear yard required under DC Code Section 404. Applicants property is in full compliance with and clearly exceeds the rear yard requirements of Section 404 of the DC Code. **Exhibit 7 is the Expert Opinion of the Office of Zoning Administrator supporting Applicants position.**

C. Witnesses Vogt, Mitchell and Carter Have Unclean Hands. In order to protect Applicants rights on Appeal, we are forced to document that Witnesses Vogt, Carter and Mitchell had unclean hands with regard to their opposition to this Application. Witness Vogt initially signed in support of the 31-foot structure. Subsequently, he requested a legal easement to drain his swimming pool over Applicants property. When Applicants denied the request, Vogt rescinded his

[5] The Owner of 1319 33rd Street requested expert witness status for Mr. Nathan Gross and proffered his written and oral testimony into the record. For purposes of Appeal, Applicants reserve their objections to Mr. Gross' expert witness status and move to strike all testimony submitted into this record by Mr. Gross that was not properly served on the Applicant prior to the Hearing. Failure to submit Mr. Gross' testimony prior to hearing deprived Applicants of the right of effective cross-examination and due process.

approval and opp[redacted]d the modified 20-foot height. Witness Mitchell also misrepresented the number of signatures in opposition as well as represented other renters in his building who had offered to sign in support of the 31-foot Application if Applicants would stop using a dumpster that the dumpster company stated was on public property and therefore, could be used by the public. Thereafter, renters represented by Mitchell opposed the 20-foot Applicant. Additionally, owners of 1317 and 1319 33rd Street were requested by Applicants to remove fences improperly built on Applicants property and have opposed anything proposed by Applicants ever since.

E. Deprivation of a Use that is Permitted as a Matter of Right Imposes an Improper and Undue Burden on the Applicant. Applicants June 25, 2001, brief sets forth the intent to use the accessory building in a manner that is permitted as a matter of right. Zoning Administrator's interpretation of Code Section 321.1 supports the position that the use of this accessory building for living quarters of a domestic employee is permitted as a matter of right.[6] Granting this 5-ft. variance will accommodate a permitted accessory use with no impact on the historic house, historic garden, neighbors or the public.

As zoning experts for the DC government have testified Applicants have a legal right to use an accessory structure as sleeping quarters for a domestic employee. It would be improper for the District of Columbia Government to establish a legal standard in this case that (1) Forces Applicant's family and/or friends out of the main house in order to make room for a domestic employee, (2) Forces Applicants to waist time, money and incur additional hardships seeking permission to expand a known historical structure when the Commission on Fine Arts has already denied permission to expand the house even to its current perimeter, or (3) Force the Applicants to potentially damage historical gardens, trees, cisterns and impair the architectural integrity of an historical house as well as impair the light and privacy of the Applicants and the neighbors, when the requested variance would cause none of these impacts.

Applicants submit that the BZA has an obligation to judge the Applicants on the facts of this case (and not on some other owners' speculative, future intent to construct illegal rental units), and to weigh the relative difficulties of expanding the house versus the impacts of a 5-foot height variance to an 8-foot garage. Both the ANC and OP have found that there would be no density-related impacts on the neighborhood and the addition would be consistent with both the Zoning Code and Map because "there are a number of similar structures built to a similar height in the immediate neighborhood."[7] Since the use is permitted as a matter of right then the BZA should act reasonably to safeguard Applicants property rights and should grant the variance given the fact that there is overwhelming evidence that the variance would have no material impacts on the neighborhood or on the Zoning Plan.

---

[6] Applicant maintains that (contrary to Zoning Administrators assertion on Page 211, line 5), the use of an accessory building by family members of the owners of the main house is also a proper accessory use that should be permitted as a matter of right. However, this issue is not before the BZA in this Application (See: footnote 11 on page 6 of Applicants June 25, 2001 Brief).

[7] See Transcript at page 230, Lines 24-25 and Page 231 Line 1.

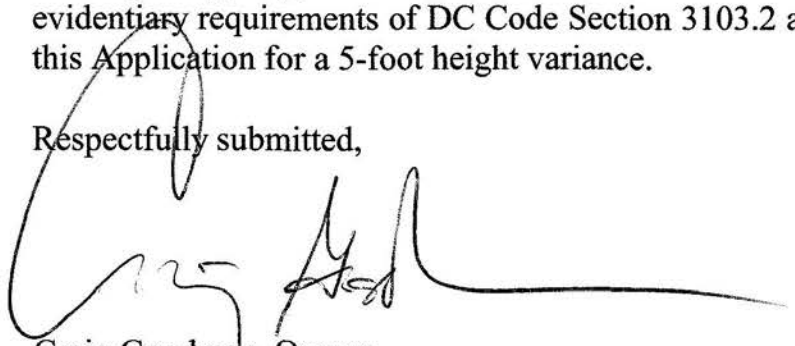
II
Conclusion

This Modified Application is for a unique property that presents an anomaly under the zoning regulations and is supported by more than 60 neighbors. Granting this Modified Application will accommodate a permitted use with the least impact on the public, neighboring properties, the historical structure and the historic garden. The Modified Application will improve sight, the surrounding area and have no impact on density, parking, light or air as defined by the Zoning Code. Approval of the 5-foot variance for a permitted use cannot reasonably be accomplished in another way because of unique, exceptional practical difficulties inherent in the land itself. This Modified Application is consistent with the intent and structure of all existing laws and regulations, will have no impact on the public and is consistent with existing precedent.

The Office of Planning, Expert Almy and the ANC agree with Applicants on the major issues affecting this Application, and any remaining concerns about the exceptional practical difficulties, light, air, density, parking, and Required Rear Yard limitations, have been addressed in full by the Hearing Record, the Applicants Main Brief dated June 25, 2001, Applicants Memorandum to the ANC dated June 5, 2001, this Brief and the Exhibits and expert testimony attached hereto.

Consequently, Applicant submits that it has met and/or exceeded all of the evidentiary requirements of DC Code Section 3103.2 and requests the BZA to grant this Application for a 5-foot height variance.

Respectfully submitted,



Craig Goodman, Owner

cc: Nathan Gross
ANC-2E

With Attachments:

Attachment 1- Expert Testimony of Register Architect Dave Almy (6 Pages and 1 page photos)
Attachment 2- Memorandum to ANC in Support of Application No. 16696 (14 pages)
Attachment 3- Expert Testimony of Archeologist (2 pages)
Attachment 4- Expert Testimony of an Arborist (1 Page)
Attachment 5- Archive Records of Case Numbers OG-84-30 and OG-84-57 (5 pages)
Attachment 6- Layout of the house and gardens (4 pages)
Attachment 7- Expert Testimony on Rear Yard Requirements (2 pages)

Attachment #1

ALMY ARCHITECTS, P.C.
11006 Kenilworth Avenue
Garrett Park, MD 20896-0123
(301) 949-7813 • Fax (301) 949-6574

July 30, 2001

Board of Zoning Administrator
C/O Mr and Mrs. Craig G. Goodman
3254 O Street, NW
Washington, DC 20007

Re: BZA Application No. 16696

Dear Members of the Board,

I have been asked by Mr. and Mrs. Craig G. Goodman to review their property at 3254 O Street, NW, because they have requested a 5 foot height variance to the outbuilding at the rear of their property, and the Board has requested the Goodman's to submit a professional opinion on the impact, feasibility and practical difficulties of this proposal.

I have reviewed the proposed addition to the outbuilding as well as the possibility of expanding the main house to accommodate the same use. It is my professional opinion, that adding the second story to the outbuilding will cause little or no damage to the historical house, to the historical garden or to the subsurface archeological remnants that are present on the property. Additionally, it is my opinion that the 2nd story addition will not impair the light, air or privacy of surrounding neighbors and have no adverse affects on the aesthetics of the alleyway and the neighboring properties. However, in my opinion, extending the house into the rear yard will cause significant damage to the historical fabric and architectural integrity of the building, and the construction will likely damage, possibly irreparably, the historical garden, the subsurface archeological remnants and invade the privacy and light of both neighbors that are closer to a possible expansion than there are neighbors to the outbuilding.

Description of Property

3254 O Street is an historic house with an historic garden, an elongated circular brick walkway, and brick garage. The house is fully detached with 2 side yards and occupies approximately 20 percent of the total land area of the lot with approximately 2,300 square feet of interior space above grade and one bedroom, a utility area, storage space/drafting area and a small home-office below grade. The Goodman's currently occupy all three bedrooms above grade full time and family or guests occupy the bedroom below grade most of the time. There is currently no room in the main house for another adult to live full time. The proposed second story addition will provide living quarters for a domestic employee.

The rear yard is approximately 3391 sq. ft. in total land area. The outbuilding occupies approximately 13 percent of the total lot size of 5533 sq. ft. and approximately 22 percent of the total rear yard area. There currently is no structure in the 20 feet of required rear yard as the garage is located approximately 67 feet from the rear of the house and the house is located approximately 90 feet from the rear of the property.

In the rear yard, there are a number of historic boxwoods, large, old ornamental trees, numerous bushes and flowering plants. The largest ornamental tree is a double cherry tree with a 6-foot circumference whose root system is visible 4 feet from the rear of the house. Any expansion of the house into the rear yard would destroy this tree and significantly damage the fabric of this historic garden.

