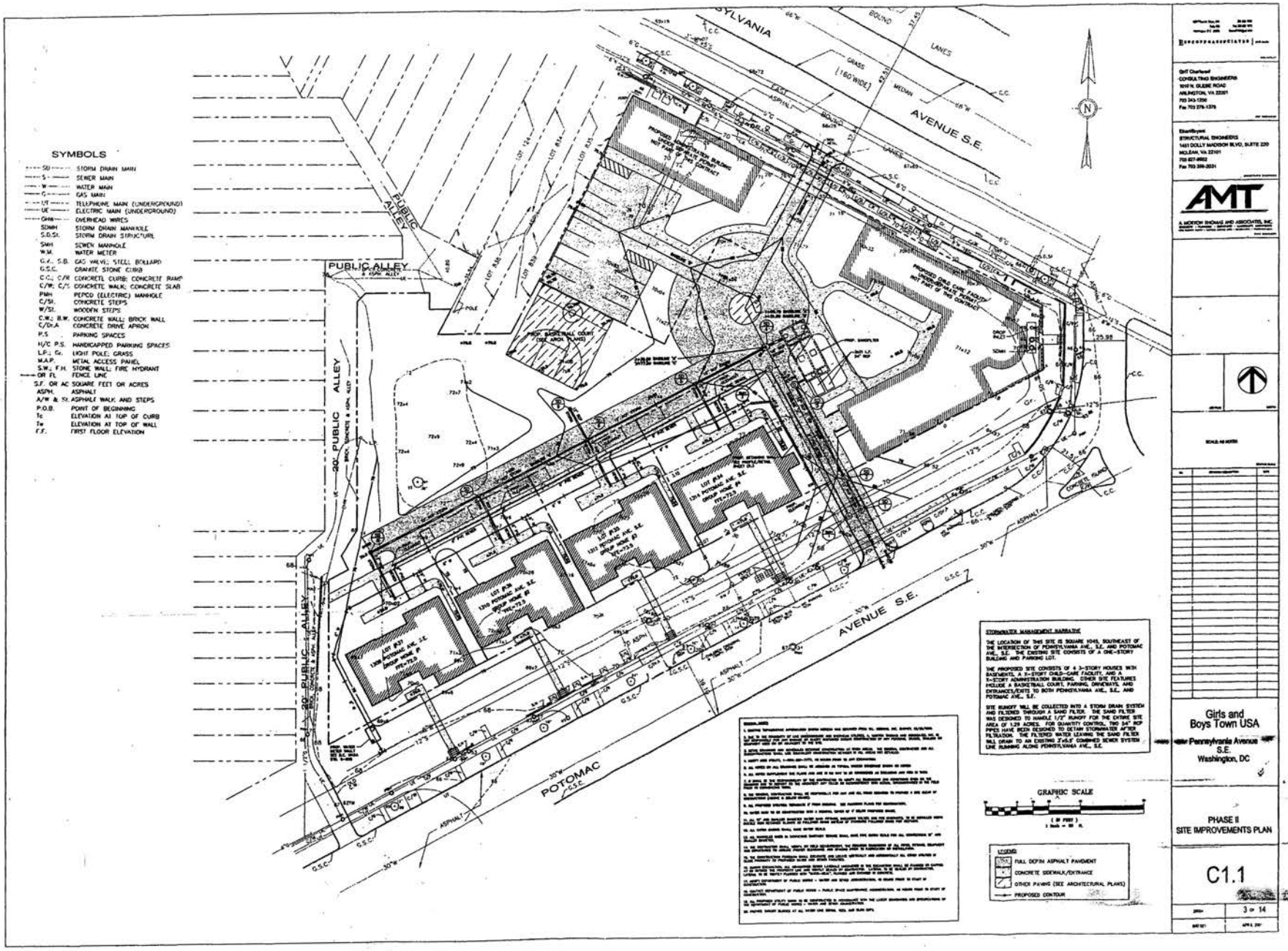
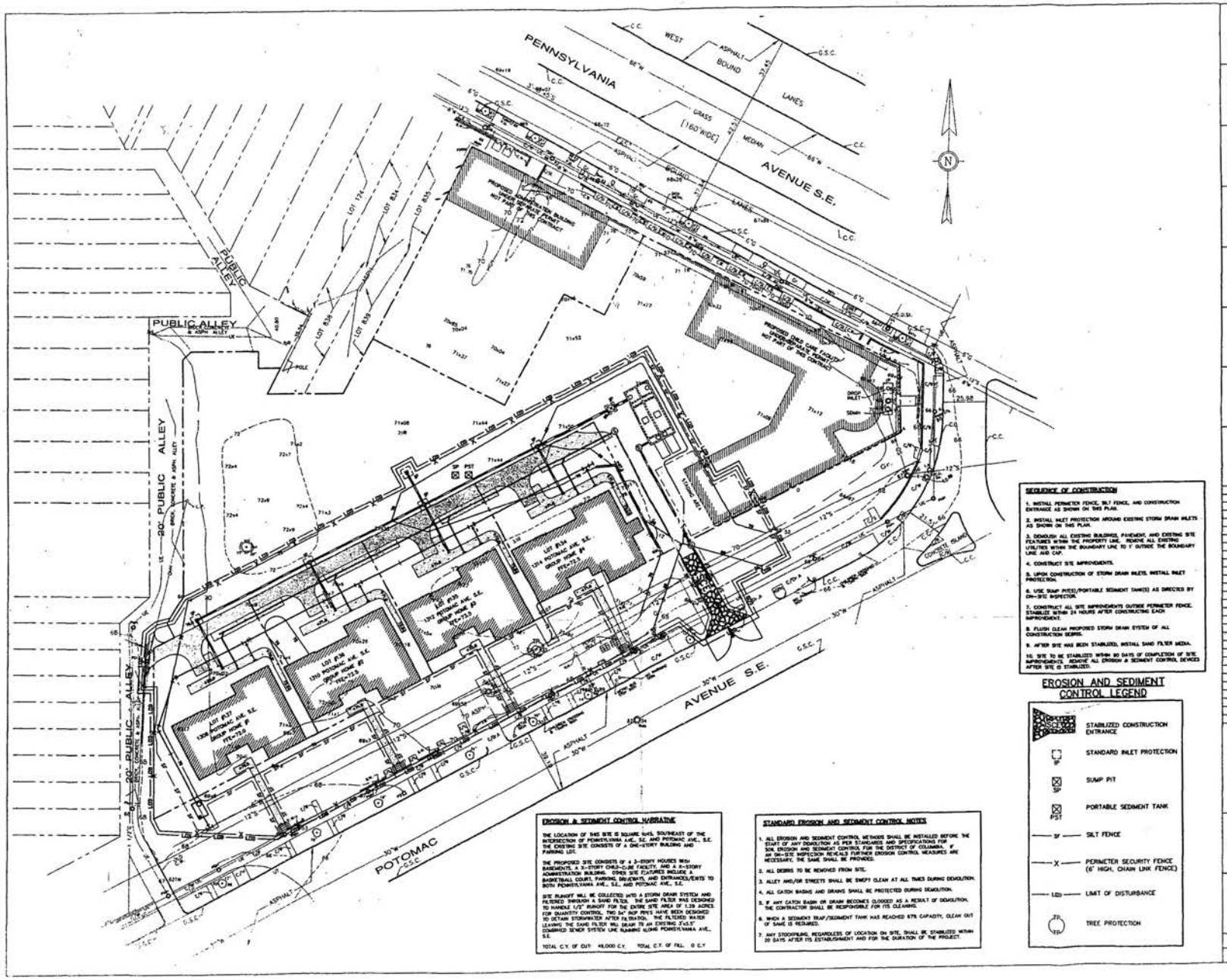
Board of Zoning Adjustment
District of Columbia
CASE NO.16935
EXHIBIT NO.22A2


SYMBOLS
STORM DRAIN MAIN
SEWER MAIN
WATER MAIN
GAS MAIN
TELEPHONE MAIN (UNDERGROUND)
ELECTRIC MAIN (UNDERGROUND)
OVERHEAD WIRES
STORM DRAIN MANHOLE
STORM DRAIN STRUCTURE
SEWER MANHOLE
WATER METER
GAS VALVE; STEEL BOLLARD
GRANITE STONE CURB
CONCRETE CURB; CONCRETE RAMP
CONCRETE WALK; CONCRETE SLAB
PEPCO (ELECTRIC) MANHOLE
CONCRETE STEPS
WOODEN STEPS
CONCRETE WALL; BRICK WALL
CONCRETE DRIVE APRON
PARKING SPACES
HANDICAPPED PARKING SPACES
LIGHT POLE; GRASS
METAL ACCESS PANEL
STONE WALL; FIRE HYDRANT
FENCE LINE
SQUARE FEET OR ACRES
ASPHALT
ASPHALT WALK AND STEPS
POINT OF BEGINNING
ELEVATION AT TOP OF CURB
ELEVATION AT TOP OF WALL
FIRST FLOOR ELEVATION
PUBLIC ALLEY
20' PUBLIC ALLEY
AVENUE S.E.
POTOMAC
PROPOSED CHILD CARE FACILITY NOT PART OF THIS CONTRACT
PROPOSED ADMINISTRATION BUILDING NOT PART OF THIS CONTRACT
PROP. BASKETBALL COURT (SEE APRON PLANS)
STORMWATER MANAGEMENT NARRATIVE
THE LOCATION OF THIS SITE IS SQUARE 1045, SOUTHEAST OF THE INTERSECTION OF PENNSYLVANIA AVE., S.E. AND POTOMAC AVE., S.E. THE EXISTING SITE CONSISTS OF A ONE-STORY BUILDING AND PARKING LOT.
THE PROPOSED SITE CONSISTS OF 4 3-STORY HOUSES WITH BASEMENTS, A 3-STORY CHILD-CARE FACILITY, AND A 3-STORY ADMINISTRATION BUILDING. OTHER SITE FEATURES INCLUDE A BASKETBALL COURT, PARKING, DRIVEWAYS, AND ENTRANCES/EXITS TO BOTH PENNSYLVANIA AVE., S.E. AND POTOMAC AVE., S.E.
SITE RUNOFF WILL BE COLLECTED INTO A STORM DRAIN SYSTEM AND FILTERED THROUGH A SAND FILTER. THE SAND FILTER WAS DESIGNED TO HANDLE 1/2" RUNOFF FOR THE ENTIRE SITE AREA OF 1.29 ACRES. FOR QUANTITY CONTROL, TWO 24" RCP PIPES HAVE BEEN DESIGNED TO DETAIN STORMWATER AFTER FILTRATION. THE FILTERED WATER LEAVING THE SAND FILTER WILL DRAIN TO AN EXISTING 2'x3.5' COMBINED SEWER SYSTEM LINE RUNNING ALONG PENNSYLVANIA AVE., S.E.
GRAPHIC SCALE
LEGEND:
FULL DEPTH ASPHALT PAVEMENT
CONCRETE SIDEWALK/DRIVEWAY
OTHER PAVING (SEE ARCHITECTURAL PLANS)
PROPOSED CONTOUR
Girls and Boys Town USA
Pennsylvania Avenue S.E.
Washington, DC
PHASE II
SITE IMPROVEMENTS PLAN
C1.1
3 of 14



SEQUENCE OF CONSTRUCTION

1. INSTALL PERIMETER FENCE, SILT FENCE, AND CONSTRUCTION ENTRANCE AS SHOWN ON THIS PLAN.
2. INSTALL INLET PROTECTION AROUND EXISTING STORM DRAIN INLETS AS SHOWN ON THIS PLAN.
3. DEMOLISH ALL EXISTING BUILDINGS, PAVEMENT, AND EXISTING SITE FEATURES WITHIN THE PROPERTY LINE. REMOVE ALL EXISTING UTILITIES WITHIN THE BOUNDARY LINE TO 5' OUTSIDE THE BOUNDARY LINE AND CAP.
4. CONSTRUCT SITE IMPROVEMENTS.
5. UPON CONSTRUCTION OF STORM DRAIN INLETS, INSTALL INLET PROTECTION.
6. USE SUMP PIT(S)/PORTABLE SEDIMENT TANK(S) AS DIRECTED BY ON-SITE INSPECTOR.
7. CONSTRUCT ALL SITE IMPROVEMENTS OUTSIDE PERIMETER FENCE. STABILIZE WITHIN 24 HOURS AFTER CONSTRUCTING EACH IMPROVEMENT.
8. FLUSH CLEAN PROPOSED STORM DRAIN SYSTEM OF ALL CONSTRUCTION DEBRIS.
9. AFTER SITE HAS BEEN STABILIZED, INSTALL SAND FILTER MEDIA.
10. SITE TO BE STABILIZED WITHIN 90 DAYS OF COMPLETION OF SITE IMPROVEMENTS. REMOVE ALL EROSION & SEDIMENT CONTROL DEVICES AFTER SITE IS STABILIZED.

