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*ADMITTED IN VA ONLY
+ADMITTED IN FL, IL AND MA ONLY
#ADMITTED IN TX ONLY

OF COUNSEL
MARK J. ZWEIFLER

ADMITTED IN NEW YORK
AND NEW JERSEY ONLY

March 26, 2002

RECEIVED
D.C. OFFICE OF ZONING
2002 MAR 26 PM 3:55

BY HAND

Ms. Sherri M. Pruitt
Secretary
D.C. Board of Zoning Adjustment
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

Re: Pre-Hearing Statement for BZA Application No. 16854
Mr. and Mrs. Charles Holliday;
Square 787, Lot 35; 315 East Capitol Street, S.E.

Dear Ms. Pruitt:

Enclosed please find the original and thirteen (13) copies of the above-referenced Pre-Hearing Statement for filing with the Board. Enclosed with the Statement are copies of revised architectural plans, elevations and interior drawings.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: Lyle M. Blanchard
Lyle M. Blanchard

179472
Enclosures

BZA
Case No. 16854
Exhibit No. 38

Board of Zoning Adjustment
District of Columbia
CASE NO.16854
EXHIBIT NO.38

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: Application of
Mr. & Mrs. Charles Holliday
315 East Capitol Street, S.E.

BZA Application No. 16854
Public Hearing: April 9, 2002
ANC 2B

RECEIVED
D.C. OFFICE OF ZONING
2002 MAR 26 PM 3:56

PRE-HEARING STATEMENT OF THE APPLICANT

I. Nature of Relief Sought

This is an application pursuant to 11 DCMR § 3103.2 for variances from the lot width requirements under section 401 and from the lot occupancy requirements under section 403 for the construction of a new home, with one-car garage, for the personal use of Mr. and Mrs. Charles Holliday at 315 E. Capitol Street, S.E. (Lot 35 in Square 787) in a CAP/R-4 zone district. The Holliday's home will also contain a basement rental apartment.

In response to concerns raised by the community, the Applicants have revised their proposal to substantially reduce the footprint of the building, thus reducing the lot occupancy variance request to only one percent (1%).

II. Jurisdiction

The Board has jurisdiction to grant the requested area variance relief pursuant Section 3103.2 of the Zoning Regulations. The Applicant's clear satisfaction of its burden of proof is set forth below.

III. Background of the Application

The Site. The site is known as 315 E. Capitol Street, S.E. and is located in a CAP/R-4 zone district. The subject site, Lot 35 in Square 787, is sixteen (16) feet in width and one hundred twenty-eight (128) feet in depth. As such, it is extraordinarily narrow and deep. The site is vacant.

The Project. Mr. and Mrs. Holliday propose to build a three story brick structure with basement. As now proposed under the attached revised plans, the building, together with the new garage to be constructed, will occupy 61.2% of the lot and will have a floor area ratio ("FAR") of 1.757. One parking space will be provided within the new garage. A forty-nine (49) foot rear yard will be provided.

The project is very similar to, but requires less zoning relief than, a project on the subject property approved by the Board of Zoning Adjustment in Application Number 15476 upon the request of the prior owner. A building permit (No. B408909) was issued under the BZA order to the prior owners, David and Barbara Scheuer, by D.C.R.A. on June 25, 1997, and a building permit (No. B436470) was issued for the current project to Mr. and Mrs. Holliday by D.C.R.A. on April 20, 2001.

The conceptual design of the project was first approved by the Historic Preservation Review Board on June 20, 1990 in response to an application submitted by the prior owner ("1990-91 Application"). HPRB also approved the conceptual design of Mr. and Mrs. Holliday's project as submitted to the BZA on January 23, 2002. A copy of the HPRB staff report and recommendation, as adopted by the Board on February 28, 2002, is attached as Exhibit "A".

Because the width of the lot is narrower than the required lot width in the R-4 zone district and the lot cannot not be widened due to an existing row dwelling to the west and a public alley to the east (i.e., conditions over which the owner has no control), the prior owner submitted an application to the BZA for approval of a project similar to the one currently proposed by Mr. and Mrs. Holliday. [For a comparison of the prior and current projects, see Zoning Summary below.]

ZONING SUMMARY

	Project Approved by BZA in No. 15476	**Proposal Submitted to BZA in No. 16854**	**Revised Proposal**
Number of Stories	3	3	3
Height	40	37	33
Use	Flat (2-Family)	Flat (2-Family)	Flat (2-Family)
G.F.A./F.A.R.	3,867 sq. ft./1.88	3,499 sq. ft./1.71	3,601 sq. ft./1.76
Lot Occupancy	77.5%	76.7%	61.2%
Lot Width	16 feet	16 feet	16 feet
Rear Yard	49 feet	49 feet	49 feet
Deck	Above Garage	3rd Floor (rear)	None
Parking	1 space (in garage)	1 space (in garage)	1 space (in garage)
Variances	3 (lot width, lot occupancy, FAR)	2 (lot width, lot occupancy)	2 (lot width, lot occupancy)

In Application No. 15476, the prior owner proposed a flat that required three (3) variances (i.e., lot width, lot occupancy and floor area ratio). The 1990-91 application received the unanimous support

of the Office of Planning, the Architect of the Capitol and numerous neighbors; there was no opposition to the 1990-91 B.Z.A. application. The Office of Planning, by report dated March 13, 1991, recommended approval of Application No. 15476 without condition. The Architect of the Capitol, George M. White, FAIA, by letter dated February 28, 1991, stated he had "no objection to the variances sought in this application."