Additionally, there are several historic underground structures that have not been fully or properly uncovered as of this time, but appear to date to around the civil war. These structures consist of two brick structures which may be of historical significance, with earth encroaching in on them, located approximately 10 feet or less behind the main house. There is also a fully submerged granite wall of unknown length and direction that I was not able to personally inspect. The underground structures that are visible appear historic but it will be impossible to determine if they tie directly into the main house until they are fully excavated. Any expansion of the main house

will likely damage these structures. I recommend that these structures not be disturbed and that the proper authorities investigate them for historical significance when practical.

Analysis of Proposed Addition Versus Expansion of Existing House into Rear Yard

I was asked to determine the impacts and difficulties of expanding the existing house versus adding a second story to the garage to accomplish the same intended use, namely to provide sleeping quarters for a domestic employee. I will address each option separately:

1. Expanding 3254 O Street into the Rear Yard

The architectural integrity of this historic home would be damaged if the house were expanded into the rear yard. The main house was designed as a detached structure. The house is a small scale dwelling with a simple layout. When standing in the front Living Room, one can easily observe the entire first floor and the rear yard with light and proper ventilation throughout. The existing floor plan was not designed to ensure adequate light and ventilation to the living areas at the rear of the house, in the event of a rear extension. To rearrange this floor plan to accommodate a bedroom for a domestic employee would require a great deal more than simply putting a room extension on the back of the house, with a door to the existing structure. I do not believe it is possible to achieve without depriving the house of a substantial degree of its existing architectural integrity.

Such an addition would force the Family Room and one recently renovated Bedroom which currently enjoys light filtered through a large cherry tree from a Southern exposure, to be entirely dependant on the modern windows to the East which are located 5 to 7 feet from the residence to the East. Currently, the windows at the rear of the house are original to the house, and greatly add to the historical character of the Family Room and Kitchen area, as well as to the entire house. To remove these windows would significantly damage the historical fabric and integrity of the house. The second story bathroom also shares the rear exposure and if an extension were added it would lose direct sunlight.

An extension would impair the Western sunlight to the rear of the neighboring house to the East, and to a portion of their garden. The extension would also deprive the neighbors of their privacy as the extension would look directly into the Bedroom and Kitchen/Breakfast rooms of 3252 O Street. The neighboring house to the West of the Goodman's has a modern extension with windows at the second floor. These windows would have the Eastern sunlight blocked.

The Eastern side yard has a maximum width of 7 feet. However, there are a number of obstacles which limit accessibility of equipment through this side yard. There are bay windows and significant numbers of trees, shrubbery, gates and trellises that would block large equipment. In my opinion, it may not be possible to get earthmoving equipment into the rear year even if a mature weeping cherry tree, a young pink dogwood tree, several large and small boxwoods, a large evergreen and the existing side yard gates and trellises were removed. Lastly, the proximity of the ornamental trees and the underground archeological remnants to the main house make it probable if not likely that earth moving equipment will significantly damage the ornamental trees, historical garden and remnants.

Currently, 3254 O Street preserves all original elevations as well as the original garden grounds with the traditionally elongated circular brick sidewalk, and is well known in the neighborhood as an exceptionally unique and beautiful home. To require the Goodman's to add new construction to this well preserved, historic house would negatively affect the historic nature of both house and the garden and damage considerably the grounds and architectural integrity of the structure. Additionally, in my opinion, the light, ventilation and privacy of the Goodman's and each of the neighboring properties to the East and West would be negatively affected by such an addition to the main house.

2. The Addition of a Second Story to the Outbuilding.

I have reviewed the modified plans submitted to the BZA for approval of a 5 foot variance to construct

a second story addition to the existing garage to a maximum height of 20 feet at the rear of 3254 O Street. In my opinion, the addition of a second story to the outbuilding can be accomplished with little or no impact or damage to the historical house, the historical garden or to the archeological remnants. Given the East-West orientation of the outbuilding, the addition will not impair light or air of any surrounding property.

The existing foliage and proposed new foliage that will be planted after the completion of the addition, plus the lack of windows on the Western side of the addition, will ensure that there is no impact on the privacy of any of the neighboring properties. Additionally, given the setback of the garage from the rear property line and the 5 off-street parking spaces, there would be no impact on public parking or ingress and egress to the alleyway.

Adding a second story to the existing outbuilding will be consistent with the zoning code and map as there are a number of other outbuildings on this alley of similar height. In my opinion, this property with the second story addition will continue to place significantly less density demands on the neighborhood than any of the surrounding properties.

I am also of the opinion that the second story as proposed would operate as a gentle buffer to the great disparity in heights between the current 8 foot high garage and the row of historic 5 story townhouses abutting the alley facing N Street. Currently, these five story structures have a virtually unimpeded view into the Goodman's living area, sleeping area and bathrooms during the late fall and winter months.

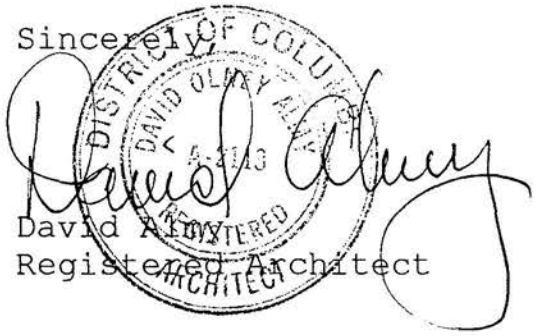
Additionally, given the current condition of the top of this 8-foot outbuilding, any neighbor with a current view of the top of this structure should have their view substantially improved with the addition of the second story. In my opinion, the addition of a second story, as proposed, would be consistent with the fabric of the other structures on the alley and would greatly improve the current aesthetics of the alleyway.

If the Goodman's are willing to restrict their construction to the outbuilding, thereby preserving the

historic main structure, the historic garden, as well as the North Elevation of the Carriage House, I would highly recommend that they be permitted to do so, as well as be commended for their efforts to preserve the historical fabric of the property and the neighborhood consistent with the needs of modern living.

I hope this analysis address the issues of import to the Board.

Sincerely,



David Alivay
Registered Architect



Pink Weeping Cherry
Gate with portion of wrought iron fence
14 foot Arborvitae's
Two small English Boxwood
One large Peers Japonica
One small Peers Japonica
The brick footpath



Pink Weeping Cherry
Gate with portion of wrought iron fence
Two small English Boxwood
One large Peers Japonica
One small Peers Japonica
The brick footpath



The Lattice Gate, fence, and fence posts



The brick patio, the 6 foot circumference
Double Cherry Tree
The fountain and all plantings along
The back of the house.



The 100 year old hybrid Rose Vine
The brick footpath
The Witch Hazel Tree
A 3ft Fig Bush
Many bulbs would be crushed
The ivy would be destroyed

Craig and Ann Goodman
3254 O Street, NW
Washington, DC 20007
(202) 333-3288-Day; (202) 333-0311-Evening
(202) 333-3266-fax

Memorandum in Support and Formal Request for Approval

To: **ANC Commissioners Wagner, Pulsifer, Birch, Polk, Levine, Kopa, Starrels, Ryan**

From: **Craig and Ann Goodman, Owners of 3254 O Street, NW**

Re: **BZA Application No. 16696 as modified on April 25, 2001, for a second story addition to an existing 8 foot garage not to exceed a total of 20 feet pursuant to DC Zoning Code Sections 2500.5, 320.1 and 321.1**

Date: **June 5, 2001**

Description of Modified Application and Legal and Factual Basis for Approval: 3254 O Street is a fully detached, single family dwelling facing O Street, with an accessory garage 8 feet in height, on a 5533 sq. ft. lot. This is not an "alley lot" as defined in the DC Zoning Code. This application, as modified on April 25, 2001, complies with the 40 percent land to building ratio of DC Zoning Code Section 403.2 governing the R-1-B properties because the land/building density of the property, after the addition, would total less than 35 percent. The Application is for a Maid's Quarters pursuant to (1) Code Section 2500.5, which permits maid's quarters to be built on accessory buildings up to a height of 20 feet on lots that comply with the building density limitations applicable to R-1-B; (2) Code Section 320.1 which permits the same related uses in R-3 districts as in R-1 districts; and (3) Code Section 321.1 which permits any accessory use or building permitted in R-1, in an R-3 district.

After receipt of a protest on the original **BZA** Application No. 16696, Applicants held meetings with neighbors and modified the Application significantly to take into account all of the concerns expressed. To date, more than 60 neighbors have seen the modified 20-foot plans and have either withdrawn their protest or signed in support of the new plan.

Issues Addressed:

1. **The Modified Application Eliminates Height Issues:** The 30.5-foot height of the original proposal has been lowered to 20 feet. This closely aligns with a neighboring structure, and meets the height restrictions applicable in the zoning code sections cited above.

2. **This Application Causes No Rental Unit Issues:** The owners have no plans whatsoever to rent this space. An affidavit has been on file from the beginning stating that we intend to use it for a maid's quarters or possibly a relative in need of assisted living. This property is and will be zoned for single family use only.

3. **This Application Causes No Parking Issues:** 3254 O Street has five existing off-street parking spaces and only two cars.

4. **This Application, as Modified, is Totally Consistent with Existing Laws as well as Past Precedent, and Does Not Set a New Precedent for Illegal Rental Units to be Constructed or Permitted.** 3254 O Street is the only fully detached home abutting the alley between Potomac Street and 33rd Street that would qualify for this addition under the strictest sections of the DC Zoning Code. This is because it is the only detached home on this block built to a 40% land/building ratio or less, all other homes are attached townhouses; most have built to the maximum 60% land to building ratio. Detached homes on the narrower alley, between 33rd and 34th Street, already have second story additions to their garages. Consequently, this application is consistent with current laws, existing precedent of other detached homes on the next block of this alley and will not set a legal precedent to permit unauthorized rental units to be constructed by attached town-homes already built out to the maximum 60 percent of existing land area.