EROSION AND SEDIMENT CONTROL LEGEND

- STABILIZED CONSTRUCTION ENTRANCE
- SF — STANDARD INLET PROTECTION
- SP — SUMP PIT
- PST — PORTABLE SEDIMENT TANK
- SF — SILT FENCE
- X — PERIMETER SECURITY FENCE (6' HIGH, CHAIN LINK FENCE)
- LOD — LIMIT OF DISTURBANCE
- TP — TREE PROTECTION

EROSION & SEDIMENT CONTROL NARRATIVE

THE LOCATION OF THIS SITE IS SQUARE 5015, SOUTHEAST OF THE INTERSECTION OF PENNSYLVANIA AVE., S.E. AND POTOMAC AVE., S.E. THE EXISTING SITE CONSISTS OF A ONE-STORY BUILDING AND PARKING LOT.

THE PROPOSED SITE CONSISTS OF 4 3-STORY HOUSES WITH BASEMENTS, A 1-STORY CHILD-CARE FACILITY, AND A 2-STORY ADMINISTRATION BUILDING. OTHER SITE FEATURES INCLUDE A BASKETBALL COURT, PARKING, DRIVEWAYS, AND ENTRANCES/EXITS TO BOTH PENNSYLVANIA AVE., S.E., AND POTOMAC AVE., S.E.

SITE RUNOFF WILL BE COLLECTED INTO A STORM DRAIN SYSTEM AND FILTERED THROUGH A SAND FILTER. THE SAND FILTER WAS DESIGNED TO HANDLE 1/2" RUNOFF FOR THE ENTIRE SITE AREA OF 1.39 ACRES. FOR QUANTITY CONTROL, TWO 24" RCP PIPES HAVE BEEN DESIGNED TO DETAIN STORMWATER AFTER TR 1H-2YR. THE FILTERED WATER LEAVING THE SAND FILTER WILL DRAIN TO AN EXISTING 3'x3.5' COMBINED SEWER SYSTEM LINE RUNNING ALONG PENNSYLVANIA AVE., S.E.

TOTAL C.Y. OF CUT 49,000 C.Y. TOTAL C.Y. OF FILL 0 C.Y.

STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. ALL EROSION AND SEDIMENT CONTROL METHODS SHALL BE INSTALLED BEFORE THE START OF ANY DEMOLITION AS PER STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL FOR THE DISTRICT OF COLUMBIA. IF AN ON-SITE INSPECTION REVEALS FURTHER EROSION CONTROL MEASURES ARE NECESSARY, THE SAME SHALL BE PROVIDED.
2. ALL DEBRIS TO BE REMOVED FROM SITE.
3. ALLEY AND/OR STREETS SHALL BE SWEPT CLEAN AT ALL TIMES DURING DEMOLITION.
4. ALL CATCH BASINS AND DRAINS SHALL BE PROTECTED DURING DEMOLITION.
5. IF ANY CATCH BASIN OR DRAIN BECOMES CLOGGED AS A RESULT OF DEMOLITION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ITS CLEANING.
6. WHEN A SEDIMENT TRAP/SEDIMENT TANK HAS REACHED 67% CAPACITY, CLEAN OUT OF SAME IS REQUIRED.
7. ANY STOCKPILING, REGARDLESS OF LOCATION ON SITE, SHALL BE STABILIZED WITHIN 20 DAYS AFTER ITS ESTABLISHMENT AND FOR THE DURATION OF THE PROJECT.

EHRENKRANTZ ASSOCIATES | ARCHITECTS

GWT Chartered
CONSULTING ENGINEERS
1010 N. GLEBE ROAD
ARLINGTON, VA 22201
703 243-1000
Fax 703 276-1376

EhrenKrant
STRUCTURAL ENGINEERS
1451 DOLLY MADISON BLVD. SUITE 220
MCLEAN, VA 22101
703 827-4662
Fax 703 356-2031

AMT
A. MORTON THOMAS AND ASSOCIATES, INC.

Girls and Boys Town USA
Pennsylvania Avenue S.E.
Washington, DC

EROSION AND SEDIMENT CONTROL PLAN

C4.0

13 of 14

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 12-4, 2002

Plat for Building Permit of SQ-1045 LOTS 134 THRU 137

Scale: 1 inch = 40 feet Recorded in Book 199 Page 110

Receipt No. 2193

Furnished to: WITHUM

Surveyor, D.C.

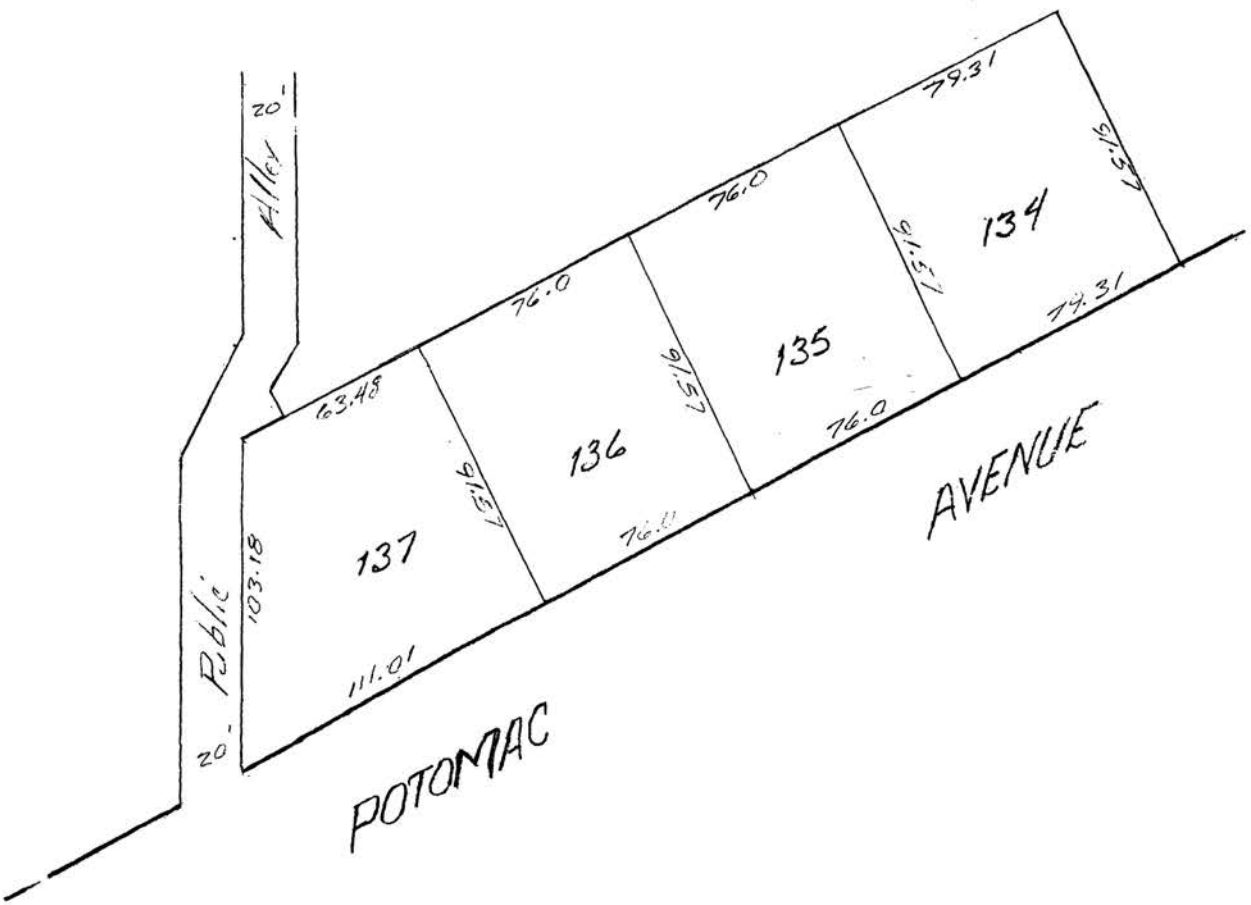
By: DH

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: _____

_____
(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.



GOVERNMEMT OF THE DISTRICT OF COLUMBIA
BLRA-10 (Rev. 8/89) /89)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
TECHNICAL REVIEW BRANCH

PLAN CORRECTION LIST

Job No. 1135 THRU 1138

Engineer TOYE | Section ZONING | Date 1/19/01

CHANGES REQUIRED ON PLANS PRIOR TO APPROVAL:

No.

(1) Provide D.C Surveyor's plats reflecting Each building Survey, ~~[illegible]~~ dimensions & set backs from all property lot lines.

(2) Item # 16 on construction permit applications should reflect appropriate category of use consistent with plans.
Please identify common need for assistance of Youth to be housed.
Refer to section 199 of Title 11, the Zoning Reg:
Definition of:
(a) "Youth Residential Care Home"
(b) "Youth Rehabilitation Home"

(3) Explain "Efficient Bedroom"

5

199 DEFINITIONS

199.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

Court - an unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines, or yards. A court may also be bounded by a single curved wall of a building. (28 DCR 4192)

Dwelling, one-family - a dwelling used exclusively as a residence for one (1) family.

Dwelling, one-family detached - a one-family dwelling, completely separated from all other buildings and having two (2) side yards.

Dwelling, one-family semi-detached - a one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard.

Dwelling, row - a one-family dwelling having no side yards.

Dwelling, two-family - a dwelling used exclusively as a residence for two (2) families living independently of each other. A two-family dwelling is a flat.

Wall, lot line - an enclosing wall constructed immediately adjacent to a side lot line, but not a party wall.

405 SIDE YARDS (R)

405.1 In an R-2, R-3, R-4, or R-5 District, a one-family detached dwelling shall be subject to the side yard requirements of an R-1 District.

405.2 In an R-3, R-4, or R-5 District, a one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.

405.3 In R-2, R-3, R-4, and R-5 Districts, when a one-family dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.

405.4 Except as provided in § 405.1, in an R-5-A District, one (1) side yard shall be provided for all structures unless the structure is an apartment house containing three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum width set forth in § 405.9.