Neighbors who were the closest neighbors on either side of the Property, Roy Mason (313 E. Capitol Street) and James and Olivia Jones, (317 E. Capitol Street) supported the 1991 Application.

On March 20, 1991, the BZA by a 4-0 vote approved the application submitted by the prior owner for the three (3) variances. See BZA Order No. 15476 attached as Exhibit "A".

IV. The Applicant Meets the Test

For The Requested Area Variance Relief

Under D.C. Code § 5-424(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

> (1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995), *quoting Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). *See, also, Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987).

The Variance Relief Requested by Mr. and Mrs. Holliday.

Variance relief is sought from the lot width and lot occupancy requirements of the Zoning Regulations. Unlike the 1990-91 Application approved by the BZA in 1991, which required three (3) variances, the application submitted by Mr. and Mrs. Holliday requires two (2) variances.

The two variances requested by Mr. and Mrs. Holliday are from lot width and lot occupancy requirements. The lot width is sixteen (16) feet, whereas eighteen (18) feet is required. Therefore, this variance is for two (2) feet. The lot occupancy as originally proposed under this application was 76.7% whereas 60% is permitted as a matter-of-right. The Applicants have revised their building plans in response to community concerns raised by the Capitol Hill Restoration Society ("CHRS") and the ANC. Thus, the amount of lot occupancy now proposed is 61.2%. This variance is therefore reduced from 342.19 square feet (as originally proposed) to 24.46 square feet.

This substantial revision to the building plans was made by the Applicant in response to community concerns expressed on March 7, 2002, by Zoning Committee of CHRS, and on March 12, 2002 at the ANC 6B meeting. (See revised building plans and plat Exhibit "B".)

Justification for Variances. The subject site, which is only sixteen (16) feet wide, is exceptionally narrow and deep. The other lots fronting on East Capitol Street in the same square by contrast, are 51.72, 23.98, 22.26, 18.25, 28.33, 20.88, 22.00, 22.00, 22.90, 21.60 and 19.50 feet wide respectively. Of the twelve (12) lots in this square fronting on East Capitol Street, only two (2) are as deep (i.e, long) as the subject site.

Lot 35 is bordered on the east by a 15-foot public alley and on the west by a residential structure. Thus, it is not possible for the owner to acquire additional land in order to "widen" the subject site.

As a result of the exceptionally narrow site and in order to construct a one-car garage [as was proposed in the 1990-91 Application and approved by the B.Z.A.], Mr. and Mrs. Holliday have no choice but to design a residential structure which occupies a greater percentage of the lot. However, unlike the design of the residence submitted by the prior owner, Mr. and Mrs. Holliday have reduced the gross floor area of their residence, thus eliminating the FAR variance sought by the prior owner (and approved by the BZA). Since the Holliday's new

home will lose living space because of the narrowness of the lot, the owners have extended the building toward the rear property line, as was done by the prior owners but, due to the substantial revision of the building (reduction of 27%) pursuant to the Applicants' revised plans, the lot occupancy variance is minimal (1%).

V. Witnesses

The following witnesses will testify in support of this Application:

1. Mr. Charles Holliday, 315 East Capitol Street, S.E.
2. Mr. Klaus Klatt, Project Architect

VI. Conclusion

As a result of the unique circumstances of the subject property, the strict application of the Zoning Regulations will impose a practical difficulty. The area variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning plan.

Respectfully submitted,

By: _____
Jacques B. DePuy

By: _____
Lyle M. Blanchard

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Statement of the Applicant was mailed, first-class, postage prepaid, this 26th day of March 2002, to:

Advisory Neighborhood Commission 6B
c/o Mr. Kenan P. Jarboe, Chair
711 - 10th Street, S.E.
Washington, D.C. 20003

Mr. John Moore
Office of Planning
801 North Capitol Street, N.E.
Fourth Floor
Washington, D.C. 20002



Lyle M. Blanchard

179465

A

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**315 East Capitol Street, SE**	X	Agenda
Landmark/District:	**Capitol Hill Historic District**		Consent Calendar
		X	Concept Review
Meeting Date:	**February 28, 2002**		Alteration
H.P.A. Number:	**02-182**	X	New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, architect Klaus Klatt for owner Chuck Holliday, seeks conceptual design approval for construction of a three-story with raised basement rowhouse on a vacant parcel on Capitol Hill. The project requires approval by the Board of Zoning Adjustment due to the narrow (16') width of the lot.

The Board approved a project for a new rowhouse on this site approximately 10 years ago, designed by a different architect. The owners of the site never built the house, and the plans were sold to the current owner. In working with the staff two years ago, the owner's initial approach was to slightly modify the originally approved plans, however, as the changes mounted, the strength of the original design was so diluted as to warrant a fresh start.

The new proposal calls for a three-story house with a two-story rectangular projecting bay, clad in red brick with a cast stone foundation and trim. It would be finished with an artificial slate roof. The house closely aligns with the floor levels and fenestration of the adjacent house to the west. The side elevation, which fronts a narrow alley, would continue the same vocabulary of the front elevation, with paired windows trimmed in cast stone.

Conceptually, the proposed design is consistent with the character of the historic district in its overall form, façade organization, and general materials use. The selection of the exact materials – particularly the brick, mortar, and faux slate -- will be critical to the overall success of the project, and should be coordinated with the staff. Minor revisions to the plans should include a stone lintel or surround above the front door, and a careful restudy of the front gable, which in its pitch and expression are more characteristic of suburban new construction than with historic houses on Capitol Hill.