5. **This Application Is Consistent With Density Restrictions:** The typical R-3 residence is an attached single family home, situated on 2,500 sq. ft. of land with comfortable living space equaling approximately 350-400 sq. ft./person or less. (Apartment buildings having a much higher density.) The 3254 O Street property is situated on a 5,533-sq. ft. lot. It is fully detached and sets 10 feet back from the public sidewalk. Even with the addition, it would occupy less than 35% of the land/building density limitation. After the addition, there would be a maximum land to person ratio of 922-1,107 sq. ft./ person, three times less dense than typical R-3 attached townhouses.

6. **City Services:** Issues such as fire codes, public safety, utilities, sanitation, drainage, structural integrity, etc., will be reviewed by the individual city departments within the permitting process. All drawings will comply with the existing standards.

7. **The Modified Application and Foliage Screen Improve the View.** Currently, neighbors look at an 8-foot high flat roof, with a painted red cinderblock one story garage roof next door and a 19 ft two story garage roof beyond. The major impact of the view associated with this Application is on the Applicants. The longer side of the addition, when built, will directly face the back of the Applicant's house. Adjacent neighbors have a partial side or angled view. There is an existing holly

tree (evergreen) of significant size which would block a major portion of the views from the 3258 O Street, 1327 and 1321 33rd Street residences.

To address concerns of neighbors, we have lowered the original Application height from 30.5 feet to a maximum of 20 feet, and have purchased a row of horn beam trees as a visual screen. We are advised that the trees are commonly used in Europe as a foliage screen as they retain their foliage for most of the year, until Spring growth replaces the existing leaves, and that they will become thick and may be trimmed to accommodate a small space as well as a specific height.

8. **The Impact of the Application on Light**: The addition is South of the Applicant's property and as such, the shadow created by the proposed addition would have the greatest impact on Applicant's property. To address concerns expressed, the original Application height of 30.5 feet has been modified to a maximum height of 20 feet. Applicants also built a small-scale model of the proposed addition and tracked the shadow in May. The deck on the 1317 33rd Street residence was in full sun after 10:30 AM. As this neighbor is West of the proposed addition, not North, it should have minimal impact, if any, on the vegetation.

Applicants greatly appreciate the comments received from concerned neighbors and the support that many of our neighbors have expressed during our visits. Since time is so valuable to all of us, and to the **ANC** agenda, we submit this document as a summary of all the actions taken to address each concern expressed to date. Additionally, we have attached a copy of the signatures of neighbors who have withdrawn any objection, have no objection, or have expressed support for the Application as modified to 20 feet.

Applicants formally request that this Memorandum and the Petition including signatures be attached to the written report of the ANC required under Title 11 DCMR Section 3115, et. seq. Additionally, Applicants formally request that the ANC approve this modified Application, based upon the law and facts set forth in detail above.

Thank you in advance for your thoughtful consideration.

Sincerely,

Craig and Ann Goodman

Attached Petition with signatures, April 25, 2001, Letter to Neighbors and Modified Plans.

We the undersigned **do not o[redacted]ct** to a one (1) story addition to the [redacted]isting garage at 3254 O Street, NW, as shown in the attached drawings dated April 25, 2001

	NAME	ADDRESS
1.	Helen C. Turner	3250 'O' St. N.W.
2.	James M. Oppenheimer	3248 "O" St. NW
3.	Margaret Oppenheimer	3248 "O" St NW
4.	[illegible]	3250 'O' St. NW.
5.	Katherine Bondurant	1305 Potomac St NW.
6.	RYAN OCKNER	1305 Potomac St NW
7.	Alex Coolidge	1305 Potomac St NW
8.	Eric Fabricant	1305 Potomac St NW
9.	James Bonath	1305 Potomac St NW
10.	[illegible]	3256 N St. NW
11.	James Buntinx Smith	1241 Potomac St
12.	[illegible]	1235 Potomac St NW
13.	[illegible]	" " " " " "
14.	[illegible]	1235 Potomac St NW.
15.	Sara F. Carroll	1239 Potomac St NW
16.	IRINA C. DUNCAN	1232 Potomac St NW.
17.	Willam BEADLESTON	1365 N. Street N.W.
18.	[illegible]	3265 Prospect St NW
19.	Peter Colosanto	1442 Wisconsin Ave NW Dr
20.	Steve Cooley	1236 Potomac Street N.W.

21.	Betsy Cooley	
22.	Nicole Peters	3252 O St NW
23.	[illegible]	" "
24.	Sara Kaak	1423 33rd St NW
25.	Wyslotsk Lucia	1233 Potomac St, NW
26.	[illegible]	1233 Potomac ST. NW
27.	Dace Powell	3280 N St NW.
28.	[illegible]	3301 N ST NW
29.	[illegible]	3336 O St NW
30.	Stuart Wiesblum	3338 O St NW
31.	[illegible]	3334 O St. NW
32.	A. Grossman	1324 34th St. NW
33.	[illegible]	1314 33RD St.
34.	Lesley [illegible]	1306 34th St. 1
965-1410 35.	[illegible]	3340 N ST. NW
	DON WEAVER + SUZANNE CAMERON	
36.	Tim Tracy	3338 N St. NW
37.	David Brock	3334 N. St NW.
38.	[illegible]	3330 N. Street NW
39.	[illegible] PIZZI	3327 N Street, NW
* 40.	Martin to call may	3300 [illegible] ST NW
41.	& change vote	3300 O ST NW
42.	N. Nash	1314 34th ST NW

JOSE MARTINEZ

Ref = Pat McGettigan
3327 N St NW

43.		1310 34th Street (T.M. Jones
44.	Charles Rumph	3338 N St. N.W.
45.	Shirley J. Johnson	3328 N St NW
46.	Wm Thos Hart	3321 N Street NW
47.		3319 N STREET, NW.
48.		1318 33rd St NW
49.	Joan Pickett	3245 O st St NW
50.		3245 O ST NW
51.		3254 O St NW,
52.	DAVID Pyle	1310 33rd STreet, NW
53.	Lilian Barwick	3301 O St. N.W.
54.	CHRIS ALIVERTO	1313 POTOMAC ST NW.
55.		
56.		3313 N St
57.	David R. Marshall	3313 N. St.
58.		3313 N ST.
59.		3317 N St.
60.		3249 O ST.
61.	Jim Carey	1316 Potomac St NW
62.		
63.		
64.		

HAND DELIVERED ON APRIL 30, 01, TO ANC, WITH FULL MODIFIED PLANS ATTACHED.

Craig and Ann Goodman
3254 O Street, NW
Washington, DC 20007
(202) 333-3288 (day) (202) 333 -0311 (evening)

April 25, 2001

Dear Neighbor,

On April 16, 2001, we received a fax of a petition and formal protest against a three story multiple rental unit structure to be built on our property. We had filed an application for a variance to construct a one story addition to an existing garage for live-in maid's quarters at the rear of our lot. With the application, we filed an affidavit and detailed explanation of the need for the addition and that it would be used for a live-in maid or family member in need of assistance. These documents were not attached to the petition causing regrettable and unnecessary misunderstandings.

On April 18, 2001, we invited ANC officials, BZA officials and neighbors objecting to the project to come to our home and review the property, the site and any potential impacts. After this meeting, we decided to submit a significantly modified plan that takes into account our neighbors various concerns and simultaneously complies with the strictest area/building-density provisions of the existing zoning code. The neighbor's view under the modified plan is attached to this letter together with a lot density site plan for your review and hopefully your support.

It should be noted that the lot on which this second story addition will be built faces O Street, with access to both O Street and the alleyway, and after the project is completed, the total building area of this lot will meet the strictest building-density limitations in the DC code (less than 40 percent of the total lot).[1] No other property on O Street or N Street between Potomac and 33rd can meet the strict building-density limitations of the R1 zoning requirements. Properties that meet the R1A or R1B area/building-density limitations are permitted to add a second story live-in quarters for domestics as a matter of right.

This significantly modified plan is for a unique property, necessitated by the reasonable needs of the owners with all efforts made to minimize the impact on adjacent properties. Because this unique Georgetown property is the only fully detached dwelling on this block that qualifies under the strictest building-density limitations of the DC zoning code, it can not serve as a precedent that will lead to overbuilding on smaller lots or the development of unauthorized rental units.

The myriad of collateral issues raised in the petition and formal protest do not address this new modified plan. If you have any questions or need additional information, please call us. We would greatly appreciate your review and support of the attached modified plan.

Thank you for your time and consideration.