405.5 A side yard shall not be required along a side street abutting a corner lot in a Residence District.

405.6 Except as provided in §§ 405.1 and 405.2, a side yard shall not be required in an R-3, R-4, R-5-B, R-5-C, R-5-D, or R-5-E District. However, if the yard is provided, it shall be at least three inches (3 in.) wide per foot of height of building, but not less than eight feet (8 ft.) wide.

405.7 In the case of a lot located in an R-1 or R-2 District proposed to be used by a public school that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, the required side yard may be reduced or omitted.

405.8 In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).

405.9 Side yards shall be provided on lots in Residence Districts as set forth in the following table, subject to the special requirements of other provisions of this chapter:

ZONE DISTRICT	MINIMUM WIDTH OF EACH SIDE YARD
R-1-A, R-1-B, R-2	8 feet
R-3, R-4	None required, except as provided under §§ 405.1, 405.2, and 405.6
R-5-A	3 inches per foot of height of building, but not less than 8 ft.
R-5-B, R-5-C, R-5-D, R-5-E	None required, except as provided under §§ 405.1, 405.2, and 405.6.

SOURCE: § 3305 of the Zoning Regulations effective May 12, 1958; § 3305.4 added by Case No. 17-17, 17 DCR 305 (November 30, 1970); as amended by Final Rulemaking published at 39 DCR 8305, 8307 (November 13, 1992).

775 SIDE YARDS (C)

775.1 Side yards shall be provided for structures in a Commercial District as specified in this section.

775.2 A one-family detached dwelling shall be subject to the side yard requirements of an R-1 District.

775.3 A one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.

775.4 No side yard shall be required for a hotel; but if a side yard is provided, the width of the yard shall be as follows:

(a) In a C-1, C-2, or C-3-A District: three inches (3 in.) wide for each foot of height of building, but not less than eight feet (8 ft.); and

(b) In a C-3-B, C-3-C, C-4, or C-5 (PAD) District: two inches (2 in.) wide for each foot of height of building, but not less than six feet (6 ft.).

775.5 No side yard shall be required for any other building or structure; but if a side yard is provided, it shall be at least two inches (2 in.) wide for each foot of height of building, but not less than six feet (6 ft.).

SOURCE: § 5303.4 of the Zoning Regulations effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 2226, 2228 (May 23, 1980).

112 INTERPRETATION OF THE DISTRICT ELEMENTS

112.1 The primary dynamic of the District elements of the Plan is the overlapping of its elements' goals. This overlapping is intentional.

(a) District elements of the Plan should be studied and executed in concert with each other and should be interpreted broadly.

(b) The interpretation and implementation of any element should necessarily rely upon, and be respectful of, the objectives and policies of other elements.

(c) An element may be tempered or defined by one (1) or more of the other elements. This may occur both within one (1) element and between elements. Since the Land Use element integrates the policies and objectives of all other District elements, it should be given greater weight than the other elements.

112.2 The interpretation of the District elements of the Plan should also be guided by the major themes set forth in §101.1, which establish the overall priorities of the District elements of the Plan.

112.3 Except as specifically required by other law, the District elements of the Comprehensive Plan, or the Home Rule Charter provision that zoning shall not be inconsistent with the Comprehensive Plan in An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved December 24, 1973 (87 Stat. 792; D.C. Code 5-414), the District elements of the Plan are a guide intended to establish broad policies and goals while affording flexibility for future implementation and are not binding policy directives.

112.4 The District elements of the Plan should not be construed as a delegation of authority to establish new programs.

112.5 In addition to the requirement set forth in the Charter and in this act that zoning shall not be inconsistent with the Comprehensive Plan, the governmental issuance of public space permits shall also not be inconsistent with the Plan. The consistency of each building and construction permit shall be reviewed pursuant to §1138.1(k) of the Comprehensive Plan.

112.6 The zoning impact of the District elements of the Plan is not limited to areas where amendments to the Zoning Regulations are required to eliminate inconsistencies between the Plan and zoning:

(a) The Zoning Commission, the Board of Zoning Adjustment, and other District agencies shall also look to the District elements for general policy guidance;

(b) To the extent they are relevant, the objectives and policies of the District elements of the Plan shall be considered in planned unit development, campus plan, special exception, variance and other decisions; and

(c) In issuing or processing any building or construction permit, or any Certificate of Occupancy, the Zoning Administrator, the Board of Zoning Adjustment, and the Zoning Commission, shall evaluate the proposal in conjunction with the applicable sections of the Comprehensive Plan and the Comprehensive Plan Maps.

113 - 119 [RESERVED]

120 COMPREHENSIVE PLAN AMENDMENT PROCESS

120.1 The purpose of §§120 through 125 of this chapter is to do the following:

(a) To establish an orderly procedure for reviewing proposed amendments to the District elements of the Comprehensive Plan as provided for in 10 DCMR §107; and

(b) To provide for public and District agency participation in the Comprehensive Plan amendment process.

120.2 Sections 120 through 125 of this chapter shall apply to the review and processing of all proposed amendments to the District elements undertaken by the Office of Planning.

120.3 Any individual or organization may submit proposed amendments.

120.4 Proposed amendments shall be reviewed according to the guidelines set forth in §§124 and 125 of this chapter.

121 COMPREHENSIVE PLAN AMENDMENT CYCLE

121.1 A Comprehensive Plan Amendment cycle is established for the purpose of creating a periodic cycle to solicit, compile, and review proposed amendments to the District elements of the Comprehensive Plan.

121.2 Each Comprehensive Amendment cycle shall end on March 31st of every fourth year, beginning March 31, 2002, as provided under the Comprehensive Plan Amendment Act of 1998.

121.3 The Office of Planning shall transmit proposed amendments, the results of reviews, and comments concerning proposed amendments, and recommendations to the Mayor no later

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Appeal No. 16811 of David and Janet Pritchard, pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of Michael D. Johnson, Zoning Administrator, for the issuance of Building Permit No. B431591 allowing the construction of an addition allegedly not complying with the side yard requirements (section 405) in an R-4 District at premises 1018 Constitution Avenue, N.E. (Square 964, Lot 46).

HEARING DATES: January 8, 2002; February 26, 2002; March 5, 2002
DECISION DATES: April 2, 2002; June 4, 2002

DECISION AND ORDER

David and Janet Pritchard filed an appeal with the Board of Zoning Adjustment on October 30, 2001, challenging the decision of the Zoning Administrator to approve the issuance of a building permit to their neighbors at 1018 Constitution Avenue, N.E. (Square 964, Lot 46), as violating the side yard requirements of the Zoning Regulations. Janet Pritchard represented herself and Mr. Pritchard in this proceeding. Assistant Corporation Counsel Marie Claire Brown represented the Zoning Administrator. The property owners, Philip Sedlak and Kathleen Peoples, have party status in this appeal and are represented by the law firm, Jackson & Campbell.

The building permit in question allowed the construction of an addition at the rear of a one-family semi-detached dwelling, located in an R-4 Zone District. The addition spans the width of the lot, converting the semi-detached dwelling (a dwelling, the wall on one side of which is either a party wall or a lot line wall, having one side yard) into a row dwelling (a dwelling having no side yards). Given the configuration of the adjacent properties, the dwelling with the addition cannot share on one side a common division or party wall with an adjacent building. The appellants argue that the dwelling is therefore subject to the side yard requirements in 11 DCMR § 405. Both the Zoning Administrator and the property owners contend that because a row dwelling is a matter of right use in the R-4 District, the addition may be constructed as a matter of right. After a public hearing, the Board granted the appeal, determining that § 405.3 requires the provision of a side yard, such that the addition cannot be constructed as a matter of right.

The terms "one-family semi-detached dwelling," "row dwelling," and "side yard" are terms of art in the Zoning Regulations, and defined in § 199.1 For the convenience of the reader, the definitions of these terms and other pertinent provisions of the regulations are reprinted in Appendix A to this Decision and Order.

PRELIMINARY AND PROCEDURAL MATTERS

Notice of Appeal and Notice of Public Hearing. By memoranda dated November 6, 2001, the Office of Zoning advised the Zoning Administrator; the Office of the Corporation Counsel; Advisory Neighborhood Commission (ANC) 6A, the ANC for the area within which the property that is the subject of this appeal is located; the ANC Commissioner for the affected Single-Member District; the Ward 6 Councilmember; and the D.C. Office of Planning of the filing of the appeal.

The Board scheduled a public hearing on the appeal for January 8, 2002. Pursuant to 11 DCMR § 3113.14, the Office of Zoning on November 16, 2001, mailed the appellants, the Zoning Administrator, and ANC 6A notice of hearing. The owners of the subject property were copied with the appellants' notice. Notice of hearing was also published in the D.C. Register on November 23, 2001, at 48 DCR 10,614. At the January 8 hearing, the Board postponed the hearing until February 26, 2002, at the request of the property owners, to afford them the opportunity to obtain legal counsel and prepare their case. Due to the Board's congested calendar, the appeal was heard the following week, on March 5, 2002.

Appellants' Case. The Pritchards present four arguments. First, they argue that the building permit conflicts with the plain language of 11 DCMR § 405.3, which provides that in the R-2, R-3, R-4, and R-5 Districts, when a one-family dwelling is erected that does not share a common division wall with an existing building or a building being constructed with the new building, it must have a side yard on each resulting free-standing side. Second, they point out that the Zoning Administrator required a similarly situated property owner at 220 – 5th Street, S.E., to obtain special exception approval for an addition to a semi-detached dwelling that converted the dwelling to a row dwelling. Third, they argue that the Zoning Administrator's position conflicts with other provisions of the Zoning Regulations, including § 405.2, which requires that a semi-detached dwelling provide one eight-foot side yard; § 405.5, which provides that a side yard shall not be required along a side street abutting a corner lot; § 405.6, which provides that except for detached and semi-detached dwellings, a side yard shall not be required in the R-4 District; however, if a side yard is provided, it must be a minimum of eight feet in width; and § 223, which authorizes the Board to grant special exception relief from the minimum side yard requirements. Finally, the appellants argue that even if § 405.3 is found to be ambiguous, the Zoning Administrator's interpretation of § 405.3 conflicts with the interpretation guidelines in § 101 of the Zoning Regulations that expressly favor the interpretation that best provides light and air, and encourages stability of zone districts and land values.

The appellants also included within their case arguments presented by Lyle Schauer, Zoning Chairman of the Capitol Hill Restoration Society. Mr. Schauer argued that under § 405.3, a building constructed as a row dwelling must have common division walls on both sides; otherwise, the building must have a side yard on each resulting free-standing side. He argued that § 405.5, which provides that no side yard is required along a side street abutting a corner lot, constitutes the only exception to § 405.3.

Zoning Administrator's Case. The Zoning Administrator argues that conversion to a row dwelling is a matter of right in an R-4 District, such that the subject dwelling is not required to provide side yards. While the Zoning Administrator's final determination letter dated August 20, 2001, recognizes "that there is seemingly ambiguous or contradictory language between Section 405.3 and the allowance of a row dwelling in the R-4 district as a matter of right," the Zoning Administrator reasoned that the purpose of § 405.3 "is intended to ensure the establishment of a common division wall between each two adjacent properties. The referenced property has met that requirement by sharing a common division wall with an adjacent structure." At the hearing, then-Acting Zoning Administrator Toye Bello stated that the purpose of § 405.3 was to prevent a situation where a semi-detached dwelling could be constructed with a lot line wall on one side, and a free-standing wall within one foot of the lot line on the other side.

