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May 13, 2002

**BY MESSENGER**

District of Columbia Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210 South
Washington, D.C. 20001

Re: Application of Lori Trautwine – BZA Case No. 16810

Dear Board Members:

Please find enclosed Requested Findings of Fact And Conclusions Of Law Of Parties In Opposition To Application. For the convenience of the Board, the parties in opposition (Dr. and Mrs. Joiner and Mrs. Giese) have prepared this document jointly. Also enclosed is a letter from Mr. Giese confirming this. We thought that it would be easier for the Board to receive one set of proposed findings of fact and conclusions of law from these parties, rather than having to review multiple filings.

Please contact me if you have questions.

Sincerely yours,

JACKSON & CAMPBELL, P.C.

Vernon W. Johnson, III

Enclosures as Stated

cc: Dr. and Mrs. Gordon B. Joiner (via mail; w/encls.)
Stephen N. Gell, Esq. (via fax; w/encls.)
Robert B. Giese, Esq. (via fax; w/encls.)
Office of Planning (via fax; w/encls.)
ANC 2E (via fax; w/encls.)
Ms. Barbara Zartman (via fax; w/encls.)

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BZA
Case No. 16810
Exhibit No. 84

Board of Zoning Adjustment
District of Columbia
CASE NO.16810
EXHIBIT NO.84

111 South Calvert Street
Baltimore, Maryland 21202
410-385-5343

200 A Monroe Street
Rockville, Maryland 20850
301-340-0450

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May 13, 2002

Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, NW
Washington, D.C. 20001

Re: Lot 818, Square1236, 1324 27th Street, NW--- BZA Case NO. 16810

Dear Mr. Griffis,

Please find attached Requested Findings of Fact and Conclusions of Law for the above described case, filed on behalf of Virginia B. Giese and, for the convenience of the Board, jointly with Dr. and Mrs. Joiner.

Thank you for your consideration of this matter. If you have any questions or require further information, I can be reached at the above number.

Sincerely,

Robert B. Giese

Cc: Vernon Johnson
ANC 2E
Stephen Gell
Office of Planning

**APPLICATION OF LORI TRAUTWINE**
**BZA Case No. 16810**

**Requested Findings Of Fact And Conclusions Of Law**
**Of Parties In Opposition To Application**

As directed at the hearing in this case on April 16, 2002, the following proposed findings of fact and conclusions of law are submitted by the parties in opposition to this application, Dr. and Mrs. Joiner and Mrs. Giese. We thought that it would be easier for the Board to receive one set of proposed findings of fact and conclusions of law from these parties, rather than having to review different sets from the parties.

## REQUESTED FINDINGS OF FACT

1. The subject property is Lot 818, Square 1236. Its street address is 1324 27th Street, N.W.

2. The applicant is one person and the sole owner of the subject property.

3. The property was purchased by the applicant on July 17, 2001. The applicant has filed for and received a Homestead Exemption for the property.

4. For years, the subject property has been used as a residence by various people, including owners and renters.

5. The subject property is within the Georgetown Historic District, and is zoned R-3. It contains a rectangular-shaped lot that is approximately 10.75' wide by 48.37' long, with a two-story existing structure on it. The existing structure contains 558 square feet of living space, with a 54% lot occupancy.

6. There are six other lots on the same block of 27th Street, N.W. as the subject property. All six of those lots are also rectangular-shaped and approximately the same size, with structures that are also of similar size, shape, and square footage of living space.

7. To the rear of the houses on 27th Street, N.W., there is a high combination wall and fence and no public alley or other place of ingress or egress.

8. The only addition to any of the structures on the other lots on 27th Street, N.W. is a "galley kitchen" with a small bathroom above it, behind the Giese Property at 1322 27th Street, N.W. That addition is not shown on the official plat and was built prior to the early 1940's, prior to the enactment of the current Zoning Regulations.

9. The applicant's project would occupy 75% of the lot area.

10. ANC 2E has considered the application, or various forms of it, on six separate occasions and has opposed the application in its present form. As set forth in the letter from ANC 2E, the basis for the opposition was "because of adverse affect on the adjoining neighbors."

11. The applicant is seeking five separate variances to construct the addition on the property, asserting that it is not economically viable to perform improvements without obtaining the additional living space that the addition would afford.