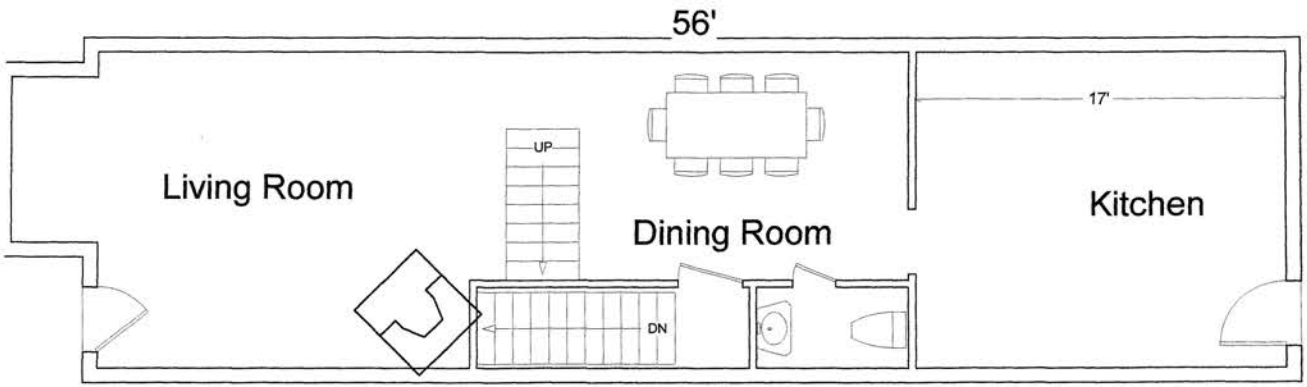
The staff recommends that the Board approve the overall concept as consistent with the purposes of the preservation act, and delegate final approval to staff.



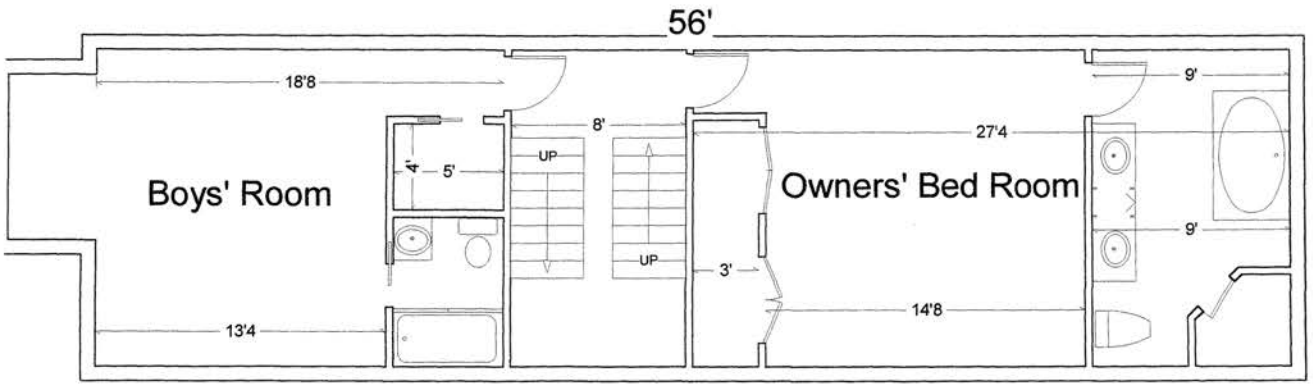
315 East Capitol Street, SE ~ Floor Plan Addendum:

Features:

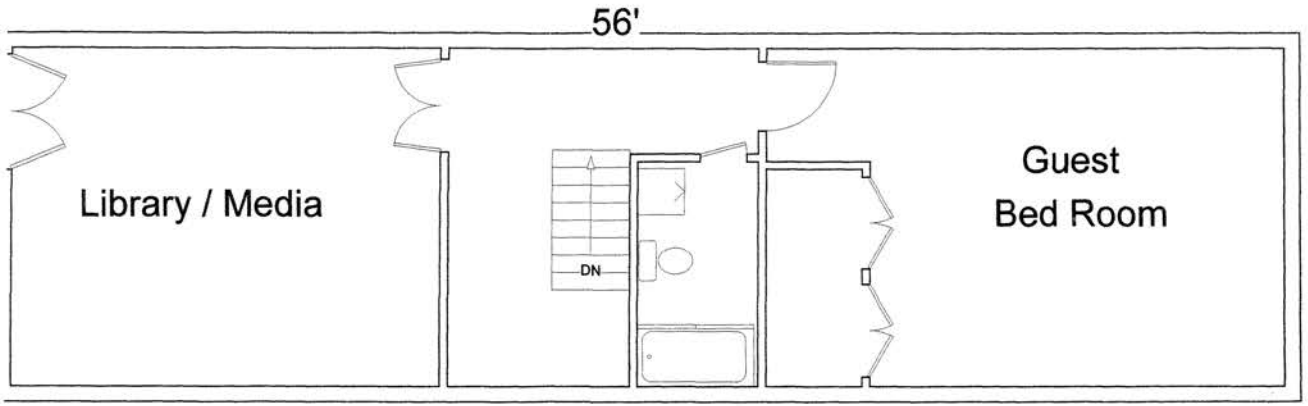
- *Does Not Affect the Exterior*
- *Turns Stairs / Stair Well 90 degrees*
- *Allows Light into the Stairs Well / Stair Hall*
- *Shortens the Stair Well / Stair Hall Length*
- *Maintains Private Access to Owners' Cellar*