The Zoning Administrator also argued that an interpretation of § 405.3 that required a semi-detached one-family dwelling to maintain an eight-foot side yard would be inconsistent with § 401.3, which specifies minimum lot area and lot width requirements. That is, the Zoning Administrator argued that since the regulations allow in the R-4 District an 1800 square-foot lot as a matter of right, it would be illogical to interpret § 405.3 as requiring an eight-foot side yard, leaving only ten feet for the dwelling. Finally, the Zoning Administrator noted that § 405.6 specifies that, except for one-family detached and semi-detached dwellings, a side yard shall not be required in an R-3, R-4, R-5-B, R-5-C, R-5-D, or R-5-E District; but that if a side yard is provided at the discretion of a property owner, then it may be no less than eight feet wide.

Property Owners' Case. At the hearing, Bruce Wentworth of Wentworth Levine, Architect-Builder, Inc., described the addition. Ms. Peoples presented a statement indicating that the appellants had objected to the construction of the addition before the issuance of the building permit.

Mr. Sedlak and Ms. Peoples adopted the Zoning Administrator's case. They argued that since a row dwelling is a matter-of-right use in an R-4 District, a "non-party" wall may be constructed face-on-line, without any side yards. In addition, they argued that § 405.3 only applies to new construction. They asserted that § 405.3 does not apply where the owner seeks to construct a row dwelling, since a row dwelling has no side yards; nor where the owner seeks to convert a semi-detached dwelling to a row dwelling. They argued that the Zoning Commission's intent in adopting § 405.3 was limited to preventing the construction of only one-half of a pair of semi-detached dwellings. They also argued that the appellants' interpretation of § 405.3 would bar a use conversion.

ANC Report. In its report dated January 7, 2002, ANC 6A states that at a duly-noticed meeting held on December 6, 2001, with a quorum present, and after reviewing the report of the ANC's Zoning and Licensing Committee and hearing presentations from Mrs. Pritchard and Ms. Peoples, the ANC voted to support the appeal.

Closing of the Record. The record closed at the conclusion of the public hearing, with the exception of the proposed findings of fact and conclusions of law requested of the parties. Exhibits 17, 24 through 26, 32, and 33 consist of letters from nearby residents regarding this

appeal. Since the Board's Rules of Practice and Procedure do not provide for public comment in appeal cases, see 11 DCMR § 3177.11(a), Exhibits 17, 24 through 26, 32, and 33 are stricken from the record. The Board re-opened the record at its public meeting on April 4, 2002, to accept a report from the Office of Zoning related to this case, and to allow the parties the opportunity to submit written responses to the report.

Decision Meeting. At its public meeting on June 4, 2002, the Board voted 5 – 0 – 0 to grant the appeal.

FINDINGS OF FACT

The Subject Lot and the Dwelling Prior to the Addition

1. The property that is the subject of this appeal is located at 1018 Constitution Avenue, N.E. (Square 964, Lot 46), in an R-4 Zone District, in the Capitol Hill Historic District.

2. As described in 11 DCMR § 330.1, "The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families." Matter-of-right uses include one-family detached dwellings, one-family semi-detached dwellings, and row dwellings. See 11 DCMR §§ 330.5(a), 320.3(a), 300.3(a) and (c), 201.1(a).

3. The subject lot is rectangular in shape, 26 feet wide and approximately 90.5 feet deep, with a lot area of 2352 square feet.

4. The subject dwelling is located on the north side of Constitution Avenue, at the east end of a row of row dwellings.

5. The dwelling shares one common division wall[1] with a row dwelling on the adjacent lot to the west.

6. To the east, the side yard was 7.0 feet wide at the front portion of the dwelling (32.4 feet in depth), and 12.33 feet wide at the rear portion (16 feet in depth).

7. The dwelling was therefore classified for zoning purposes as a "one-family semi-detached dwelling"; that is, "a one-family dwelling, the wall on one (1) side of which is either a party wall or a lot line wall, having one side yard." See 11 DCMR § 199.1.

8. The eastern side lot line of the subject property coincides with the rear lot lines of five lots developed with row dwellings fronting on 11th Street, N.W., including the appellants' dwelling. All five lots are relatively small, with shallow rear yards.

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[1] The Zoning Regulations do not define either the phrase "common division wall" or the phrase "party wall." The Zoning Administrator testified that a "common division wall" is a "party wall," and that a party wall straddles the lot line. *See* Tr. at 106-07 (Mar. 5, 2002).

9. Given the configuration of the abutting properties, the subject dwelling does not, and physically cannot, share a second common division wall with any other building to the east.

The Rear Addition

10. On May 21, 2001, Mr. Sedlak filed an application with the Department of Consumer and Regulatory Affairs (DCRA) to construct a two-story rear addition. The application describes both the existing use and the proposed use of the property as a one-family "semi-detached" dwelling. Mr. Bello acknowledged the description of the proposed use on the application form as a "minor oversight" that could be administratively corrected. Tr. at 100 (Mar. 5, 2002). Notwithstanding the stated proposed use category, DCRA reviewed the plans that accompanied the application as a conversion to a row dwelling. Tr. at 101 (Mar. 5, 2002).

11. DCRA issued Mr. Sedlak Building Permit No. B431591 on July 5, 2001, for the construction of a "two story addition on rear of existing home."

12. By letter dated August 7, 2001, the appellants requested DCRA to suspend the permit, alleging that it did not comply with (1) the percentage of lot occupancy limitations in 11 DCMR § 403.2;[2] and (2) the side yard requirements of §§ 405.2, 405.3, and 405.9.

13. By letter dated August 20, 2001, the Zoning Administrator issued a formal determination that the permit was "issued correctly, in accordance with the Zoning Regulations and previous precedence [sic], as established by past Zoning Administrators." The letter stated the reasons for the Zoning Administrator's determination, and indicated that it was a final decision, appealable to the Board of Zoning Adjustment. The Pritchards filed their appeal timely on October 30, 2001.

14. By the date of the hearing on this appeal, the construction of the rear addition was nearly complete.

15. The two-story addition is constructed at the rear of the dwelling. It spans the full 26-foot width of the lot for a depth of 20.5 feet. A second-floor deck facing the front has also been constructed along the east side of the dwelling, 12.33 feet wide and 4.6 feet deep, abutting the eastern side lot line. There is also a second-floor deck at the rear.

16. The addition has a lot line wall[3] on the east side.

17. The lot line wall is a free-standing wall.[4]

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[2] The appellants did not raise the issue of lot occupancy in their appeal before the Board.

[3] A "lot line wall" is defined in § 199.1 as "an enclosing wall constructed immediately adjacent to a side lot line, but not a party wall." According to the Zoning Administrator, a lot line wall is also called a "face-on-line wall." Tr. at 106-07 (Mar. 5, 2002).

[4] In 11 DCMR § 199.2(g), the Zoning Regulations stipulate that words not defined in § 199 be given the meaning in *Webster's Unabridged Dictionary*. The phrase "free-standing" is defined in *Webster's Third New International Dictionary* (1986) as "standing alone and on its own foundation free of architectural or supporting frame or attachment," as in the phrase "a free-standing wall."

18. Since the open space on the east side of the dwelling no longer extends the full depth of the dwelling, the open space is considered a "court" and not a "side yard" as those terms are defined in § 199.1 of the Zoning Regulations.

19. The dwelling with the addition is therefore classified as a "row dwelling" for purposes of zoning; that is, "a one-family dwelling having no side yards." See 11 DCMR § 199.1.

20. The addition abuts approximately three-quarters of the rear lot line of the appellants' property at 204 - 11th Street and approximately one-half of the rear lot line of the appellants' neighbors at 206 – 11th Street.

21. Because the appellants have a nonconforming rear yard, the addition is located approximately 13 feet from the rear of their dwelling. The appellants assert that the addition substantially interferes with the air and light to their rear yard and kitchen. Mrs. Pritchard describes the addition as shadowing and overwhelming her dwelling, creating a "tenement style feeling," with her dwelling bricked-in on three sides rather than two. Tr. at 70 (Mar. 5, 2002).

22. Mr. Shauer also testified that the addition adversely affects the light and air to the abutting 11th Street properties.

Miscellaneous Findings

23. The purpose of § 405.3, as expressly stated in Z.C. Order No. 17, published at 17 DCR 305 (1970), is "to insure the provision of adequate side yards for all residential buildings regardless of the zoning district in which they lie."

24. The Zoning Administrator required the property owners of a semi-detached dwelling at 220 – 5th Street, S.E., also located on Capitol Hill, to seek special exception approval to construct an addition under somewhat similar circumstances. The side lot line of 220 – 5th Street coincides with the side lot line of the adjacent property. The Zoning Administrator's memorandum on 220 – 5th Street, dated June 11, 2001, indicates that the property owners required special exception relief pursuant to 11 DCMR § 223 from the provisions of § 405.2, requiring a semi-detached dwelling in the R-4 District to provide one side yard, and from § 405.3, requiring a side yard when a dwelling does not share a common division wall with an existing adjacent building. Mr. Bello stated that upon further reflection, he believed that this case was referred to the Board of Zoning Adjustment for special exception review in error. Regardless of the 220 – 5th Street case or Zoning Administrator determinations in other cases, the Board has not previously interpreted § 405.3.

CONCLUSIONS OF LAW AND OPINION

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Code § 6-641.07(f) and (g)(1) (2001)), to hear and decide appeals where it is alleged by an appellant that there is error in any decision by an administrative officer in the

carrying out or enforcement of the Zoning Regulations. This appeal is properly before the Board pursuant to 11 DCMR § 3100.2, 3101.5, and 3200.2. The notice requirements of § 3112 for the public hearing on the appeal have been met.

The Board is required under § 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21, as amended; D.C. Code, 2001 Ed. § 1-309.10(d)(3)(A)), to give "great weight" to the issues and concerns raised in the affected ANC's recommendations. While ANC 6A supports the Pritchards' appeal, the ANC did not identify any issues and concerns for the Board's consideration.

The issue in this case is whether the owner of a one-family semi-detached dwelling in an R-4 District may convert the dwelling to a row dwelling as a matter of right, where the dwelling will not share on both sides a common division wall with an adjacent building. As explained below, the Board concludes that while a row dwelling is a matter-of-right use in the R-4 District, the side yard provisions of the Zoning Regulations limit the circumstances under which the owner of an existing semi-detached dwelling may convert the dwelling to a row dwelling.

Subsection 405.3

In 1970, in Z.C. Order No. 17, the Zoning Commission added Subsection 405.3 to the zoning regulations relating to the provision of side yards in Residence Districts. Subsection 405.3 states that:

> In R-2, R-3, R-4, and R-5 Districts, when a one-family dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, then it shall have a side yard on each resulting free-standing side.

The subject dwelling, which fronts on Constitution Avenue, N.E., shares one common division wall with a row dwelling to the west. Prior to the construction of the addition, it had one side yard to the east. It was, therefore, classified for purposes of zoning as a "one-family semi-detached dwelling." See id. § 199.1 (definition of "one-family semi-detached dwelling"). The rear addition spans the full width of the lot. Since the remaining open space on the east side of the dwelling no longer extends the full depth of the dwelling, it is classified for purposes of zoning as a "court" rather than a "side yard." See id. § 199.1 (definition of "court" and "side yard"). The dwelling with the addition is therefore classified for purposes of zoning as a "row dwelling," a dwelling having no side yards. See id. § 199.1 (definition of "row dwelling).