12. Prior to purchasing the property, the applicant was aware of the need for zoning variances to construct an addition to the property, the applicant made several related filings with the Old Georgetown Board and ANC 2E, and the applicant testified that she bought the property with full knowledge and acceptance of the risk that the required zoning variances would not be granted.

## CONCLUSIONS OF LAW

The applicant seeks variance relief in an R-3 District from 11 DCMR § 3103.2 for variances from the minimum lot dimensions requirement under section 401; the lot occupancy requirements under section 403; the rear yard requirements under section 404; the court requirements under section 406; and the nonconforming structure requirements under subsection 2001.3, to allow an addition to a single-family dwelling.

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 30, 1938 (52 Stat. 797, 799, as amended); D.C. Official Code § 6-641.07 (2001) to grant variances only where, for each and every variance sought, three specific conditions are met:

(1) the property is unique because of its size, shape, or topography, or other extraordinary or exceptional conditions and situations;

(2) the owner would encounter practical difficulties or undue hardship if the Zoning Regulations were applied strictly; and

(3) the variances would not cause substantial detriment to the public good and may be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

D.C. Code § 6-641.07(g)(3) (2001), and 11 D.C. Mun. Regs. § 3103.2.

The applicable test does not take into account whether, or to what extent, the applicant could have submitted a different proposal. Thus, the applicant's suggestion that she could have pursued a similar proposal as a special exception matter is not germane, as the proposal at hand requires five separate variances.

The applicant has not met her burden of proof to show uniqueness, undue hardship, or practical difficulties. See French v. District of Columbia Bd. of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (all three elements must be shown by substantial evidence); Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment, 534 A.2d 939 (D.C. 1987) (reversing allowance of variance where elements were not shown, particularly insofar as property and practical difficulties alleged by applicant were not shown to be unique); Roumel v. District of Columbia Bd. of Zoning Adjustment, 417 A.2d 405, 408 (D.C. 1980) (affirming decision to deny variance based on concerns of "overcrowding" small lot and associated adverse impact on adjoining property).

On the other hand, the parties in opposition and other interested parties have proven that the variances would cause substantial detriment to the public good and may not be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board is also required under D.C. Code § 1-309(d) (2001) to give "great weight" to the affected ANC's recommendations and to articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances and to make specific findings and conclusions with respect to each of the ANC's issues and concerns.

**Uniqueness**

The applicant has not shown that the property is unique because of its size, shape, or topography, or other extraordinary or exceptional conditions and situations. She has not shown that she faces any unique situations or conditions.

The lot dimensions of the subject property are almost exactly the same as, and within inches of, the other six lots on 27th Street, N.W., and are similar to other small lots in Georgetown and in the District. Office of Planning ("OP") admitted that there are at least 19 lots – if not more – in the Georgetown Historic District that are as small or smaller than the subject

property. The lot at 1316 27th Street, N.W. has the exact same size dimensions as the subject property, and has the same size structure upon it. Other testimony established that there are hundreds of small houses and properties similar to this one in the Georgetown Historic District and in the District of Columbia. The applicant has herself conceded that there are a number of "undersized houses" in the neighborhood. See Myrick v. District of Columbia Bd. of Zoning Adjustment, 577 A.2d 757 (D.C. 1990) (reversing decision to grant variance to permit two story addition to rear of house on 32nd Street, N.W. in Georgetown, holding, inter alia, that twelve foot lot was not uniquely small given that "lots of approximately the same size exist only one block away"). While the OP report concluded that the property was unique based on its small size, the report and the testimony of OP showed that analysis to be severely flawed and not entitled to consideration by the Board.

The applicant made four arguments with respect to uniqueness: (1) it borders on the North with rear yards of the houses on Dumbarton Street, N.W.; (2) the actual structure on the subject property is smaller than the houses on Dumbarton Street, N.W.; (3) with the addition, the subject property would have only 794 square feet of living space; and (4) the rear of the structure must be replaced.

In no respect do any of these arguments meet the criteria of uniqueness to permit these five variances. In fact, none of these arguments at all show that "the property is unique because of its size, shape, or topography, or other extraordinary or exceptional conditions and situations," the legal standard involved, so as to permit the two-story addition sought here. The applicant cites no authority to support her arguments in this regard.