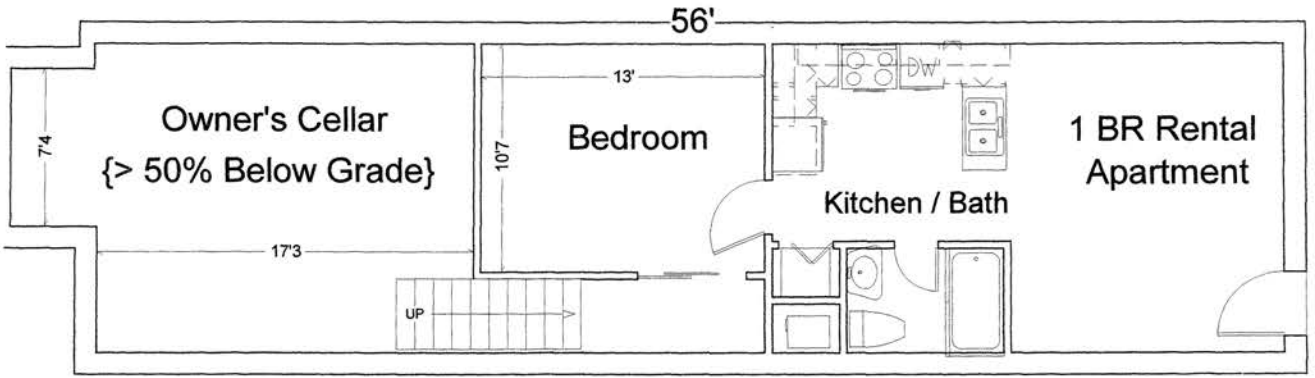
Entry Level - First Floor



Bedroom Level - Second Floor



Top Level - Third Floor



Owners' Cellar & Rental Apartment - Basement / Cellar Level

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 11-6, 2001

Plat for Building Permit of SQ-787 LOT 35

Scale: 1 inch = 20 feet Recorded in Book 18-1 Page 130

Receipt No. 6118

Furnished to: C. HOLLIDAY

Surveyor, D.C.