Because the eastern side lot line coincides with the rear lot lines of several abutting lots fronting on 11th Street, N.E., the subject dwelling does not and, given the configuration of the adjacent dwellings, physically cannot, share a common division wall with a building to the east. The Board concludes therefore that under § 405.3, the dwelling must provide a side yard on the east side, the "resulting free-standing side."

The Board rejects the arguments of the Zoning Administrator and the property owners that § 405.3 does not apply as long as a dwelling has (at least) one common division wall. Subsection 405.3 must be read in its entirety. The first clause employs the general phrase "one-family dwelling," defined in § 199.1 as "a dwelling used exclusively as a residence for one (1) family," rather than the more specific classifications, "one-family detached," "one-family semi-detached dwelling," or "row dwelling," all defined in § 199.1. If the purpose of § 405.3 was limited to the preventing the construction of only one-half of a pair of semi-detached dwellings as urged by the property owners, then the regulation would have used the specific term "one-family semi-detached dwelling," and not the general term, "one-family dwelling."

Moreover, the last clause of the sentence, in requiring "a side yard on each resulting free-standing side," refers to each one of potentially two free-standing sides.[5] Moreover, the use of the word "resulting" indicates that the free-standing side results from the absence of a common division wall with an adjacent building, such that a side yard must be provided on each side of the dwelling that does not share a common division wall with an adjacent building.

Subsection 405.5, which states that "A side yard shall not be required along a side street abutting a corner lot in a Residence District," provides the an exception to § 405.3. Thus, at the end of a row of row dwellings, except in the case of a corner lot, the last dwelling (a semi-detached dwelling) must provide a side yard.

The Zoning Administrator also argued that the purpose of § 405.3 was to prevent property owners from constructing a semi-detached dwelling to within one foot or so of the lot line. Subsection 405.3, however, does not address the required minimum width of side yards. Rather, it specifies circumstances under which a side yard must be provided. Subsections 405.6 and 405.9 specify minimum side yard width requirements. These regulations were in place prior to the adoption of § 405.3. Therefore, § 405.3 could not have been intended to prevent narrow, one-foot side yards, since §§ 405.6 and 405.9 already required a semi-detached dwelling to provide one side yard, a minimum of eight feet in width.

Finally, the Zoning Administrator argued that an interpretation of § 405.3 as requiring a side yard on the side of a dwelling that does not share a common division wall would not make sense in light of § 401.3, which prescribes for row dwellings in the R-4 District a minimum lot area of 1,800 square feet and a minimum lot width of 18 feet. The Zoning Administrator noted that the provision of an 8-foot wide side yard on an 18-foot wide lot would leave only 10 feet for the

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[5] The word "each" is defined as:

> being one of two or more distinct individuals having a similar relation and often constituting an aggregate: this as well as that or the next or any other of two or more separate but similar individuals (a boat hung from the ceiling by ropes attached at each end . . .) (the little chipmunk with a piñon nut in each cheek pouch . . .) (each day was like every other one . . .) (each year the Cape has a summer inundation of people . . .) (a program flexible enough to be tailored to each individual employee . . .) (giving to each syllable an equal stress . . .) (some publishers . . . will have books to show in each category . . .).

Webster's Third New International Dictionary (1986) (citations to sources of examples omitted).

dwelling. Subsection 401.3, however, also prescribes for a one-family semi-detached dwelling in the R-4 District a minimum lot area of 3,000 square feet and a minimum lot width of 30 feet. Subsection 101.6 provides in pertinent part that "Where a lot is divided, the division shall be effected in a manner that will not violate the provisions of this title for yards . . . applicable to that lot or any lot created." To comply with the side yard requirement of § 405.3, property should be subdivided such that the end lot (that is not a corner lot) of a row of lots subdivided for purposes of constructing row dwellings will have sufficient width to accommodate a semi-detached dwelling.

Subsection 405.3 Interpreted in Light of Section 405 as a Whole

The side yard regulations as a whole are designed to ensure the provision of an adequate amount of separation between structures. Subsection 405.6, for example, reflects a policy of providing a meaningful amount open space between structures. It states that:

> Except as provided in §§ 405.1 and 405.2, a side yard shall not be required in an R-3, R-4, R-5-B, R-5-C, R-5-D, or R-5-E District. However, if the yard is provided, it shall be at least three inches (3 in.) wide per foot of height of building, but not less than eight feet (8 ft.) wide.

Further, while side yards are not required as a general rule in an R-4 District, § 405.6 recognizes § 405.2 as an exception to the general rule. Subsection 405.2 provides that in an R-4 District, "a one-family semi-detached dwelling shall be subject to the side yard requires of an R-2 District." Subsection 405.9, in turn, requires that each side yard in an R-2 District have a minimum width of eight feet.

Subsection 405.8 is plainly intended to preserve side yards in existence prior to the effective date of the Zoning Regulations. It states:

> In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; Provided, that the width of the existing side yard shall not be decreased; and Provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).

As applied to the subject property,[6] § 405.8 requires the maintenance of the seven-foot side yard at the front portion of the dwelling, and §§ 405.2 and 405.9 requires the provision of an eight-foot side yard at the rear portion of the dwelling (where the side yard prior to the addition was 12.33 feet wide). Read together, §§ 405.3 and 405.8 preclude the conversion of a semi-detached dwelling to a row dwelling, unless the addition to the semi-detached dwelling will share, on what would otherwise be its free-standing side, a common division wall with an existing building or a building being constructed together with the addition.

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[6] The parties did not introduce any evidence concerning the date of construction of the dwelling. However, if the dwelling was constructed after May 12, 1958, as a semi-detached dwelling, it would have been required to provide on the east side a minimum eight-foot side yard for the full depth of the dwelling.

Purposes of the Side Yard Requirements

Finally, the appellants' interpretation of § 405.3 is consistent with the Zoning Regulations. The minimum yard requirements require the provision of open spaces around buildings and structures. As described in 3 Rathkopf's The Law of Zoning and Planning § 34B.02[1] at 34B-2 to 34B-5 (2001):

> Restrictions on land development controlling building setback lines and requiring minimum front, side, or rear yard areas that must be kept free from structural development have long been recognized by courts as being reasonably related to promotion of the public welfare. Front yards, rear yards, and side yards provide light, air, and privacy. They afford room for lawns and trees, keep residences away from street traffic, noise, dust, and neighbors, provide space for recreation and relaxation, and add to the attractiveness and comfort of a residential district. They provide access for firefighting equipment to the rear of buildings, and space for accessory buildings and uses. . . . More generally, police power restrictions relating to yards, courts, and other open spaces promote the overall community interest by fixing a spatial land use land use pattern and thereby promoting the orderly physical development of a community.

These same policies are reflected in the provisions of 11 DCMR § 101.1, which states the purpose of the zoning regulations and guides their interpretation and application. Thus, in the terms employed in § 101.1, the minimum side yard requirements serve to provide separation between dwellings, ensuring adequate light and air, preventing the undue concentration of population and the overcrowding of land, and providing a distribution of population and use of land that will create conditions favorable to the protection of property and that will tend to further economy and efficiency in the supply of public services.

In adopting § 405.3 in Z.C. Order No. 17, the Zoning Commission expressly stated that its purpose is "to insure the provision of adequate side yards for all residential buildings regardless of the zoning district in which they lie." Interpreting § 405.3 in light of these purposes leads to the conclusion that the Zoning Administrator erred in approving the issuance of the permit, to allow as a matter of right the construction of an addition to a semi-detached dwelling, where the addition does not provide a side yard on its free-standing side.

A property owner seeking to construct an addition that will convert a semi-detached dwelling to a row dwelling under circumstances where it is not possible to construct a common division wall may apply to the Board for a special exception or variance, as appropriate.[7] Just as in the special exception case involving 220 – 5th Street, S.E., the public hearing process will provide an opportunity to explore whether the requested zoning relief meets the criteria for such relief,

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[7] While the parties recognized that a property owner could apply for a special exception under 11 DCMR § 223 for relief from the side yard requirements, to qualify for relief under § 223, a dwelling must meet the percentage of occupancy limitations specified in the rule. Otherwise, variance relief would be required. *See* 11 DCMR § 223.3.

including whether it would adversely affect neighboring properties or the character of the zone district. See §§ 3103.2, 3104.1.

For the reasons stated above, it is hereby **ORDERED** that the appeal is **GRANTED** and that they decision of the Zoning Administrator to approve Building Permit No. B431591 is **REVERSED**.

VOTE: 5 – 0 - 0 (Peter G. May, Anne M. Renshaw, Geoffrey H. Griffis, Curtis L. Etherly, Jr., and David A. Zaidain, to grant the appeal).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this Decision and Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: OCT 15 2002

PURSUANT TO 11 DCMR § 3125.6, THIS DECISION AND ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL. MS/rsn

APPENDIX A – APPLICABLE ZONING REGULATIONS

101 INTERPRETATION AND APPLICATION

101.1 In their interpretation and application, the provisions of this title shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare for the following purposes:

(a) To provide adequate light and air;

(b) To prevent undue concentration of population and the overcrowding of land; and

(c) To provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services.. . . .

101.6 Where a lot is divided, the division shall be effected in a manner that will not violate the provisions of this title for yards, courts, other open spaces, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created.

199 DEFINITIONS

199.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

Court – an unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines, or yards. A court may also be bounded by a single curved wall of a building.

Dwelling, one-family – a dwelling used exclusively as a residence for one (1) family.

Dwelling, one-family detached – a one-family dwelling, completely separated from all other buildings and having two (2) side yards.

Dwelling, one-family semi-detached – a one-family dwelling, the wall on one (1) side of which is either a party wall, or a lot line wall, having one (1) side yard.

Dwelling, row – a one-family dwelling having no side yards.

Wall, lot line – an enclosing wall constructed immediately adjacent to a side lot line, but not a party wall.

Yard, side - a yard between any portion of a building or other structure and the adjacent side lot line, extending the full depth of the building or structure.

199.2 For the purpose of this title, the following definitions shall not be held to modify or affect in any way the legal interpretations of these terms or words where used in other regulations:

(g) Words not defined in this section shall have the meanings given in *Webster's Unabridged Dictionary.*

401 MINIMUM LOT DIMENSIONS

401.3 Except as prescribed in the other provisions of this chapter, the minimum dimensions of a lot in a Residence District shall be as set forth in the following table:

ZONING DISTRICT AND STRUCTURE	MINIMUM LOT AREA (SQUARE FEET)	MINIMUM WIDTH OF LOT (FEET)
R-4		
Row dwelling and flat	1,800	18
One-family semi-detached dwelling	3,000	30
. . .		
All other structures	4,000	40

405 SIDE YARDS (R)

405.1 In an R-2, R-3, R-4, or R-5 District, a one-family detached dwelling shall be subject to the side yard requirements of an R-1 District.

405.2 In an R-3, R-4, or R-5 District, a one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.

405.3 In R-2, R-3, R-4, and R-5 Districts, when a one-family dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, then it shall have a side yard on each resulting free-standing side.

405.4 Except as provided in § 405.1, in an R-5-A District, one side yard shall be provided for all structures unless the structure is an apartment house containing three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum width set forth in § 405.9.