The fact that the lot and the house are small does not make this property unique – there are numerous small lots and small homes in Georgetown and other parts of the District. See Myrick, supra. Moreover, the fact that the residence on the subject property is a different size from the homes on Dumbarton Street, N.W. does not make this Property "unique" – only different from the homes on Dumbarton Street, N.W., which is irrelevant to the criteria for obtaining variance relief. It is also not unique that the subject property borders the Dumbarton Street, N.W. properties in a perpendicular fashion – the Zoning Regulations, including the provisions applicable to sideyards and courts, address precisely this situation.

Nor does the argument that the rear wall may need some degree of repair make this Property unique – there are many historic structures in the District that need maintenance and repair, and using that as a license to obtain five variances would render the Zoning Regulations meaningless. On the same issue, the need for the repair of the rear wall and the extent of any such repair were not issues proven by the applicant, as the applicant admitted that she lacked the information to determine whether and to what extent such repair was needed. Furthermore, this Board cannot reward a prior lack of maintenance by this and prior owners with variance relief.

The Court of Appeals pointed out the flaw in this kind of reasoning in Capitol Hill Restoration Society, supra. There, a property owner sought to subdivide a lot as part of an effort

to renovate the property and create four two-bedroom apartment units. Approval of the project would have required at least four variances. See 534 A.2d at 940-941.

The BZA approved the variances, and on appeal, the issue was as follows:

> Petitioners contend that intervenor failed to present sufficient evidence of an exceptional or extraordinary condition inherent in the property which would satisfy the showing of uniqueness needed to justify a variance. We agree and conclude that the BZA's findings of fact on uniqueness do not support its conclusion that the property meets this threshold requirement. Accordingly, we reverse.

See id. at 940.

The Court of Appeals went on to explain the uniqueness requirement as follows:

> The threshold requirement to show that the property is unique with respect to the hardship or difficulty asserted as grounds for the variance means the property owner must present proof that "the circumstances which create the hardship *uniquely* affect the *petitioner's property* . . .." Taylor v. District of Columbia Bd. of Zoning Adjustment, 308 A.2d 230, 234 n. 6 (D.C. 1973) (emphasis in original). Where the circumstances which create the hardship or difficulty affect the entire neighborhood rather than merely a specific piece of property, the problem is properly addressed by seeking amendment of the regulations from the Zoning Commission. Id. If the BZA were to grant variances where the hardship or difficulty is not peculiar to a particular piece of property, similar requests could follow from property owners similarly situated, "which, as a matter of due process, would have to be granted." Id. The effect of such decisions by the BZA would be an amendment of the zoning regulations by that body, an action which the BZA is not empowered to take. Id.

Capitol Hill Restoration Society, supra, 534 A.2d at 941-942.

The Court of Appeals found that the property at issue, just like the subject property, was not faced with any unique condition. Id. The same result must apply here. The subject property is not unique, because there are other lots on the same street with almost the exact same dimensions. The fact that those other lots sit next to each other, and are not bounded on one side by several perpendicular lots, does not make the subject property "unique." Nor is the property faced with unique circumstances affecting only the subject property on the other grounds proffered by the applicant.

**Practical Difficulties**

The applicant has not shown that due to a "confluence of factors unique to the property," the applicant would encounter practical difficulties if the Zoning Regulations are strictly applied.

In the past, this Board has granted variance relief after a showing of an economic burden where no matter of right use whatsoever was economically feasible. However, the applicant has made no such showing. She has merely speculated that she may not be able to obtain financing for the type of building she desires to construct without a variance. See, e.g., Tyler v. Bd. of Zoning Adjustment, 606 A.2d 1362, 1366-1367 (D.C. 1992) (proof of economic burden is relevant to decision of whether to grant variance where applicant is not merely seeking the most favored use for its land but faces difficulty financing any improvement of property under current zoning designation). The applicant has not shown that there are no other alternatives for the site, such as renovation and use of the existing residence, that are feasible as a matter of right. See Myrick v. Bd. of Zoning Adjustment, 577 A.2d 757 (D.C. 1990) (applicant did not contend that alternatives were unavailable).