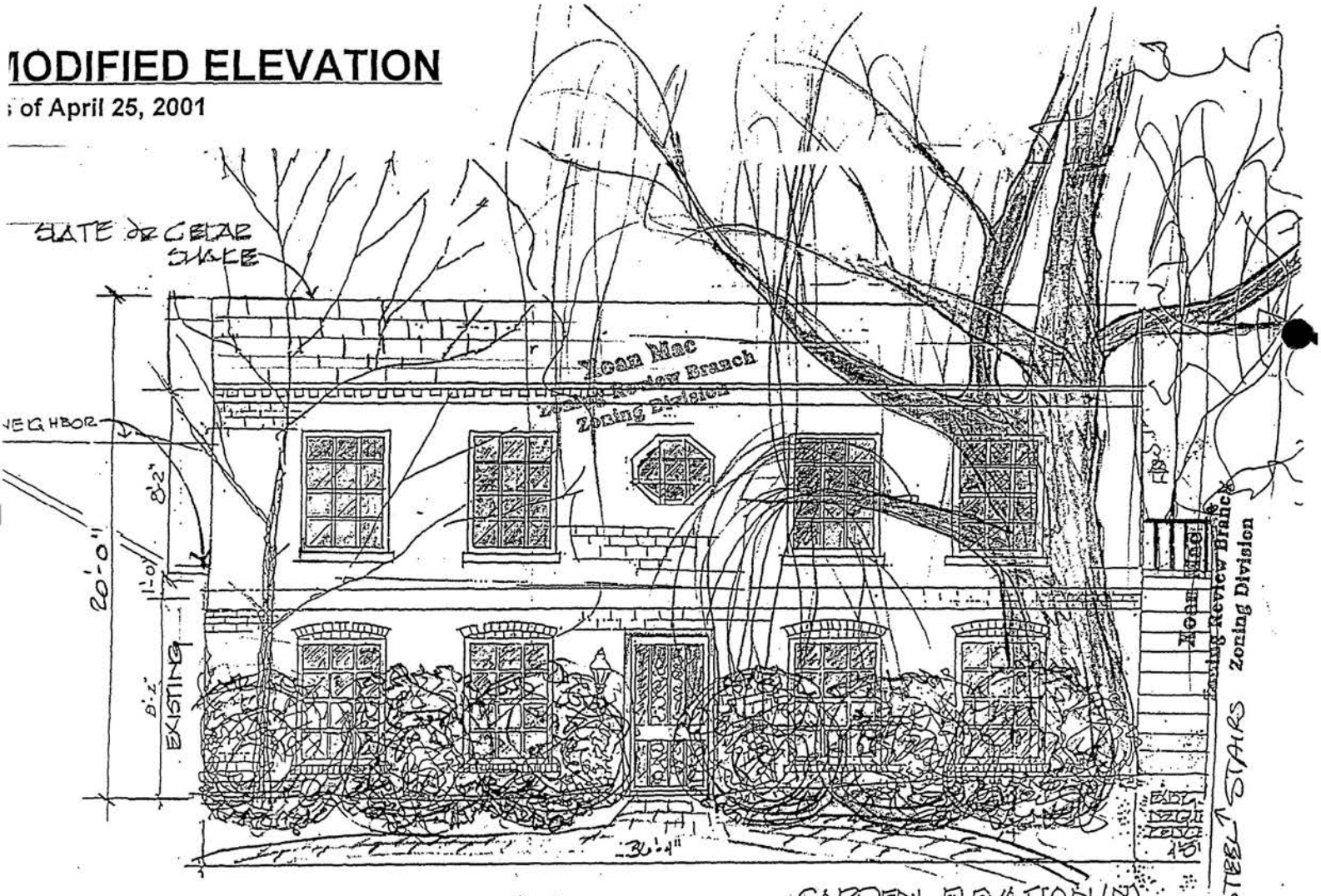
Sincerely,

Craig and Ann Goodman

[1] See Section 403.2; Sections that bear on the intention of the DC zoning code as it applies to this structure include: 200, 201, 202, 300 and 403 et. seq.; 204.1; 300.3 (a); 320.1 "permitted related uses are the same in R-3 districts as in R-1 districts"; 321.1(a) permits in an R-3 district "any accessory use or building permitted in R-1 districts"; 400.1; 402.4 contains floor area ratios; 403 percentage of lot occupancy; 404 minimum rear yard limitations; Section 2500 et. seq. applies to accessory buildings. See also Section 202.9 for comparison purposes. It should be noted that the property has at least 5 spaces for off street parking.