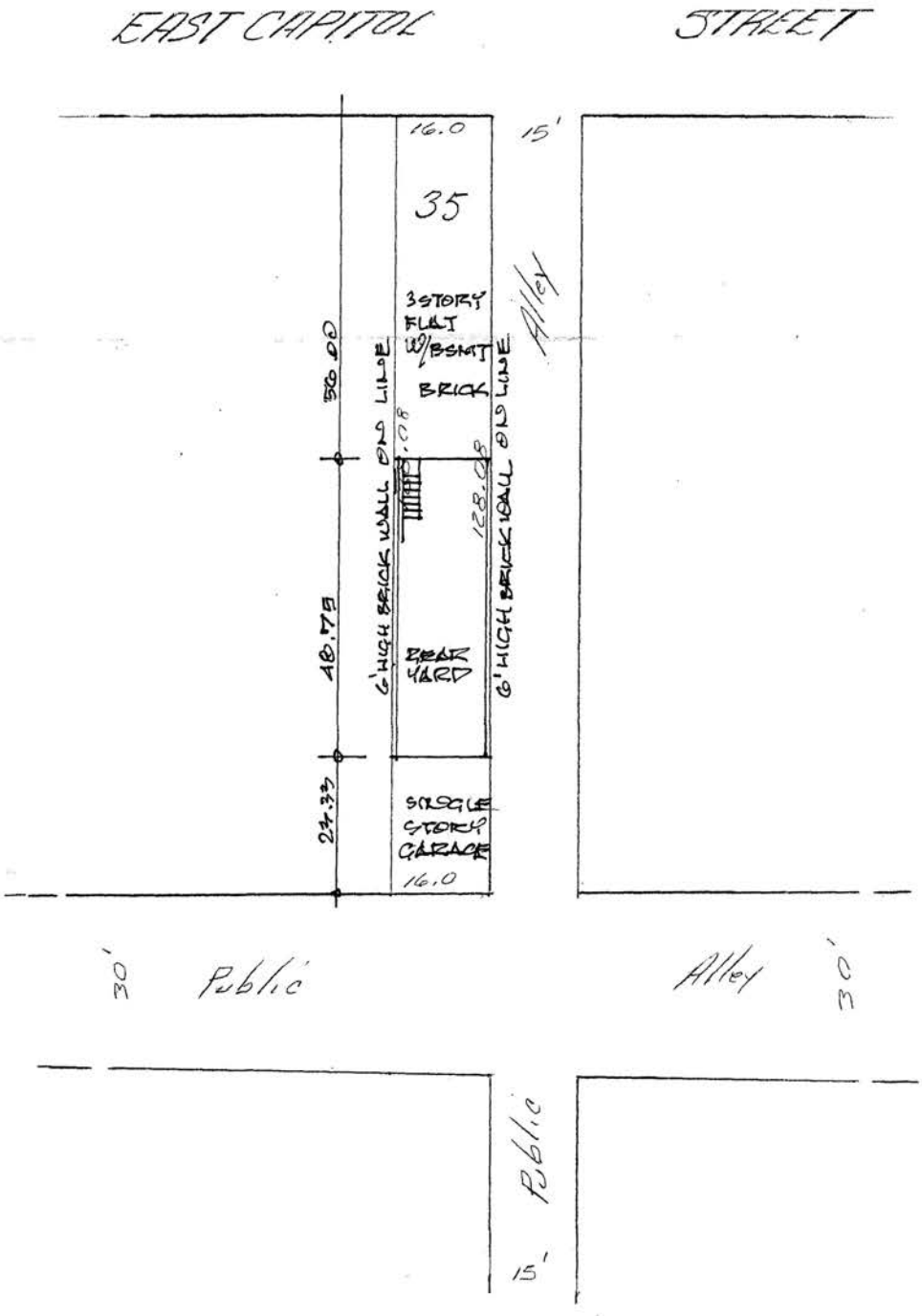
By: DA

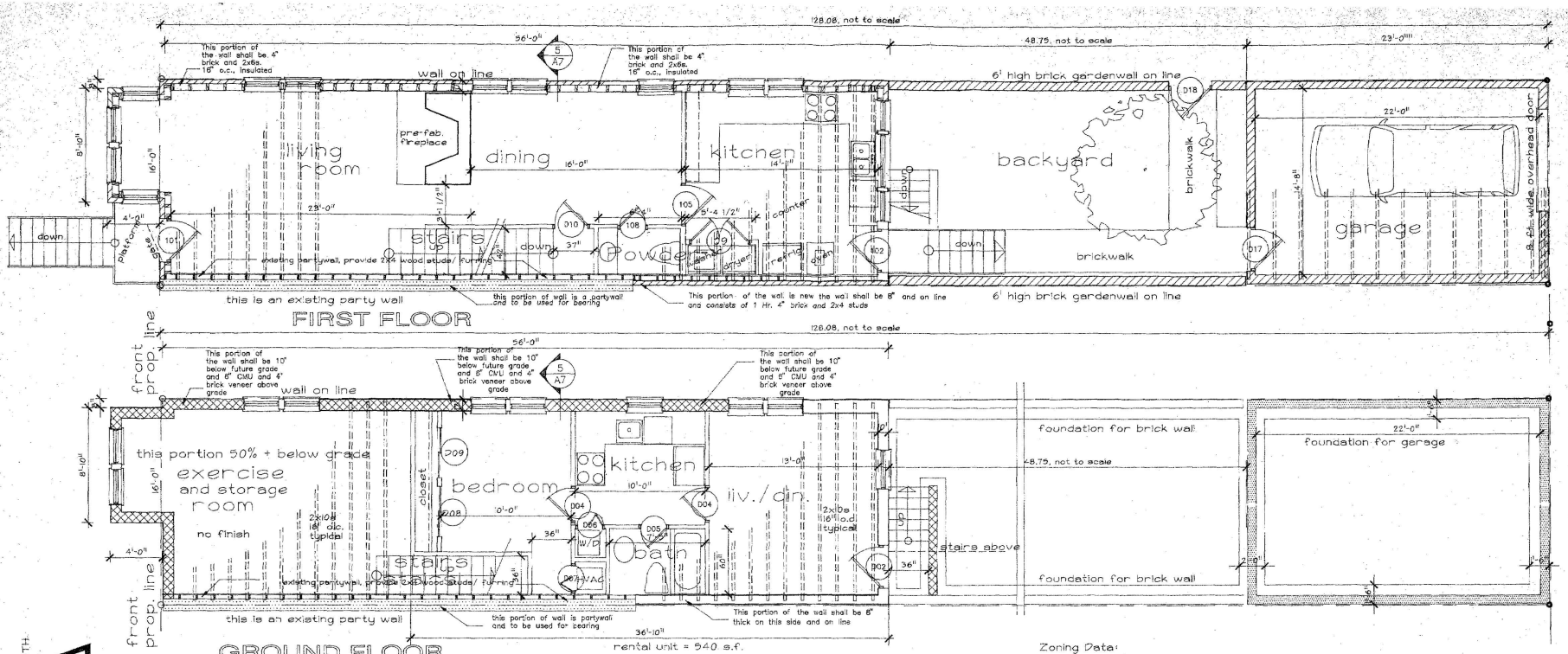
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 3-20-2002

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.





Zoning Data:
zoning : CAP/R-4
lot area : 2,049.28 s.f.
lot occupancy : bldg. 896 s.f., or 43.72267 % < 60 % required
with garage: 373.28 s.f. (1,269.28 s.f.) or 61.193785 %
building area for cellar: 356 s.f. basement: 540 s.f.
first floor: 896 s.f. + garage: 373.28 s.f. = 1,269.28 s.f.
second floor: 896 s.f.
third floor: 896 s.f.
total: 3,228 s.f. or 1.575 F.A.R.
with garage: 3,601.28 s.f. or 1.7579 F.A.R. < 1.8 required
height: 32 ft.,< 40 ft.,
one projection proposed
use-group: two-family flayt, residential

STRUCTURAL NOTES:
DESIGN LOADS ARE:
first floor: 40 psf
second floor: 40 psf.
third floor: 40 psf.
roof : 30 psf. LL
Construction type is 3-B combustible

LEGEND

PLANS, ARCHITECTURAL

50

DRAWN: kl
ISSUED: 03-20-2002
APPROVED: kl
PROJECT NO: 0125

DATE: REVISIONS: NUMBER:

It is the responsibility of the contractor to verify all dimensions and all job conditions in the field, while bidding and before construction takes place. The contractor shall notify the Architect of any discrepancies when and if found. It is expressly understood that these drawings and specifications are not to be used for construction purposes. These drawings are the sole property of the Architect. Copying and duplicating is not permitted without the knowledge and written approval of the Architect.