The applicant argues that she should be entitled to the five variances because of the "small size of the lot and the living space needs of the average family." The applicant is one person and the sole owner of the subject property. This Board has also rejected similar concerns in the past. See Application No. 16709 of Mr. and Mrs. William Brannon (Board of Zoning Adjustment, July 3, 2001; denying application for "variance relief to build a two-story addition to provide the extra living space they would like in order to start a family").

The applicant argues that the rear wall of the house may need repair and that she may not deem it economically viable to pay for the repair unless she is also permitted to expand the dwelling. She also admitted, however, that she does not presently know whether the rear and/or side walls of the subject residence need to be repaired or replaced and, if so, what the cost of such repairs would be. There are many historic structures in Georgetown and in the District. One person's subjective prediction as to what repairs she may be willing to fund does not justify the relief sought on this application. See Barbour v. District of Columbia Bd. of Zoning Adjustment, 358 A.2d 326 (D.C. 1976) (owner's personal preferences do not constitute unique property situation entitling owner to zoning variance). The fact that the use of the property may be "more costly and difficult" without the variances is also insufficient basis for permitting variance relief. See Myrick, supra, 577 A.2d at 761. Further, the fact that the subject property is located in the Georgetown Historic District does not create a practical difficulty. See id., supra, 577 A.2d at 760 (fact that property is located in a historic district "cannot satisfy an applicant's burden of proving that the hardship is peculiar to that property or structure").

The requirement for "peculiar and exceptional practical difficulties" required for variance relief are not met where the property can be used absent the variance. See Barbour, supra, 358 A.2d at 327. The subject property is not unusable in its present form. In particular, there is no evidence that the property is unusable without the addition for which approval is sought. Cf. Russell v. District of Columbia Bd. of Zoning Adjustment, 402 A.2d 1231, 1236 (D.C. 1979) (standard requires deprivation of all beneficial use of property). In addition, there is no showing that the subject property cannot produce a reasonable profit in a permitted use. See Monaco v.

District of Columbia Bd. of Zoning Adjustment, 407 A.2d 1091, 1100 (D.C. 1979). An inability to put the property to a more profitable use does not establish the hardship required to justify a variance. See Palmer v. District of Columbia Bd. of Zoning Adjustment, 287 A.2d 535 (D.C. 1972). An increase in costs associated with regulatory compliance and a reduction in the usefulness of the property does not justify a variance, either. See Tyler, supra. Nor will a variance be granted where the hardship or practical difficulty was created by the applicant. See id.

OP incorrectly based its conclusion that a practical difficulty exists because of the small size of the lot, its location in a historic district, economic necessity due to the need to replace the rear wall, and the character of the neighborhood. Each basis is erroneous. It is not an undue burden to live in a small house on a small lot in the East Village of Georgetown. Location in an historic district is the charm that makes the location appealing, not a license to enlarge a home. There was no evidence to support any claim of unique undue economic impact, either. At the hearing on April 9, 2002, the OP representative also testified that there are 700-800 nonconforming houses in the Georgetown Historic District. Furthermore, the character of the neighborhood is, in part, reflected in small houses on small lots with rear yards. Filling in those rear yards with structures will negatively change the character of the neighborhood.

It is well settled that a variance may not be granted, even to address a bona fide serious hardship to the owner, if the variance would have an adverse effect upon the surrounding neighborhood. See Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment, 320 A.2d 291, 294-295 (D.C. 1974) (also holding that variances protect a property owner from deprivation of all beneficial use of property).

**The Requested Variances Will Result In Substantial Detriment To The Public Good Or Substantially Impair the Zone Plan**

We concur with the ANC's finding that the application would have an undue substantial detriment to the neighboring properties. ANC 2E's finding offers persuasive advice under the circumstances, and that advice is entitled to and afforded great weight by this Board. The subject property, no different from many other properties in Georgetown and in the District, is a small lot with a small historic dwelling. This two-story addition built close up to the neighboring fence, dwellings, and property lines would block light and air to the neighboring properties. Moreover, the renovation/addition is not consistent with the historic character of the neighborhood or the other homes in the neighborhood. Also, the plan would involve substantial excavation, gutting of the entire structure, and renovation on the entire lot. There is no way that the effect of such a substantial project could be confined to the subject property, especially given the lack of a rear alley. The OP's recommendation that the project be approved was based in part upon the assumption that there is a public alley behind the subject property. The OP representative stated that the project would have to be reevaluated if there is no public alley behind the subject property.