MODIFIED ELEVATION

; of April 25, 2001



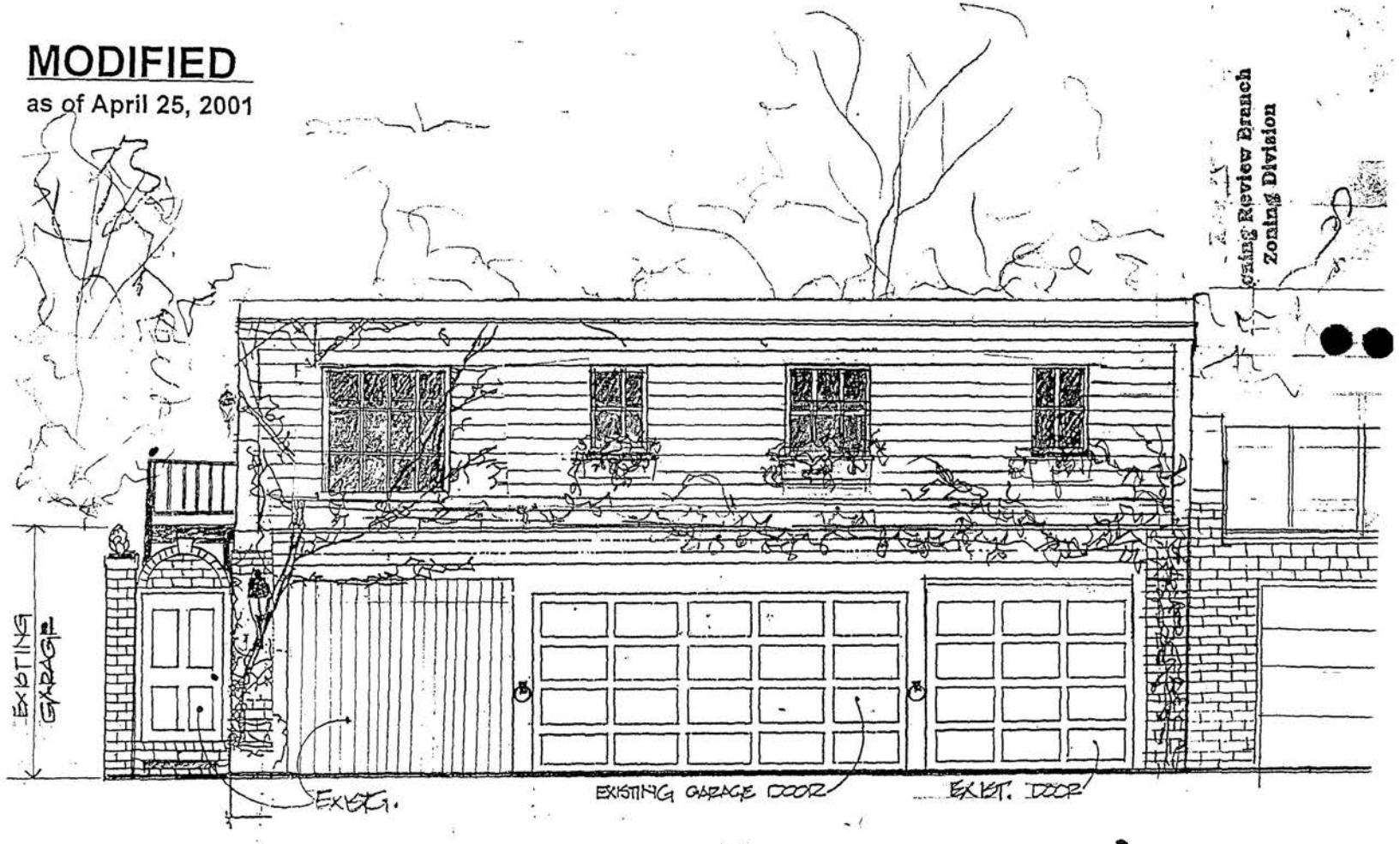
Maids Quarters

A-1

MODIFIED

as of April 25, 2001

Zoning Review Branch
Zoning Division

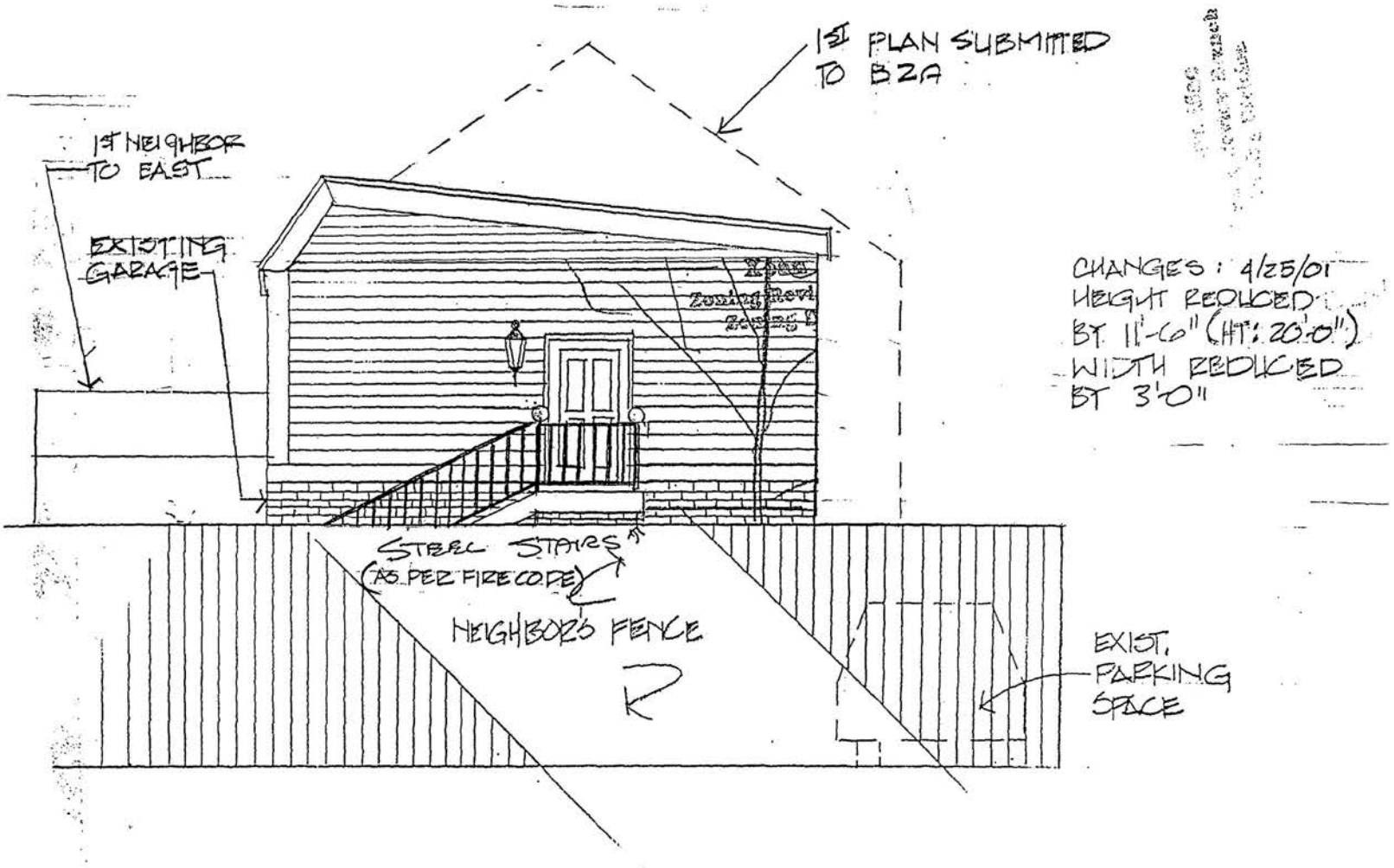


4/25/01 CHANGES: HEIGHT REDUCED BY 11'-6"
MTL. ROOF, ONE WINDOW DELETED-SEE FLOOR PLAN, WINDOW SIZES ALTERED

ALLEY

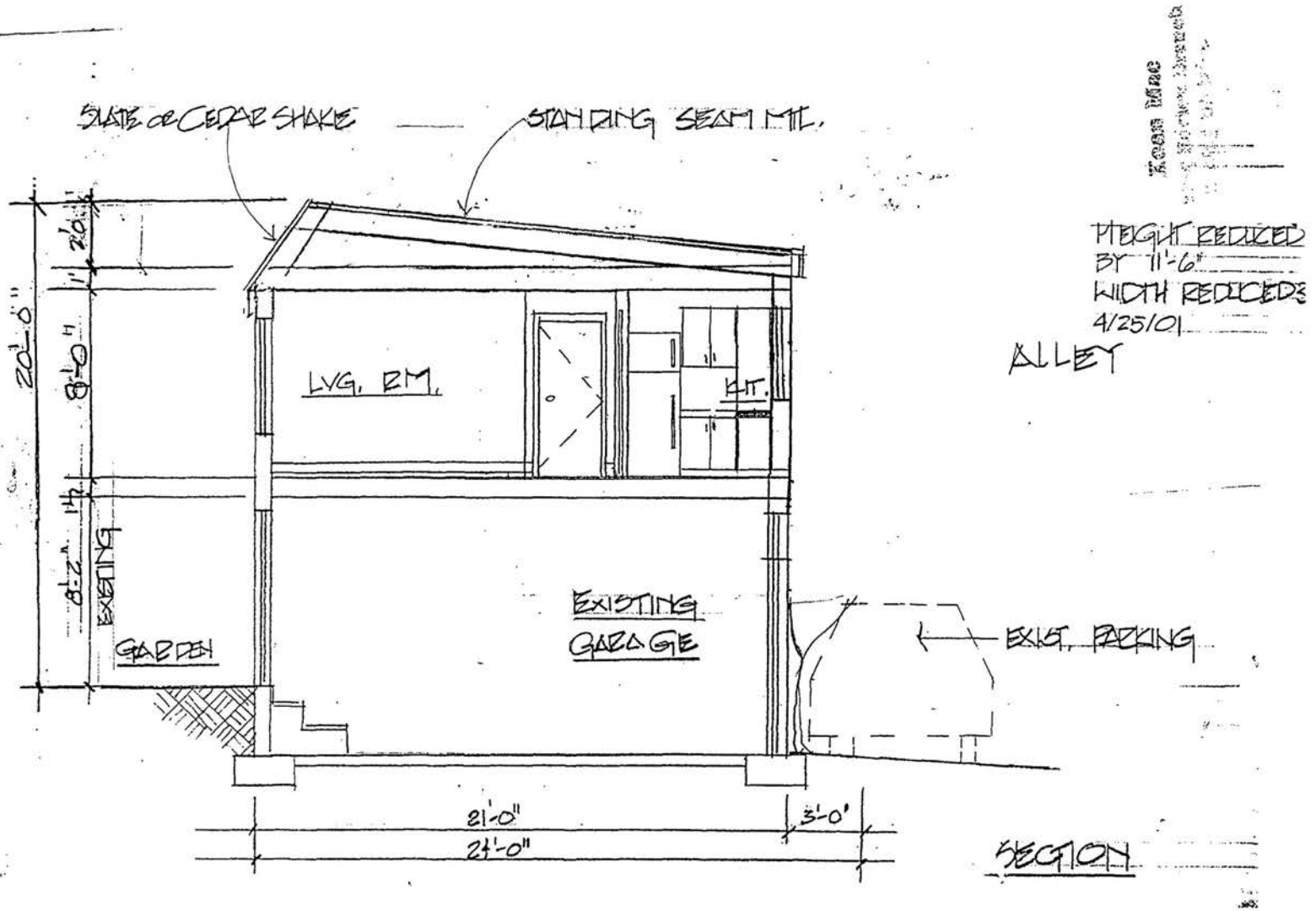
MODIFIED ELEVATION

as of April 25, 2001



MODIFIED SECTION

as of April 25, 2001



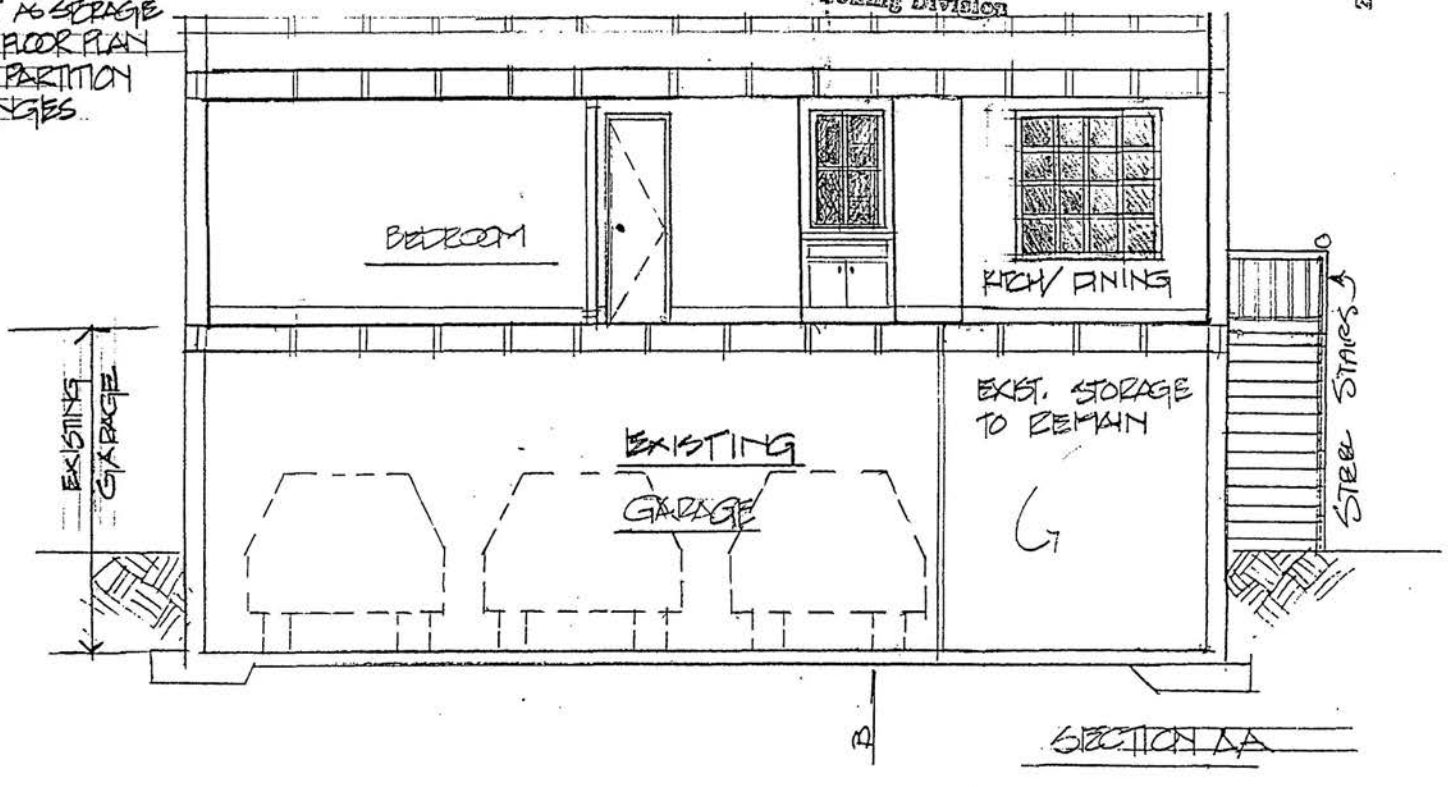
MODIFIED SECTION

s of April 25, 2001

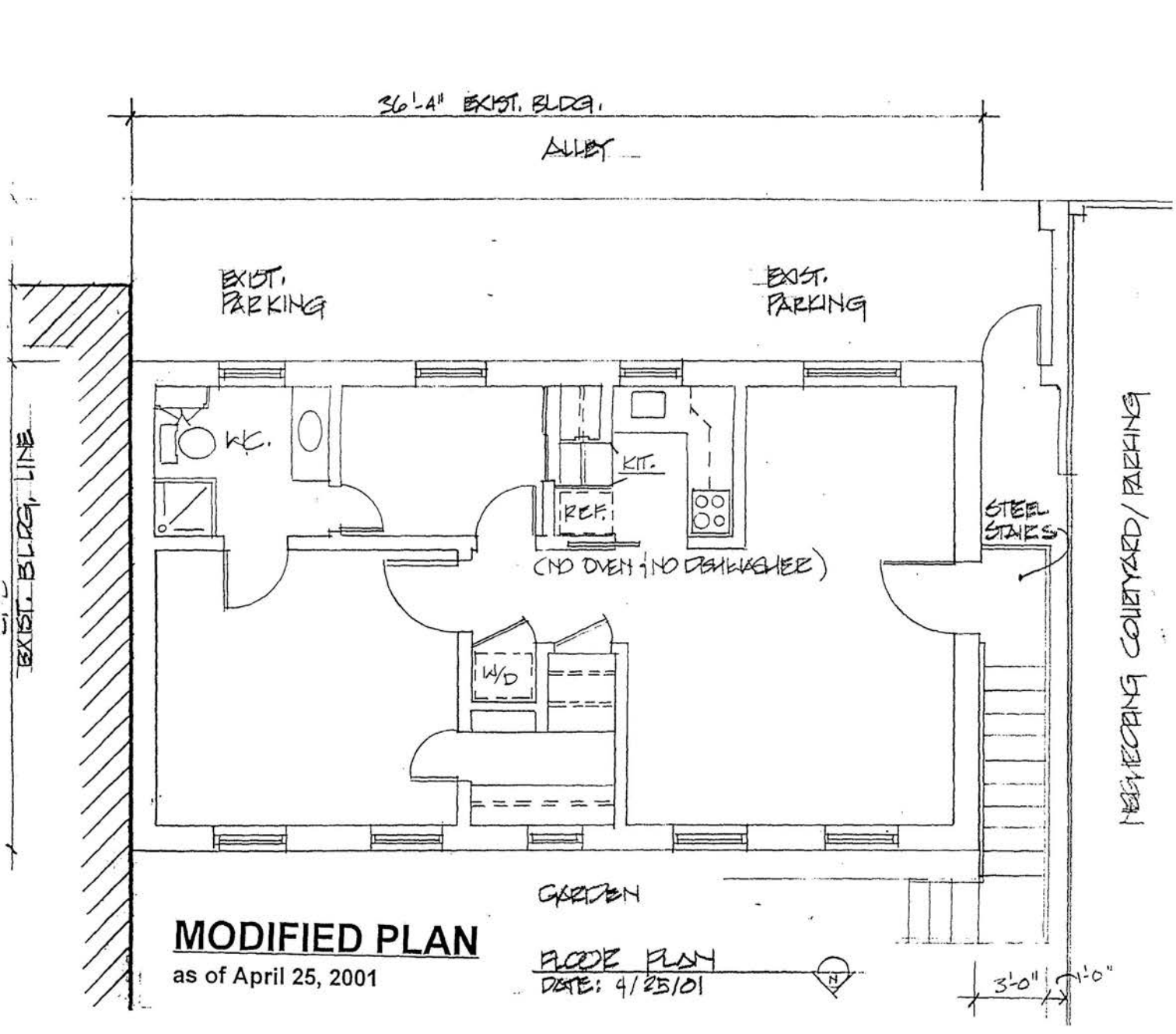
CHANGES: 4/25/01
PEAKED ROOF REMOVED
PARKING SPACE
LEFT AS STORAGE
SEE FLOOR PLAN
FOR PARTITION
CHANGES

Xoan Mac
Zoning Review Branch
Zoning Division

Xoan Mac
Zoning Review Branch
Zoning Division



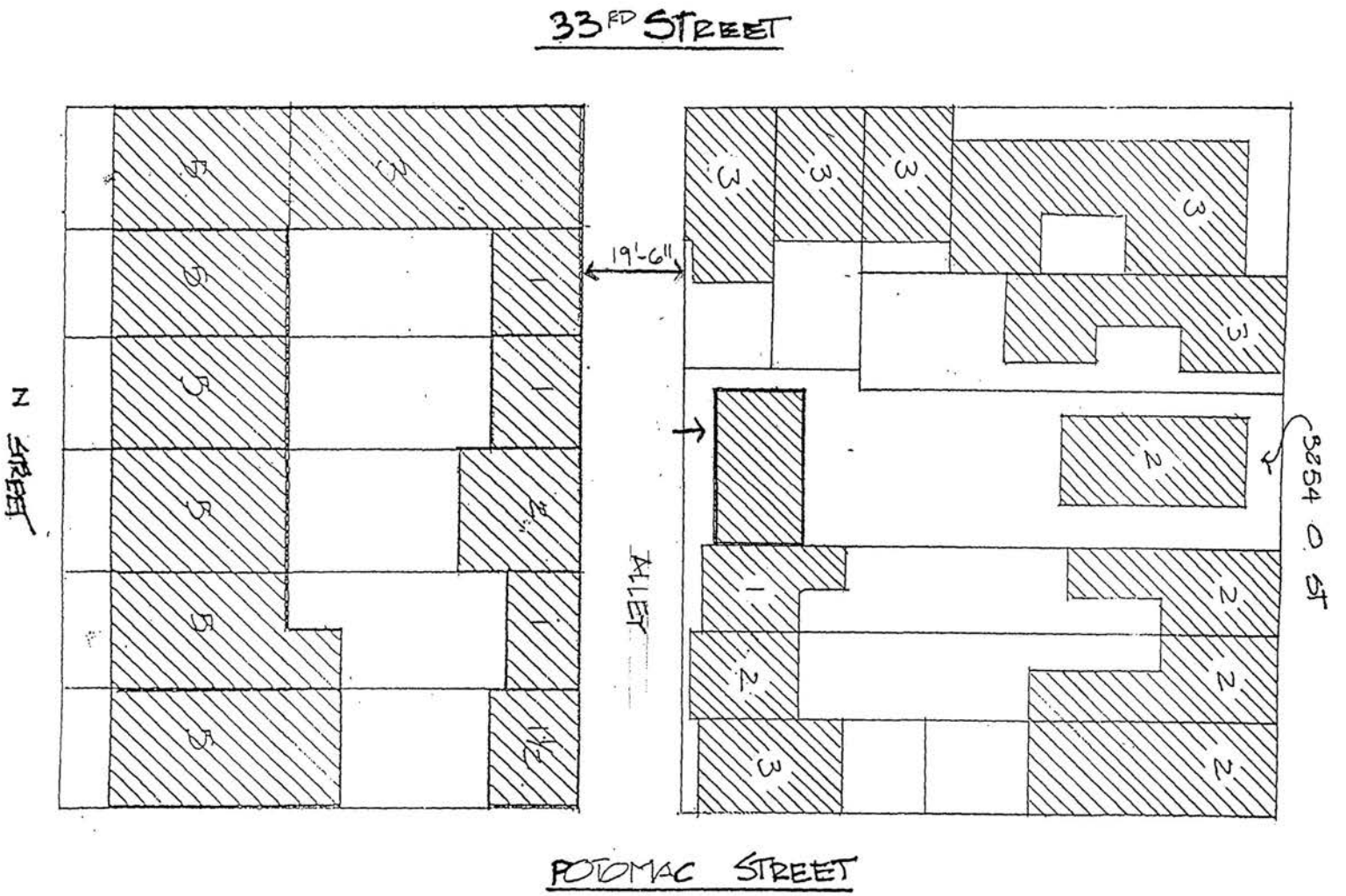
SECTION AA



MODIFIED PLAN

as of April 25, 2001

FLOOR PLAN
DATE: 4/25/01


33RD STREET
19'-6"
ALLEY
3254 O ST
N STREET
POTOMAC STREET
N

Attachment #3

GOVERNMENT OF THE DISTRICT OF COLUMBIA
HISTORIC PRESERVATION OFFICE
OFFICE OF PLANNING

July 27, 2001

Mr. and Mrs. Craig Goodman
3254 O Street, NW
Washington, DC 20007

Dear Mr. and Mrs. Goodman:

This letter is a summary of our evaluation—following a site visit of July 25—of an archaeological feature located in your rear yard. Unfortunately, we did not have measuring equipment with us, so measurements are only estimates.

The structure is a nineteenth-century brick cistern, located near the east property line and about seventeen feet south of the southeast corner of the house. The feature is visible at the ground surface; one aperture in its top is the result of damage to its domed ceiling, but the other is a finished, two-foot-diameter opening from which water was probably drawn originally. The interior diameter of the entire cistern is at least eight feet. Without excavating the feature to some extent, it is impossible to determine its exact overall diameter and depth. The walls of the cistern are probably two wythes of brick thick. The depth is likely in the five- to eight-foot range.