405.5 A side yard shall not be required along a side street abutting a corner lot in a Residence District.

405.6 Except as provided in §§ 405.1 and 405.2, a side yard shall not be required in an R-3, R-4, R-5-B, R-5-C, R-5-D, or R-5-E District. However, if the yard is provided, it shall be at least three inches (3 in.) wide per foot of height of building, but not less than eight feet (8 ft.) wide.

405.7 In the case of a lot located in an R-1 or R-2 District proposed to be used by a public school that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, the required side yard may be reduced or omitted.

405.8 In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; Provided, that the width of the existing side yard shall not be decreased; and Provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).

405.9 Side yards shall be provided on lots in Residence Districts as set forth in the following table, subject to the special requirements of other provisions of this chapter:

ZONING DISTRICT	MINIMUM DEPTH OF EACH SIDE YARD
R-1-A, R-1-B, R-2	8 feet
R-3, R-4	None required, except as provided under §§ 405.1, 405.2, and 405.5[8]
R-5-A	3 inches per foot of height of building, but not less than 8 ft.
R-5-B, R-5-C, R-5-D, R-5-E	None required, except as provided in §§ 405.1, 405.2, and 405.5[9]

[8] Subsection 405.5 (formerly numbered § 3305.5) should have been renumbered § 405.6 (§ 3305.6, under the former numbering system) as a result of Z.C. Order No. 17, 17 DCR 305 (1970).
[9] See footnote 8.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Appeal No. 16791 of Southeast Citizens for Smart Development, Inc., and ANC 6B, pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of Michael D. Johnson, Zoning Administrator, allowing the location of Father Flanagan's Boys Town Phase I (a residential group home) in a C-2-A District at premises 1308, 1310, 1312, and 1314 Potomac Avenue, S.E. (Square 1045, Lots 134, 136, 137, and 138).

HEARING DATES: December 4, 2001; February 5, 2002; February 12, 2002; February 19, 2002; February 26, 2002

DECISION DATE: May 7, 2002

DECISION AND ORDER

Southeast Citizens for Smart Development, Inc. (SCSD), filed an appeal with the Board of Zoning Adjustment on September 12, 2001, challenging the decision of the Zoning Administrator to approve the issuance of four building permits to Father Flanagan's Girls and Boys Town of Washington, Inc. (Girls and Boys Town),[1] permitting, as a matter of right, the construction and use of four youth residential care home buildings, each on an adjacent lot of record and each housing six youth residents and two resident supervisors. SCSD asserts that the four buildings are, for all practical purposes, a single community-based residential facility housing 24 youths that requires special exception approval. SCSD is a nonprofit corporation organized to facilitate community involvement and education in planning Ward 6 neighborhood development. SCSD is comprised of and represents various residents within the immediate area of the development. Exs. 2, 24.

On October 4, 2001, the Executive Committee of Advisory Neighborhood Commission (ANC) 6B, the ANC for the area within which the property that is the subject of the appeal is located, advised the Board that it had determined to join in the appeal. Ex. 23. The full ANC voted to join the appeal on October 9, 2001. ANC Commissioners Kenan P. Jarboe (Chairman) and Ann Black (Chair, Planning and Zoning Committee) and ANC Executive Secretary Calvin Gilbert are authorized to represent the ANC in the appeal. Ex. 28.

Unless otherwise noted, the term "Appellants" in this Decision and Order refers to both SCSD and ANC 6B. The Appellants are represented in these proceedings by attorney Andrea C. Ferster.

[1] At the time the appeal was filed, the property owner was named Father Flanagan's Boys Home of Washington, Inc. It subsequently changed its name to Father Flanagan's Girls and Boys Town of Washington, Inc.

The Comprehensive Plan Issue

The Appellants assert that the Zoning Administrator erred in failing to consider the Comprehensive Plan as part of his permit review, and that if he had done so, he would have been alerted to the fact that the policies and objectives of the Comprehensive Plan with respect to community-based residential facilities focus on "facilities," not on "buildings." The Comprehensive Plan, in 10 DCMR § 112.6(d), requires the Zoning Administrator "In issuing or processing any building or construction permit [to] evaluate the proposal in conjunction with the applicable sections of the Comprehensive Plan and the Comprehensive Plan Maps." The Board concludes that the Zoning Administrator failed to comply with this requirement. However, the Comprehensive Plan is distinct from the Zoning Regulations. Any errors made with respect to the Comprehensive Plan in this case are beyond the jurisdiction of the Board of Zoning Adjustment.

The Girls and Boys Town Phase I Project Constitutes One Community-Based Residential Facility

Turning to the question of whether the Girls and Boys Town project should be considered as four, separate matter-of-right facilities or as one facility requiring special exception approval, the Board concludes that the project should be considered as one youth residential care home with four building units, housing a total of 24 children. While each group home has some characteristics that would support treating it as a separate facility, the facts of this case, viewed in light of the policies and objectives of the community-based residential facility regulations, tip the scales in favor of treating the four group homes as one facility that extends across four lots of record.

Girls and Boys Town applied for all four permits simultaneously, submitting a site plan to DCRA that indicated the relationship between the four lots of record and the buildings to be constructed on them. The Zoning Administrator reviewed and approved all four permits together. DCRA subsequently issued all four permits simultaneously. Girls and Boys Town undertook the construction of all four buildings simultaneously, with the same general contractor, as part of one overall construction project.

The plans show all four lots surrounded by a fence, with controlled access to the rear of the lots through a gated, private driveway that runs along the rear lot line of each lot. More importantly, however, the four group homes are part of one overall organization, program, and services to provide "safe, hygienic, and sheltered living arrangements" for 24 children. All four group homes will be occupied and operated simultaneously by the same owner/operator, with resident and other staff hired, compensated, trained, and supervised by the same owner/operator. Citing *National Black Child Development Institute v. District of Columbia Board of Zoning Adjustment,* 483 A.2d 687 (D.C. 1984), Girls and Boys Town argues that consideration of ownership of the facility would undermine the principle of land use law that zoning restrictions run with the land. Girls and Boys Town misses the point. The ownership of the property is relevant to the

administration and operation of the program, which in turn is relevant to the consideration of whether the program and services to be provided on the four record lots are properly characterized as one use or four separate uses.

Girls and Boys Town will provide shared administrative services and oversight, including regulatory and licensing compliance oversight for all four group homes, and will monitor the group homes for compliance with Girls and Boys Town own internal standards of operation. Girls and Boys Town will assign one social worker for each two homes. Girls and Boys Town will pay the repair costs and utility bills for each group home, and provide each home with a van and arrange for any necessary automotive repair services. Girls and Boys Town will provide a common recreational area for the children, including a half-court basketball and a large playing field, on one of the adjacent lots that it owns (on the campus), and arrange special events that will be attended by all 24 children. Girls and Boys Town's characterization of the project on its site plan as "Phase I" of the "D.C. Pennsylvania Avenue Campus" and in its community outreach materials as the "long-term residence" that will provide care for "24 children" reflects the simple reality that the project consists of one community-based residential facility.

Girls and Boys Town argues that if a private developer could have legally subdivided the parcel into four adjacent lots and constructed single-family dwellings on them for sale to the general public, then Girls and Boys Town must be permitted to construct and operate the four group homes for six children each as a matter of right. The four buildings shown on the site plans, however, do not have the characteristics of one-family dwellings. For example, three of the buildings are to be constructed with a lot line wall on the side lot line. A one-family detached dwelling in the C-2 District, however, must have two side yards; and the lot line wall of a one-family semi-detached dwelling must consist of a common division wall. *See* 11 DCMR §§ 405.1, 405.2, 405.3, 405.9, 775.2, 775.3. Since other types of buildings in the C-2 District are not required to have side yards, *see* § 775.5, the fact that three of the Girls and Boys Town buildings lack one side yard does not bear on the question of whether there are one or four facilities, but only that the buildings do not exhibit the same pattern and appearance required by the zone plan for one-family dwellings.

Another difference between one-family dwellings and the Girls and Boys Town buildings relates to the parking space requirements of the zoning regulations. Under the schedule of required parking spaces in § 2101.1, a one-family dwelling must have one parking space. A community-based residential facility for one to eight persons must also have one parking space, while the parking space requirements for facilities for 16 or more persons in the C-2 District are determined by the Board of Zoning Adjustment in a special exception proceeding. The Zoning Regulations provide in § 2116.1 that all parking spaces shall be provided on the same lot with the buildings they are intended to serve. The site plans show that Girls and Boys Town is actually providing nine parallel parking spaces along the rear of the four lots, with two of the parking spaces each overlapping lot lines and located on two lots. In addition, the architect's written description of the project indicates that additional parking will be provided for the group homes along the remainder of the driveway to be constructed in the future. None of the lots have access to their required parking spaces from a public street or alley, or from a private driveway under the ownership or control of the particular lot. *See* 11 DCMR § 2117.4. Taking into account the number of parking spaces to be provided and their location and access, the Girls and Boys Town

parking plan is not comparable to that which would be provided for four one-family dwellings or for four independently operated group homes. The parking plan thus tends to indicate that the four group homes are one community-based residential facility.

The characteristics described above support the Board's conclusion that the project consists of one community-based residential facility, a youth residential care home with four building units, to be occupied by 24 children. The zoning regulations therefore require special exception review to assure that facility will provide adequate off-street parking and that it can be operated without "an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area," and to address any similar cumulative impacts that might result from having more than one community-based residential facility in a square or within 500 feet of the subject facility. 11 DCMR §§ 358.4, 358.6, 358.7, 732.1(a); *see also* § 3104.1 (a special exception must be in harmony with the zone plan and not adversely affect adjacent and neighboring properties).

Girls and Boys Town argues that Zoning Commission (Z.C.) Order No. 725 compels a different result, in that the Zoning Commission specifically amended 11 DCMR § 201.1(n)(1) to permit youth residential care homes with six or fewer youth residents as a matter-of-right. Nowhere does Z.C. Order No. 725 sanction the artificial division of a community-based residential facility with a large population into small facilities with six or fewer residents to evade special exception review. For example, the Zoning Commission stated on page 7 of Z.C. Order No. 725 that "The Commission believes that increasing the matter-of-right CBRF residents to eight may be discriminatory, because others who are not related by blood, marriage or adoption; and who want to lawfully establish a family household would be limited to six persons, pursuant to the zoning definition of family." As discussed above, the Girls and Boys Town group homes do not have the same characteristics as one-family dwellings in the C-2 District. Moreover, they will not be operated in isolation from one another, but as part of one overall program of providing foster care for 24 children. As recognized by the Appellants' zoning expert, Kirk White, the requirement for special exception review when the number of residents exceeds the specified occupancy limits remains a legitimate, non-discriminatory aspect of the community-based residential facility regulations. The required Board of Zoning Adjustment review and public hearing process should take place in order to ensure that the facility is in harmony with the zone plan and does not adversely affect the neighborhood or the use and enjoyment of adjacent and neighboring properties.