KLAUS KLATT
ARCHITECT PLANNER
3533 YUMA ST. N.W. WASHINGTON, D.C. 20008
TEL. 202 362 6610
FAX. 202 244 7004

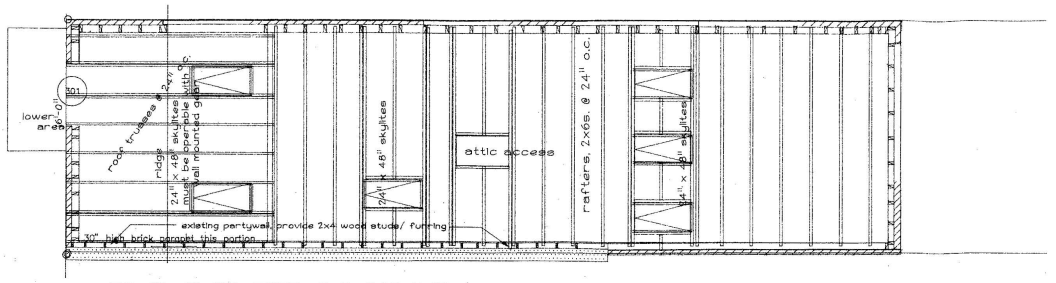
PROFESSIONAL SEAL

This drawing is designed in accordance with the 96 BOCA code + supplements.

GRAPHIC SCALE:
1/4" = 1' - 0"
0 2 4 8 12 16 ft

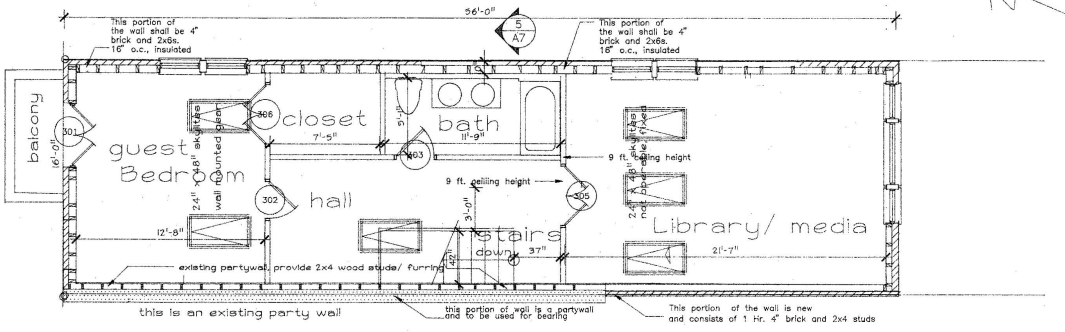
PROJECT:
NEW RESIDENCE
for Mr.& Mrs. Charles Holliday
at 315 E. Cap. St. S.E.
Washington, D.C.
Lot # 35 Square 787

SHEET
A-1
OF 7

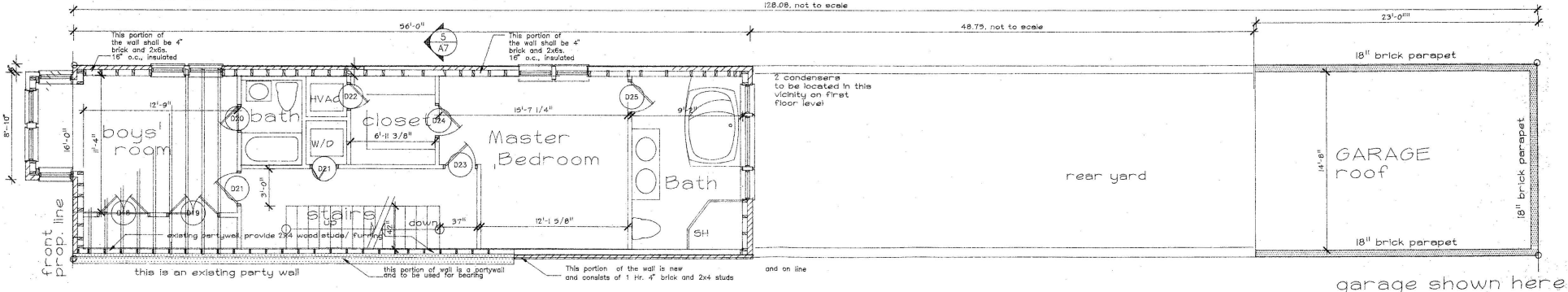


ROOF FRAMING

Zoning Data:
zoning : CAP/R-4
lot area : 2,049.28 s.f.
lot occupancy : bldg. 896 s.f., or 43.72267 % (60 % required
with garage: 373.28 s.f. (1,269.28 s.f.) or 61.93785 %
building area for cellar: 356 s.f. basement: 540 s.f.
first floor: 896 s.f. + garage: 373.28 s.f. = 1,269.28 s.f.
second floor: 896 s.f.
third floor: 896 s.f.
total: 3,228 s.f. or 1.575 F.A.R.
with garage: 3,601.28 s.f. or 1.75791 F.A.R. (1.8 required
height: 32 ft.,(40 ft.,
one projection proposed
use-group: two-family flayt, residential