The OP report is also inaccurate insofar as it states that the proposed addition would not be visible from a street, alley, or other public way. Standing on 27th Street, N.W. looking at the building, one looks down the North wall of the applicant's residence. The addition would clearly be visible from 27th Street, N.W. Also, in evaluating the proposal, OP only considered the effect that it determined, without visiting the adjoining properties, the addition would have to the light and air to the adjoining properties. No other potential effects were considered by OP.

The evidence established that, at a meeting on February 4, 2002, a contractor retained by the applicant to provide advice about the addition confirmed that the below-ground excavation being proposed at that time would likely cause the Joiners' back patio wall to collapse. For the application in its present form, the excavation is now said to be more limited than the basement excavation proposed previously, but there would still have to be at least some excavation (at least three feet, the applicant stated) to place footings for the addition, and additional excavation for grading, and that excavation would reach the neighboring property lines as well as the foundation of the Giese property to the South.

The foundation of the Giese property extends out several inches from the Giese side wall toward the applicant's property, as shown by photographs received in evidence. It is unclear where the South wall of the proposed addition will land in relation to that foundation, and it is even unclear whether the wall of the proposed addition would be placed, in whole or in part, on top of the foundation of the Giese property. Alternatively, the excavation would be close enough to the Giese foundation to damage the structure. The Board repeatedly requested a survey to determine the precise location of the property lines, including the South property line in relation to the foundation, but the applicant did not provide a survey. Without a survey and precise information as to where the proposed addition would be located, the applicant cannot meet her burden of proof on the issue of the substantial detriment to the adjoining properties.

The plans submitted by the applicant also show a 9" gap between the wooden Giese side wall and the South masonry wall of the addition. The proposed addition will prevent any repair or maintenance of the Giese side wall, which is made of painted wood, and will accelerate deterioration of the wood from trapped moisture, and create a haven for the vermin that infest Georgetown.

The adjacent property owners are not required to submit to construction that will have such impact upon their properties. They are not required to let construction personnel perform work on their properties (which would be necessary, given the close quarters involved).

With respect to the impact on the Joiner Property at 2704 Dumbarton Street, N.W., the Joiners' backyard would directly face and be overshadowed by the proposed two-story addition. The proposed addition would interfere substantially with the use and enjoyment of their home by blocking out sunlight to their property and creating a claustrophobic condition by constructing a two-story wall almost directly on the property line and extending 10 feet, 3 inches back from the existing dwelling. The 10-foot, 3-inch long (8-feet, 9-inch wide, and more than 18 feet high) extension would be closer than required by the applicable sideyard setback requirements,

resulting in a greater impact than authorized by the Zoning Regulations. Equally important, the crowding and lack of sunlight and open air posed by the proposed addition would impact severely the market value of the home. There can be no comparison between the seasonal shade created by the tree that used to sit behind the subject residence and the continual towering impact of the massive permanent two story addition that is now being proposed. Moreover, the applicant removed the tree because it was deemed to be damaging the residence.

The applicant argued that the effect on the sunlight would be minimal. This clearly is not the case. As demonstrated by Dr. Joiner's photographs taken in March 2002, previously unshadowed positions of the Joiner property will be heavily shadowed by the proposed addition for a substantial part of the year. At the very least, the prime mid-day use of the Joiners' rear yard will be diminished significantly.

It is also unclear that the setback will actually be two feet. This is because no one knows exactly where the 8-foot, 9-inch wide addition will start on the South side. The property lines have not been surveyed and without knowing exactly where the property line on the South side begins, the addition might well end up closer to the North property line than two feet. For example, if the South property line is one foot closer to the North than noted on the drawings, then the 8-foot, 9-inch wide addition would leave only one foot of space between the addition and the North Property line. These plans will require five substantial zoning variances, including a zoning variance of at least 4 feet from sideyard requirements, 10 feet from the rear yard requirements, and a lot occupancy variance to at least over 75% of the lot.