Retroactive Versus Prospective Application of this Decision

In light of the Board's decision involving Girls and Boys Town's Sargent Road facility, the Board requested the parties to address whether the Board was free to disavow the statements it had made in its Decision and Order regarding the consequences of the hypothetical subdivision of the property into four lots, each with a matter-of-right youth residential care home; and if it did so, whether it should apply any new interpretation in this case or prospectively only. It is clear that "the Board is of course not bound for all time by its prior positions . . . ." *Smith v. District of Columbia Bd. of Zoning Adjustment,* 342 A.2d 356, 359 (D.C. 1975). Whether the

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPEAL NO. 16791

As Director of the Office of Zoning, I hereby certify and attest that on JUN 2 1 2002, a copy of the foregoing Decision and Order in BZA Appeal No. 16791 was mailed first class, postage prepaid, to each party and public agency who appeared and participated in the public hearing and who is listed below:

Will Hill, Chair
Southeast Citizens for Smart Development, Inc.
701 – 14th Street, S.E.
Washington, D.C. 20003

Andrea C. Ferster
1100 – 17th Street, N.W., 10th Floor
Washington, D.C. 20036

Kenan P. Jarboe, Chairman
Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, S.E., Suite 108
Washington, D.C. 20003

Charlotte W. Parker
Deputy Corporation Counsel, Civil Division
Office of the Corporation Counsel
441 – 4th Street, N.W., Room 600 South
Washington, D.C. 20001

Phil T. Feola
Martin P. Sullivan
ShawPittman, LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128

Honorable Sharon Ambrose
Councilmember Ward 6
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Room 102
Washington, D.C. 20004

Denzil Noble, Acting Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Development Review Division
D.C. Office of Planning
801 North Capitol Street, N.E., Suite 4000
Washington, D.C. 20002

MS/rsn

ATTESTED BY: Jerrily R. Kress

JERRILY R. KRESS, FAIA
Director

8

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

Building and Land Regulation Administration
Office of the Administrator

August 19, 2002

Andrea Ferster, Esq.
1100 17th Street NW, 10th Floor
Washington DC 20036

Ref: 1308, 1310, 1312 and 1314 Potomac Avenue SE

Dear Ms. Ferster:

This is in response to your letter dated August 2, 2002, in which you appeal, on behalf of the Southeast Citizens for Smart Development (SCSD), DCRA's issuance of Building Permits Nos. B446916, B446917, B446918, and B446919 to Father Flanagan's Boys Home.

We are informed that on August 1, 2002 you filed an appeal with the Board of Zoning Adjustment, also on behalf of SCSD, challenging DCRA's issuance of those very building permits. You based your appeal to the BZA on the same grounds you raised in your August 2, 2002, letter to me.

As you have already appealed to the BZA our issuance of these permits, I am unable to respond to your appeal to me.

Sincerely,

J. Gregory Love
Administrator

cc: David Clark
Theresa Lewis
Denzil Noble
Bob Kelly
Phil Feola, Esq.

LAW OFFICES OF
ANDREA C. FERSTER
1100 SEVENTEENTH STREET, N.W., 10TH FLOOR
WASHINGTON, D.C. 20036
(202) 974-5142
(202) 331-9680 (fax)

August 26, 2002

Mr. David Clark, Director
D.C. Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E. 9th Floor
Washington, D.C. 20002

Re: Building Permits ## B446916, B446917, B446918, and B446919, for one-family dwellings at 1308, 1310, 1312, and 1314 Potomac Ave., S.E.

Dear Mr. Clark:

Southeast Citizens for Smart Development, Inc. (SCSD) is in receipt of the attached letter from Mr. J. Gregory Love, Administrator of the Building and Land Administration, refusing to respond to SCSD's request, submitted on August 2, 2002, for a stop work order relating to the above-referenced building permits. According to Mr. Love, he is "unable to respond" to this request due to the fact that SCSD has already filed an appeal of the building permits with the Board of Zoning Adjustment (BZA), also asserting that the single family houses to be constructed pursuant to these permits do not conform to applicable zoning requirements.

There is no authority for refusing to act on a request for a stop work order simply because a zoning appeal has been filed. To the contrary, the construction codes explicitly provide for the issuance of stop work orders where a building has been constructed in violation of Zoning Regulations. See 12 DCMR §§ 108.9, 116.7. Indeed, the BZA takes the position that it has no authority to compel DCRA to issue a stop work order. See BZA Decision and Order in Appeal No. 16791, at 3 (June 21, 2002) ("DCRA issues stop work orders pursuant to the Construction Codes Supplement, Title 12 DCMR, not the Zoning Regulations, Title 11 DCMR. Therefore, the Board may not compel DCRA to issue a stop work order."). Therefore, issuance of a stop work order by DCRA could not intrude on the BZA's jurisdiction, since the BZA has expressly stated its belief that it has no authority to take such an action.

Clearly, the above-referenced building permits permitting the construction of four single family dwellings were issued in error. As SCSD pointed out in its letter to Mr. Love dated August 2, 2002, copy attached, the BZA specifically ruled in Appeal No. 16791 that the residences that

are now under construction at 1308, 1310, 1312, and 1314 Potomac Avenue, S.E. do not comply with zoning requirements applicable to community based residential facilities ("CBRFs"), nor do they comply with the zoning requirements applicable to single family detached dwellings. As a result, your agency was clearly required to revoke the previously-issued building permits authorizing construction of four CBRFs as a matter of right, and was also placed on notice that no new building permits could be issued for the same buildings as single family dwellings. Your agency should therefore revoke *all* of the building permits pertaining to these properties, or, at the very least, issue a stop work order. SCSD's August 2, 2002 letter to Mr. Love requests both actions.

The implicit suggestion in Mr. Love's letter that SCSD should defer the filing of a BZA appeal if it wishes to seek a stop work order from DCRA is simply untenable. The difficulty, from SCSD's perspective, of solely pursuing a remedy from the DCRA is that the BZA will not entertain an appeal of the building permits that is not "timely" filed. 11 DCMR § 3112.2.11. To be timely, an appeal must be filed within 60 days of the challenged action. Waste Management of Maryland, Inc. v. D.C. Board of Zoning Adjustment, 775 A.2d 1117, 1122 (D.C. 2001). Thus, the prudent course of action was for SCSD to simultaneously pursue both an appeal to the BZA, as well as an appeal and request for a stop work order to DCRA under the construction codes because the BZA has, in effect, already ruled on this issue. This is precisely what SCSD did in this case.

There is no legal authority for your agency to abdicate its legal responsibility to enforce the zoning regulations and a final order of the BZA simply because SCSD has exercised its right to file a BZA appeal. Mr. Love's refusal to entertain SCSD's request is contrary to both public policy and the public interest in meaningful and effective enforcement of zoning requirements. Such a course of action would force SCSD to choose between exercising its appellate rights and securing immediate relief needed to preserve the *status quo* pending the outcome of its appeal. SCSD hereby requests that you take prompt action to rectify this situation.

Indeed, review of the building permits by DCRA at this point would conserve the resources of all parties concerned, including the government. The permits at issue here were issued without any written explanation or decision by the zoning administrator. This request provides your agency with an opportunity to explain for the benefit of the parties and the BZA why your agency believes that the issuance of these permits can be reconciled with the findings in BZA Decision and Order in Appeal No. 16791 (page 24), that three of the four buildings lacked the 8-foot side yard required by the zoning regulations for single family dwellings by zoning regulations, and that none of the lots have access to their required parking spaces from a public street or alley, and only one of the houses had access to a private driveway under the ownership or control of the particular lot. See 11 DCMR § 405.9 and 775.2. Moreover, if the permits were indeed issued in error, as SCSD believes is the case, this appeal provides DCRA with an

opportunity to revoke the permits, thereby saving all concerned the time and expense of proceeding before the BZA. In short, there are no valid reasons for refusing to even entertain this request, and there are strong reasons why a response by your agency would serve the public interest.

Please feel free to contact me, at (202) 974-5142, if you have any questions or need any additional information.

Sincerely,



Andrea Ferster
Attorney for Southeast Citizens for Smart Development, Inc.

cc: Hon. Anthony Williams, Mayor
Hon. Sharon Ambrose, City Council
Eric Price, Deputy Mayor for Planning and Economic Development
John Koskinen, City Administrator
Kelvin Robinson, Chief of Staff, Office of Mayor
Charlotte Parker, Deputy Corporation Counsel
Kenan Jarboe, Chair, ANC 6B

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the Director

August 14, 2001

Ms. Karen Burditt
Project Manager - Architect
Esocoff & Associates, Architects
1030 15th Street, N.W. - Suite 430
Washington, D.C. 20005

RE: Boys and Girls Town - 1308-14 Potomac Avenue, S.E.
Environmental Impact Screening Form 00-00056

Dear Ms. Burditt:

The Department of Consumer and Regulatory Affairs has carefully reviewed and considered the recommendations of the reviewing agencies, (Department of Health, the Office of Intermodal Planning and the Solid Waste Management Administration of the Department of Public Works, the D.C. Water and Sewer Authority, and the Office of Planning) related to the referenced Environmental Impact Screening Form.

Based on the agencies' recommendations, it has been determined that the proposed action is not likely to have substantial negative impact on the environment, and that submission of an Environmental Impact Statement (EIS) is not required.

If you have questions regarding this decision, please call Denzil Noble, Deputy Administrator, Building and Land Regulation Administration on (202) 442-4455.

Sincerely,

for Theresa A. Lewis

David A. Clark
Director

cc: Reviewing Agencies
Denzil L. Noble, Deputy Administrator, BLRA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B446917

PERMIT

Date 7/8/02 (Type) NEW BLDG.

Address of work 1308 POTOMAC AVENUE, S.E. Lot 137 Square 1045

Permission is hereby granted to TOTAL PERMIT FEE $

FATHER FLANAGAN'S BOYS HOUSE (Owner) FILING FEE $

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit. NO. DATE

FEE PAYABLE $ 150.00

Authorized work and conditions of performance thereof:

FOR INSPECTIONS CALL XXXXX 442-4644

TWO STORY AND CELLAR RESIDENCE.
REVISION TO PERMIT B 438335.

FILE COPY

Builder—
Width of Bldgs. Length Height Value $ No. of Bldgs.
Zone No. of Stories TWO
Height of terrace above grade To be occupied as SFD
Address of owner BOYS TOWN, N.E. 68010 Projections:
Deposit No. Amount $
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Chief, Permit Issuance Branch

By Permit Clerk

D. CLARK
DIRECTOR

32301

SO# 0001 D.C. GOVERNMENT
07/08/02 at 16:08 CLK# 11
PERMIT FEE 150.00
BUILDING STRUCTURE & EQUI
DTR/DCRA CASHIER OFFICE

02-00122

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT SERVICE CENTER

BUILDING PERMIT CONTROL BATCH SHEET

Date: 7 12 12002 Intake Time: 0855 ☐AM ☐PM

LOG NO. 01 - 68192

Time At Engr.'s Counter: ☐AM ☐PM

Review Completion Due: ☐ ☐

Time Review Completed: ☐ ☐

Address: 1308 Potomac Ave SE

REQUIRED REVIEWS (Checked boxes only)	REVIEWER	TIME	REVIEW STATUS	JOB SCREEN
☑ PUBLIC SPACE		IN ☐AM ☐PM OUT ☐AM ☐PM	☑ Approved ☐HFC ☐ Ref. to DPW ☐ Conf. w/ Applicant	
☐ ZONING	[illegible]	IN ☐AM ☐PM OUT ☐AM ☐PM	☑ Approved ☐HFC ☐Ref. to BZA ☐ Ref. to Zoning Administrator☐ ☐ Conf. w/ Applicant	
☑ SOIL EROSION ☐ STORMWATER MGMT.	MJGM	IN 1[illegible] ☐AM ☐PM OUT 1[illegible] ☐AM ☐PM	☑ Approved ☐HFC ☐Ref. to DOH ☐ Conf. w/ Applicant	
☐ AIR QUALITY ☐ EIS		IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐Ref. to DOH ☐ Conf. w/ Applicant	
☐ WATER AND SEWER	[illegible]	IN ☐AM ☐PM OUT ☐AM ☐PM	☑ Approved ☐HFC ☐ Ref. to WASA ☐ Conf. w/ Applicant ☐ WASA Deposit Required	
☐ MECHANICAL/PLUMBING		IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Conf. w/ Applicant	
☐ HEALTH (Food & Medical)		IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Conf. w/ Applicant	
☐ ELECTRICAL	[illegible]	IN ☐AM ☐PM OUT ☐AM ☐PM	☑ Approved ☐HFC ☐ Conf. w/ Applicant	
☐ ELEVATOR		IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Conf. w/ Applicant	
☐ FIRE PROTECTION	DM	IN 7/8/02 ☐AM ☐PM OUT ☐AM ☐PM	☑ Approved ☐HFC ☐ Conf. w/ Applicant	
☐ STRUCTURAL	[illegible]	IN ☐AM ☐PM OUT ☐AM ☐PM	☐ Approved ☐HFC ☐ Conf. w/ Applicant	