THIRD FLOOR

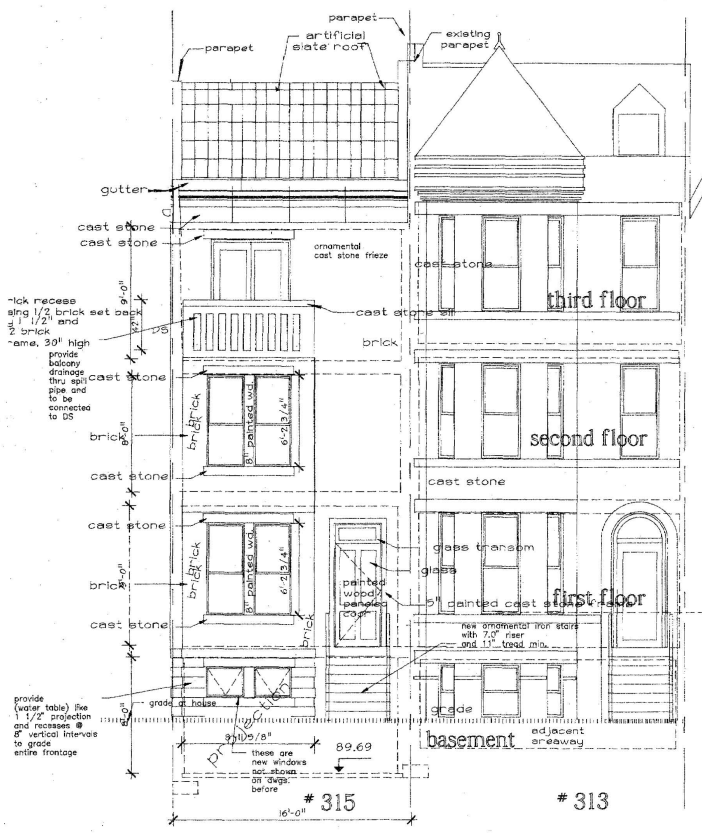


SECOND FLOOR

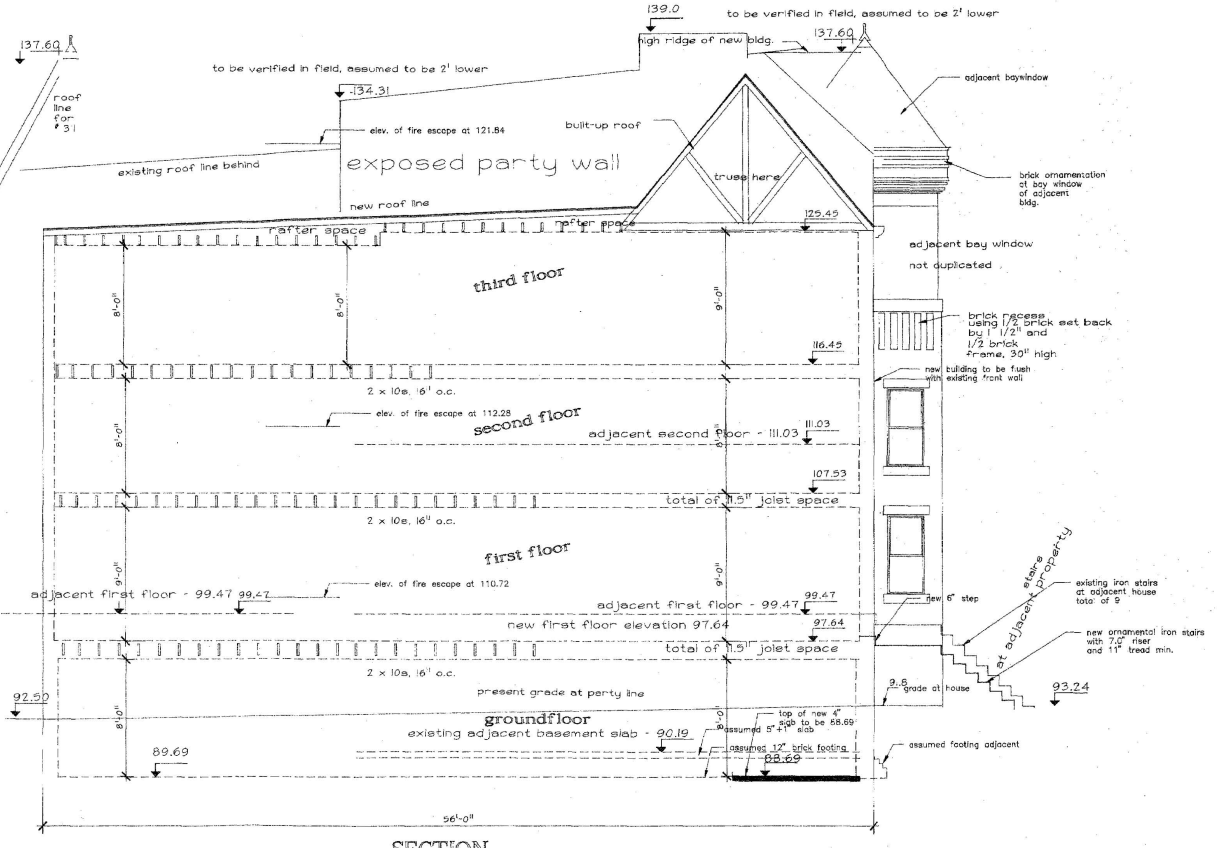
garage shown here
it actually belongs onto sheet # 1

PLANS, ARCHITECTURAL

I ED. 09-20-2002 APPROVED: kl PROJECT NO. 0126	DATE: REVISIONS: NUMBER: It is the responsibility of the contractor to verify all dimensions and all job conditions in the field, while bidding and before construction takes place. The contractor shall notify the Architect of any discrepancies when and if found. It is expressly understood that these drawings and specifications are not to be used for construction purposes. These drawings are the sole property of the Architect. Copying and duplicating is not permitted without the knowledge and written approval of the Architect.	KLAUS KLATT ARCHITECT PLANNER 3533 YUMA ST. N.W. WASHINGTON, D.C. TEL. 202 362 6610 20008 FAX. 202 244 7004	PROFESSIONAL SEAL	This drawing is designed in accordance with the 96 BOCA code + supplements. GRAPHIC SCALE: 1/4"= 1' - 0" 0 2 4 8 12 16 ft	PROJECT: NEW RESIDENCE for Mr.& Mrs. Charles Holliday at 315 E. Cap. St. S.E. Washington, D.C. Lot = 35 Square 787	SHEET A-2 OF 7