Dr. Joiner testified that the Joiners presently have a patio at the rear, with a small garden. The Joiners use the patio frequently, and it is a pleasant and bucolic setting. With a two-story structure looming over it, the entire atmosphere on the patio will be transformed, and not for the better. They will be in an enclosed court, rather than an open-air patio. They will look out from the second floor of their home at an imposing two-story structure. The use, enjoyment, and privacy of their property will be changed completely.

The addition would inhibit the already limited flow of ground air to the area behind the residences on 27th Street, N.W. The rear yards of the homes on 27th Street, N.W. are enclosed by the N Street, N.W. homes and a church to the South, a 12 foot wall and fence to the West, the Dumbarton Street, N.W. homes to the North, and the 27th Street, N.W. homes to the East. The only ground airflow exists through the small opening in the block created by the Dumbarton Street, N.W. rear yards. Extending 1324 27th Street, N.W. back further with the 10' 3" addition would reduce the opening and further cut off the flow of air.

Furthermore, the brick garden wall proposed between the Giese Property and the applicant's rear yard (currently a garden) will create an oven-like effect in the Giese garden. The Giese garden is fully enclosed and receives significant sun. Replacing the current breathable wooden fence that separates the gardens with a brick wall will radiate the heat of the sun and produce unbearable heat during the summer months.

The plans also show a large window on the second floor, which would overlook the garden to the rear of the Giese residence at 1322 27th Street, NW. This small garden, which as presently situated is uniquely private for such a congested area of Georgetown, would lose a substantial portion of the privacy of use and enjoyment. The applicant's plans also do not provide any protection of the Giese property against roof water runoff from the proposed addition. The proposed addition is higher than the rear of the Giese home. This will exacerbate the problems caused by the 9" gap. The plans submitted include a fireplace in the applicant's home. There is no flue available for such a fireplace in the chimney located between the applicant's residence and the Giese residence. It is unclear where such a flue would be located and, depending upon the location, what harm might occur from its installation.

There is no other home in the neighborhood where such an extensive renovation and addition has been permitted. Even the small galley kitchen on the Giese Property to the South is much smaller than the addition proposed by the applicant. The addition on the Giese Property was constructed in the 1940's and was not subject to the same legal requirements as this proposal – so it cannot serve as any precedent for this proposal, in any event.

The applicant has speculated before the BZA, without any specific engineering or structural analysis, that the rear wall may be "structurally unsound." From a historic preservation perspective, this proposal is a radical destruction of the existing historic fabric and appearance, and replacement with something completely different from the other homes in the neighborhood. The increased density created by the addition would also depress severely adjacent property values, since the present rear yards are central to the value of the homes in the neighborhood.

Furthermore, the actual construction of the proposed addition would cause a prolonged disruption of the daily lives of the neighbors. All construction would have to be channeled through the front of the house, on 27th Street, and there would be no way to confine a project of this size and scope to the subject property.

The present plans would involve substantial excavation right up to the adjacent property lines. Digging would be required to lower the level of the existing rear yard by as much as five feet, in addition to footings for the extension. The plans may also involve the placement of noisy and unsightly heat pump/air conditioning equipment in the rear yard. Also, there is no indication how drainage would be accomplished for water accumulating in the backyard. Part of that problem is posed by the fact that no drains exist for the 9" gap area between the proposed addition and the Giese residence. Nor is there any indication how damage would be avoided to the rear wall or patio to the North, or the side wall and foundation to the South. Given the rains we have seen last year, the addition of an impervious roof area behind the existing house might create problems for the applicant and the other neighbors, as well. It is unrealistic to believe that the installation of an 8-foot, 9-inch wide and two-story high addition abutting the neighboring property lines could be built without incursion onto and impact upon the neighboring properties.

Furthermore, the variances cannot be granted "without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." Essentially, the applicant is asking this Board to legislate away the restrictions applicable to at least all of the lots on 27th Street, N.W., and any lots of similar size in the District. This is not a proper request to this Board. The neighborhood is characterized by small lots with rear yards. Allowing a substantial percentage of those rear yards to be filled in with structures will drastically change the neighborhood in a manner inconsistent with the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map

Pursuant to 11 DCMR § 3126.11, an applicant "whose application has been denied shall not institute a new appeal or application on the same facts within one (1) year from the date of the order upon the previous appeal or application."