Georgetown undoubtedly had, and still has, hundreds of subterranean structures built as water sources and for water storage in the eighteenth and nineteenth centuries. Unfortunately, we do not have documentation on many. Wells were much more common than cisterns and differ from cisterns in a few respects. While both types of features were often constructed of brick, wells were dry laid and sunk deeper into the ground to collect water from the water table. Cisterns were used to hold water collected from above the surface and were, therefore, parged with cement on the interior to keep the water in (and keep groundwater out). This particular cistern retains it parging and was likely fed from a terra cotta pipe running from the house and not too far below the surface. Its interior is divided into two unequally sized chambers by means of a brick wall one wythe thick. The purpose of the wall was to act as a filtration barrier. If the cistern were excavated, you would find apertures at the base of this barrier. The floor of each chamber would have been lined with a layer of charcoal and then with a layer of sand and perhaps gravel on top. Water (likely rainwater) would be let into one chamber (probably that closest to your house) and would percolate through the charcoal, sand and gravel on each side as it passed from one side of the barrier to the other, seeking its own level. Thus, clean water could be drawn from the circular aperture to the surface—avoiding much of the possible contamination of groundwater or fluctuations in the water table. This technology was well known and commonly used by the second quarter of the nineteenth century when your house was built. Thus, the cistern may be roughly contemporaneous with the construction of the house. It is unlikely to have been built after Georgetown received public water service.

You were interested to know whether the cistern is important to be preserved. As we suggested on our visit, there is nothing in the Historic Preservation Act which necessarily protects such a structure. Nonetheless, there certainly is a value in protecting any nineteenth-century structures and certainly those which—all things being equal—need not be demolished. This happens to be a good example of a mid-nineteenth-century cistern and in very good condition.

Sincerely,

Nancy Kassner

Nancy Kassner, Archaeologist

Tim Dennée, Architectural Historian

Attachment #4

TRUGREEN ChemLawn

TruGreen ChemLawn
18910 Woodfield Road
Gaithersburg, MD 20879
P.O. Box 7866
Gaithersburg, MD 20898
301-869-1292
FAX: 301-977-1543
800-486-1292

To Whom It May Concern:

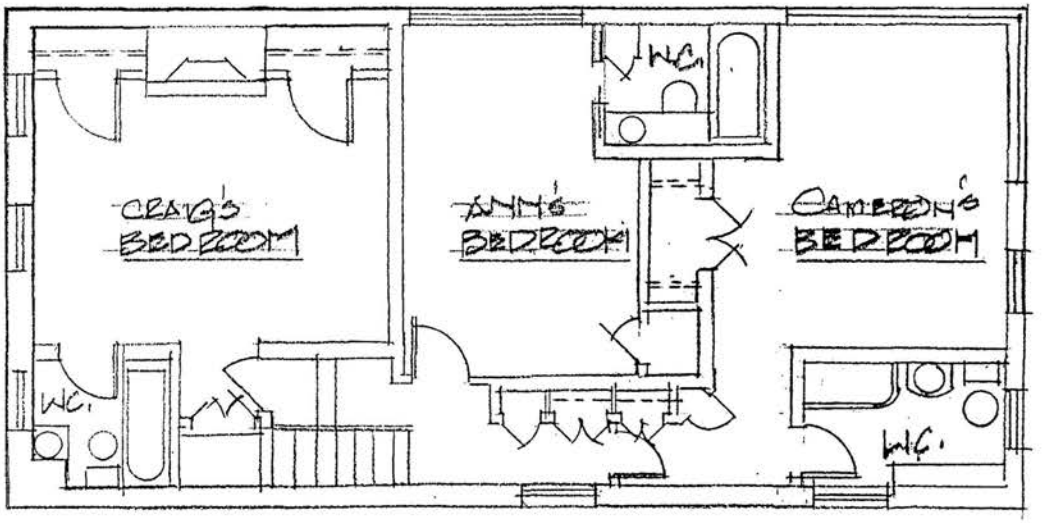
I maintain the garden at 2354 O Street. Mrs. Goodman has asked me to render my opinion as to whether the English Boxwood to the rear of the property could be successfully relocated.

In general, Boxwoods are very fragile, and difficult to move. These bushes are approximately 100 to 150 years old and their root system is entwined. It is difficult to define one bush from the other. It is highly unlikely that these bushes would survive relocation.