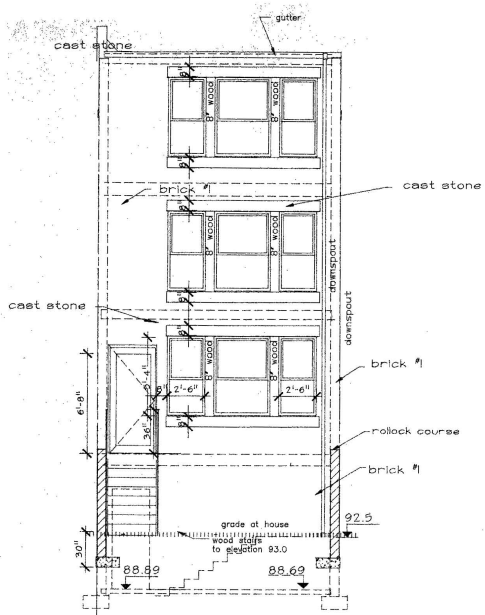


FRONT ELEVATION



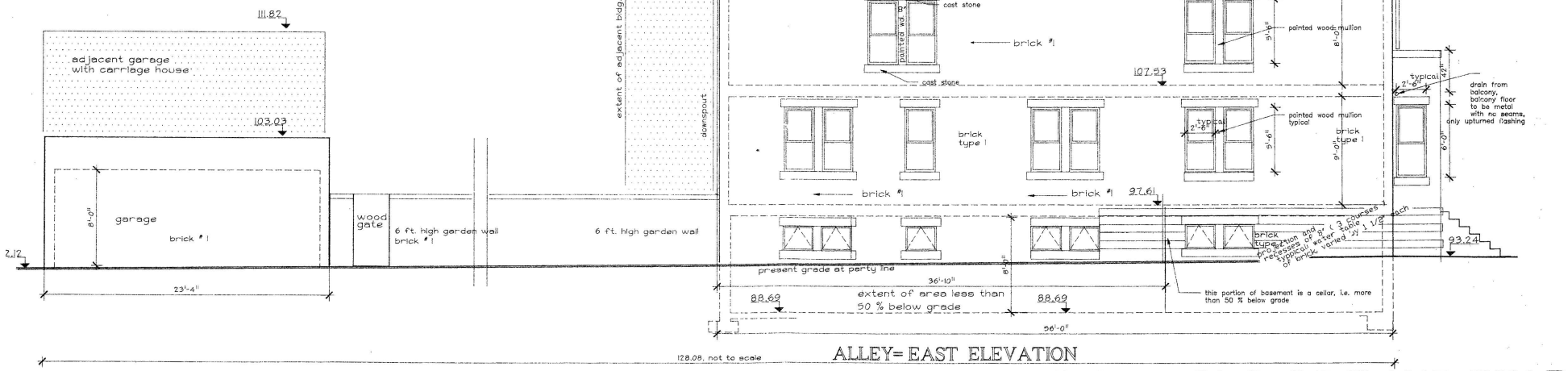
SECTION

DRAWN: KI ISSUED: 03-20-2002 APPROVED: KI PROJECT NO: 0126	DATE: REVISIONS: NUMBER: It is the responsibility of the contractor to verify all dimensions and all job conditions in the field, while bidding and before construction takes place. The contractor shall notify the Architect of any discrepancies when and if found. It is expressly understood that these drawings and specifications are not to be used for construction purposes. These drawings are the sole property of the Architect. Copying and duplicating is not permitted without the knowledge and written approval of the Architect.	KLAUS KLATT ARCHITECT PLANNER 3533 YUMA ST. N.W. WASHINGTON, D.C. TEL. 202 362 6610 20008 FAX. 202 244 7004	PROFESSIONAL SEAL	This drawing is designed in accordance with the 99 BOCA code + supplements. GRAPHIC SCALE: 1/4" = 1'-0" 0 2 4 8 12 16 ft	PROJECT: NEW RESIDENCE for Mr.& Mrs. Charles Holliday at 315 E. Cap. St. S.E. Washington, D.C. Lot # 35 Square 787	SHEET A-3 OF 7



REAR ELEVATION

Note:
Brick # 1 will be rusty brown standard brick matching adjacent used for # 313 East Capitol
Brick # 2 will be light colored beige standard brick, common bond



128.08, not to scale

ALLEY= EAST ELEVATION

ELEVATIONS, SIDE AND REAR

DRAWN: kl
ISSUED: 11-29-2001
APPROVED: kl
PROJECT NO: 0126

DATE: REVISIONS: NUMBER:

It is the responsibility of the contractor to verify all dimensions and all job conditions in the field, while bidding and before construction takes place. The contractor shall notify the Architect of any discrepancies when and if found. It is expressly understood that these drawings and specifications are not to be used for construction purposes. These drawings are the sole property of the Architect. Copying and duplicating is not permitted without the knowledge and written approval of the Architect.

KLAUS KLATT
ARCHITECT PLANNER
3533 YUMA ST. N.W., WASHINGTON, D.C. 20008
TEL. 202 362 6610
FAX. 202 244 7004

PROFESSIONAL SEAL

This drawing is designed in accordance with the 96 BOCA code + supplements.

GRAPHIC SCALE:
1/4"= 1' - 0"
0 2 4 8 12 16 ft

PROJECT:
NEW RESIDENCE
for Mr.& Mrs. Charles Holliday
at 315 E. Cap. St. S.E.
Washington, D.C.
Lot # 35 Square 787

SHEET
A-4
OF 7