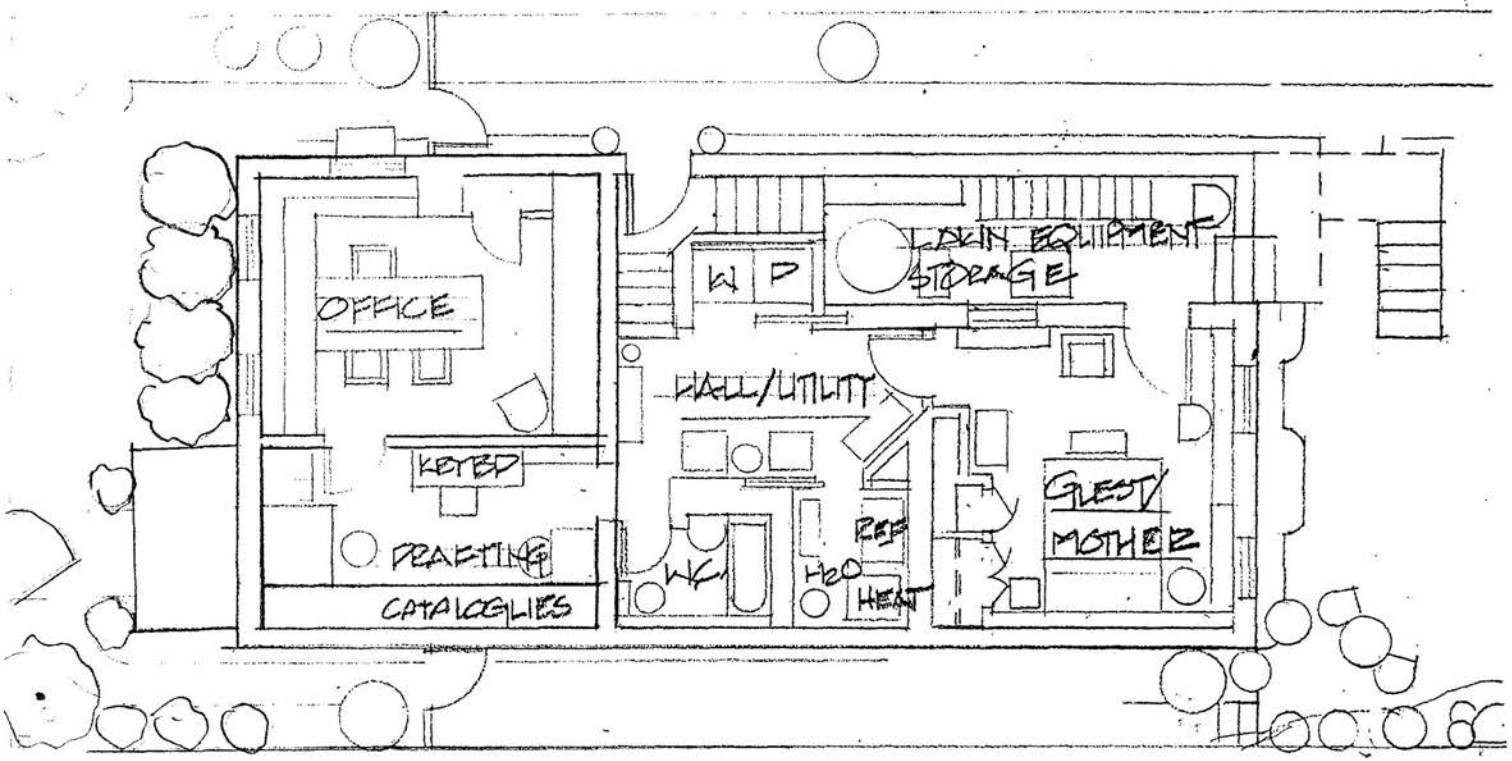
Sincerely,

Mark Temp
Specialist

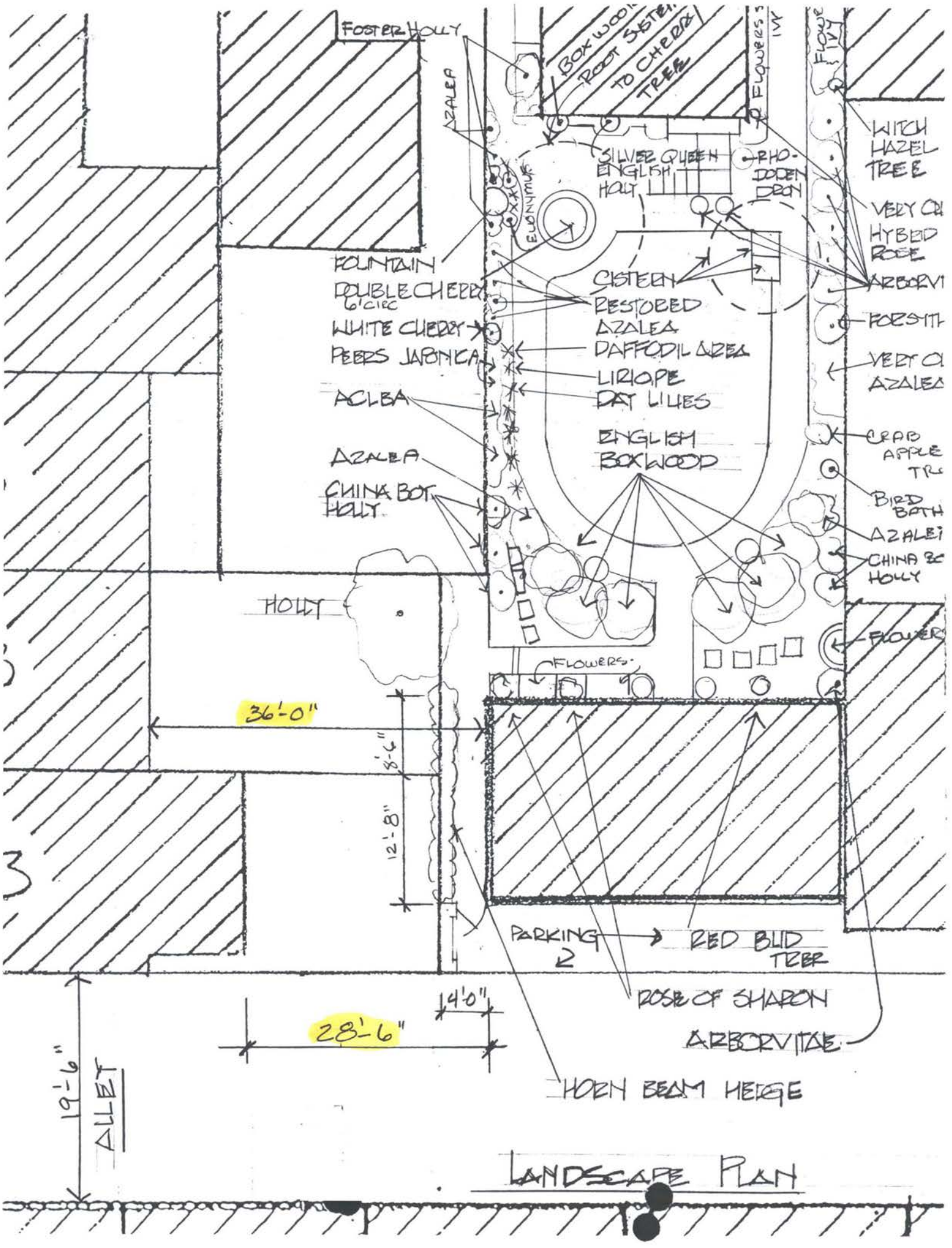
Attachment #5



SECOND FLOOR PLAN



BASEMENT PLAN



LANDSCAPE PLAN

Attachment #6

CRAIG G. GOODMAN
3254 O STREET, NW
WASHINGTON, DC 20007

Licensed to Practice Law:
Texas
Florida
Washington, DC

Office: (202) 333-3288
Fax: (202) 333-3266
Home: (202) 333-0311

July 20, 2001
By fax to (202) 504-2195

Mr. Charles Atherton
Secretary
Commission on Fine Arts
National Building Museum
Suite 312
441 F Street, NW
Washington DC 20001

Re: Request for Archive Records on Case Numbers OG- 84-30; OG-84-57 and OG-84-105

Dear Mr. Atherton,

The Board of Zoning Adjustments has requested that we supply them with as much information as possible on **Case Numbers OG- 84-30; OG-84-57 and OG-84-105.** I believe these records are in archives in Suitland.

Could you please request that the files including all drawings and reports or CFA recommendations be sent out of archives so we can make copies of the files and submit the material to the BZA for their consideration.

I will only be in town next week so time is of the essence.

Thank you in advance for your assistance in this matter,

Sincerely,

Craig G. Goodman
Owner, 3254 O Street

O.G. 84-30 3254 O Street, N.W.
HPA. 84-67
Subm.: 2 Dec. 83 Recd.: 5 Dec. 83
Owner: Dr. William H. Crocker
Agent: Thomas S. Shiner, arch. 537-0098
Project: alterattion and addition to existing residence. Conceptual
ACTION: Design concept is disapproved for alteration and addition to the existing residence as shown on drawings received and dated 5 December, 1983. Design is incompatible with the existing character of the house.

OPTIONAL FORM 99 (7-90) 20 July 2001
FAX TRANSMITTAL # of pages ▸ 2
To Mr. Craig Goodmon From J MARTINEZ
Dept./Agency Phone # 504-2200
Fax # 353-3266 Fax # 504-2195
NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

O.G. 84-57 3254 O Street, N.W.
HPA. 84-128 (See also O.G. 84-30)
Subm: 6 Jan 84 Recd: 9 Jan 84
(Conceptual Review)
Owner: Dr. William Crocker 333-1308
Agent: Thomas S. Shiner Architect 537-0098
Project: Infill of existing porch w/the extension of 2 existing bedrooms, addition of interior stair, bathroom, and laundry room.
ACTION: Concept is approved for alterations and porch infill renovation as shown on drawings received and dated 9 January 1984. Submit working drawings for review prior to issuance of permit.

O.G. 84-105 3254 O Street, N.W.
HPA. 84-223
Subm: 3/2/84 Recd: 3/2/84
Owner: Dr. William Crocker 333-1308
Agent: James Boyd 667-2255
Project: Porch enclosure - niche infill & interior remodeling.
ACTION: Issue permit for alterations as shown on working drawings received and dated 2 March 1984.

GOV .NMENT OF THE DISTRICT C COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land
Regulation Administration

DECEIVED
DEC - 5 1983

CONCEPTUAL REVIEW

Transmittal Letter - Commission of Fine Arts

Date 12/2/83

TO: The Commission of Fine Arts:

The accompanying application, HPA NO. 84-67 and O.G. NO. 84-30 ; is referred for consideration and appropriate recommendation in accordance with the provisions of D.C. Law 2-144, the Historic Landmark and Historic District Protection Act of 1978, and in accordance with the following act (s).

(X) The Old Georgetown Act, Public Law 808, 81st Congress
( ) The Shipstead-Luce Act, Public Law 231, 71st Congress

PREMISES	LOT	SQUARE
3254 "O" STREET, N.W.	809	1230

Complies with applicable D.C. Regulations:

Lenwood Graham, Chief
Permit Information Branch

By: M. BARNES

RECOMMENDATION:

DATE 8 December, 1983

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808 and Public Law 231 for those applications also subject to D.C. Law 2-144.

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted.

RECOMMENDATION: Design concept is disapproved for alteration and addition to the existing residence as shown on drawings received and dated 5 December, 1983. Design is incompatible with the existing character of the house.

J. Carter Brown, Chairman

By Charles H. Atherton

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSU. ' AND REGULATORY AFFAIRS

Building and Land. L
Regulation Administration

RECEIVED
COMMISSION OF FINE ARTS

JAN 1984

Transmittal Letter - Commission of Fine Arts

Date 1-6-84

TO: The Commission of Fine Arts:

The accompanying application, HPA NO. 84-128 and O.G NO. 84-57, is referred for consideration and appropriate recommendation in accordance with the provisions of D.C. Law 2-144, the Historic Landmark and Historic District Protection Act of 1978, and in accordance with the following act (s).

(x) The Old Georgetown Act, Public Law 808, 81st Congress
( ) The Shipstead-Luce Act, Public Law 231, 71st Congress

PREMISES	LOT	SQUARE
3254 O St. N.W	809	1230

Complies with applicable D.C. Regulations:

ZONE: R-3

Lenwood Graham, Chief
Permit Information Branch
D. Peters
By: _____

RECOMMENDATION:

DATE 1/13/84

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808 and Public Law 231 for those applications also subject to D.C. Law 2-144.

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted.

RECOMMENDATION: Concept is approved for alterations and porch infill renovation as shown on drawings received and dated 9 January 1984. Submit working drawings for review prior to issuance of permit.

J. Carter Brown, Chairman

Attachment #7

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

August 16, 2001

Craig Goodman
3254 O Street, NW
Washington, DC 20022

Re: 3254 O Street, NW
Washington, DC
BZA Case # 16696

Dear Mr. Goodman:

This letter is in response to your letter of June 13, 2001 requesting clarification of Zoning Administrator's interpretation of what constitutes a "required rear yard", and whether your proposed two story private garage, which is the subject of an appeal hearing before the BZA, is within the required rear yard.

The Zoning Regulations, DCMR Title 11, Section 199, defines "Rear Yard" as follows:

> "A yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this Title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this Title."

Section 2300.2(a) specifically allows a private garage to be located within a rear yard. Hence, the required rear yard is measured from the end of the building line of the principal structure out towards the rear property lot line.

Section 2500.6 however, prohibits the location of a two story private garage within the required rear yard of your underlying zone. The required rear yard in the R-3 zone, the designation of the subject property, is twenty (20) feet.

The survey plat attached to your letter shows the proposed garage to be significantly outside of the first twenty (20) feet of linear distance measured from the end of the building line of the principal structure. It is, therefore, not located within the required rear yard.

941 North Capitol Street, N.E., Suite 2000, Washington, D.C. 20002
Phone: (202) 442-4560 Fax: (202) 442-4871

08/16/01 17:21 FAX 2024424871 002

I hope this response provides the clarification you sought in your letter. Please contact me at 442-4576 if additional information is required.

Sincerely,

Toye Bello, Chief
Zoning Review Branch

TB/er

Cc: Michael D. Johnson, ZA