Remarks: Show existing conditions and restricting windows in rear. DDOT - all address

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
A.D.C. No.:	O.G. No.:				By:
H.P.A. No.:	S.L. No.:	Ward No.:	Receipt No.:	Date:	Receipt No.:

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

BLRA-33 (Rev. 10/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727-7050)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE; DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

CLEARANCE TO FILE
By: Date:

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1. Address of Proposed Work:	Suite No.:	2. Lot:	3. Square:	4. Application Date:
1308 Potomac Avenue, S.E.		137	1045	[redacted]

5. Owner of Building or Property:	6. Address: (include Zip)	7. Phone:
Father Flanagan's Boys Home	Boystown, NE 68010	Work: 402-498-1136 Home:

8. Agent for Owner: (if applicable)	9. Address: (include Zip)	10. Phone:
Esocoff & Assoc.	1030 15th st. NW Suite 430 Washington DC 20005	Work: 202-682-1600 Home:

11. Type of Proposed Work (check all applicable boxes):

- [X] New Building
- [ ] Addition
- [ ] Alteration and Repair
- [ ] Raze Building
- [ ] Retaining Wall
- [ ] Fence
- [ ] Shed
- [ ] Awning
- [ ] Garage
- [ ] Sign
- [ ] Other (Specify) _____

12. Description of Proposed Work:

Two Story & Cellar Resdence

Revision to Permit B438335

13. Existing Use(s) of Building or Property:	14. Ex. No. of Stories of Bldg.:	15. Ex. No. of Dwelling Units:	Official Use Only Miscellaneous FEE
Vacant	0	0	$ 150.00

16. Proposed Use(s) of Building or Property:	17. Prop. No. of Stories of Bldg.:	18. Prop. No. of Dwelling Units:	By:	Date:
One Family Dwelling	2	1	[illegible]	7/2/02

19. Starting Date of Work:	20. Completion Date of Work:	21. Method of Removing Construction Debris:	22. Does the proposed work involve **disturbing the earth** or razing a building?
May 1, 2001	Sept. 1, 2002	[ ] Pick-up Truck [X] Dumpster [ ] Other (specify)	[X] Yes, answer q. 23 [ ] No, SKIP q. 23-27

23. Is the area of disturbed earth more than 50 sq. ft.?	24. Soil Erosion Control Methods:	25. Area of Offsite Drainage:	26. No. of Footings or Columns:	27. Size of Footings of Columns:
[X] Yes, answer q. 24-25 [ ] No, SKIP q. 24-25	Silt Fence, Inlet Protection Portable Sediment Tanks	4,000 sq. ft.	10	20 sq. ft.

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I).

Complete Section B if the proposed work is **new building, addition or alteration.** (Page 2)
Complete Section C if the proposed work is **razing a building.** (Page 2)
Complete Section D if the proposed work is a **retaining wall.** (Page 2)
Complete Section E if the proposed work is a **fence.** (Page 3)
Complete Section F if the proposed work is a **shed/garage.** (Page 3)
Complete Section G if the proposed work is an **awning.** (Page 3)
Complete Section H if the proposed work is a **sign.** (Page 3)

307 wd-375

OFFICIAL USE ONLY

	B	P	H	A	
M					
P					
E					W: [ ] Yes [ ] No
F					PLANS
S					[ ] No [ ] Sm [ ] Lg

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

Architect's Name:	29. Lic. No.:	30. Architect's Address: (include Zip)	31. Phone:
EGGOFF & ASSOCIATES	3609	1030 15th St. NW WASHINGTON DC 20005	202-682-1600
Engineer's Name:	**33. Lic. No.:**	**34. Engineer's Address: (include Zip)**	**35. Phone:**
EHLERT/BRYAN, INC.	8385	1451 Dolley Madison Blvd McLEAN VA	703-8279552
Building Contractor's Name:	**36A. Lic. No.:**	**37. Contractor's Address:**	**38. Phone:**

39. Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100%):
☐ Masonry ☐ Steel ☐ Wood ☐ Other: ☐ Concrete	☒ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☒ None ☐ Other:	☐ New ☐ Existing ☒ None	7988.77 sq. ft.	a. Building: 39.81 % b. Paved Area: 13.76 % c. Greenery: 46.43 %

44. Present Gross Floor Area of Bldg.:	45. Proposed Gross Floor Area of Bldg:	46. Floors involved in this permit:	47. Projection beyond building line?
0 sq. ft.	5,910.48 sq. ft.	☒ All ☐ Floors _____	☒ Yes, answer q. 48-52 ☐ No, SKIP q. 48-52

48. Number and type of projection:	49. Distance of projection:	50. Width of projection:	51. Width of building frontage:	52. Signature of Owner (projection only):
BAY WINDOW (1) CORNICE (1)	4'-0" 1'-7 5/8"	8'-0"	76 ft.	

53. Water or Sewer Excavation?	54. Driveway Construction?	55. Sheeting/Shoring Necessary?	56. Elevators involved?	57. No. and type of elev.:	58. Plans Certified by Engineer?
☒ Yes ☐ No	☐ Yes ☒ No	☐ Yes ☒ No	☐ Yes, answer q. 57 ☒ No, SKIP q. 57		☒ Yes, cert. is attached ☐ No

59. Estimated Cost of Work:
a) New/Add.: $ 625,000
b) Alt/Rep.: $ _____
Total: $ 625,000

60. Volume of New Bldg. or Addition: 9,750 cubic ft.

OFFICIAL USE ONLY

Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE
$	$	$	$
By: / Date:	By: / Date:	By: / Date:	By: / Date:

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:	62. Contractor's Address: (include Zip)	63. Phone:

64. Insurance Company:	65. Policy or Certif. No.:	66. Expir. Date:	67. Raze Method:

68. Building Material:	69. Raze Entire Building?	70. Building Condemned?	70A. Building Vacant?	71. Public Space Vault?	72. Disconnect Water and/or Sewer?	73. Size of Water Connection:
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	in

74. Plumber's Name:	75. Lic. No.	76. Length: ft.	77. Width: ft.	78. Height: ft	79. Volume: cu. ft.	80. Party Wall?
						☐ Yes ☐ No

81. Asbestos in the Building?	82. Raze Contractor Signature:	OFFICIAL USE ONLY		
☐ No ☐ Yes, Location _____	83. Owner's Signature	FEE	By:	Date:
		$		

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93) The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations.

84. Cost of Work:	85. Material:	86. Height:	87. Color:	88. Location:
$ 18,000	MASONRY	4 ft.	BRICK/ Red	☒ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land*

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application.

89. Signature of Adjoining Owner:	90. Phone: Work / Home	OFFICIAL USE ONLY		
		FEE	By:	Date:
91. Address of Adjoining Owner:	92. Lot: / 93. Square:	$		

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type:	95. Height:	96. Color:	97. Location:
Metal Pickets	8 ft.	BLACK	☒ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application.

98. Signature of Adjoining Owner:	99. Phone: Work / Home	OFFICIAL USE ONLY: FEE $	By:	Date:
100. Address of Adjoining Owner:	101. Lot:	102. Square:		

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number:	104. Length: ft.	105. Width: ft.	106. Area: sq. ft.	107. Height: ft.	108. Volume: cu. ft.	109. Estimated Cost of Work: $
110. Material of Roof:	111. Material of Sides:	112. Wall thickness:: ☐ External ( ) inches ☐ Party ( ) inches		113. Color:		

OFFICIAL USE ONLY: FEE $ By: Date:

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color:	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line ____ in. Beyond pt. of attachm. ____ in.	118. Height of lowest part of awning: (a) ____ ft above sidewalk (b) ____ ft above parking (c) ____ ft above grade

119. Material of Frame:	120. Material of Covering:	121. Lettering on Awning? ☐ Yes ☐ No	122. Fixed posts? ☐ Yes ☐ No	123. Over sidewalk cafe? ☐ Yes ☐ No

OFFICIAL USE ONLY: FEE $ By: Date:

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

Number:	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power ____ VA	128. Electrical Contractor Lic. No.

129. Address of Electrical Contractor (include Zip)	130. Signature of Licensed Electrician:	131. Phone:	132. License No.:

133. Height relative to building and ground: (a) ___ ft ___ in above sidewalk (b) ___ ft ___ in above roof (c) ___ ft ___ in is bldg height (d) ___ ft ___ in above projection or window (e) ___ ft ___ in from roof to sign's bottom	134. Material of Sign:	135. Type of Sign:	136. Color:

137. Width: ft.	138. Length: ft	139. Area of Sign: sq. ft.	140. Width of Business Frontage: ft

141. C of O Number for Building:	142. Sign Contractor Lic. No.	143. Sign Contractor's Address:	144. Phone:

OFFICIAL USE ONLY

Sign FEE		Elect. FEE		Total FEE	
$		$		$	
By:	Date:	By:	Date:	BY:	Date:

(I) APPLICANT'S SIGNATURE

A. **OWNER:** I hereby certify that I am the owner of the property; that the application and plans are complete and correct to the best of my knowledge; and that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner: _____ Address: 14100 Crawford Date: 6-28-07

AGENT: I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent: _____ Address: _____ Date: _____

A. PERMIT CONTROL

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H./ Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DPW — Permit and Records Division
  Access to Parking Street ☐ Street ☐ Alley
  Cleared by: _____ Date: _____
- ☐ 3. DPW - Consumer Engineer
  Cleared by: _____ Date: _____
- ☐ 4. ERA - Erosion Control
  Cleared by: _____ Date: _____

[redacted]trictions of the Permit:

C. PLANS AND APPLICATION APPROVAL

- ☑ 1. Information Counter by: CBT Date: 2/4/02
- ☐ 2. Information Center by: _____ Date: _____
  - ☐ (a) ABC Board by: _____ Date: _____
  - ☐ (b) Noise Control by: _____ Date: _____
  - ☐ (c) Industrial Safety by: _____ Date: _____
  - ☐ (d) Vector Control by: _____ Date: _____
  - ☐ (e) D.C. Animal by: _____ Date: _____
  - ☐ (f) Police Dept. by: [illegible] Date: 7/2/02
- ☑ 3. Zoning by: _____ Date: _____
  Zoning Update by: _____ Date: _____
- ☑ 4. DPW - Permit and Records Division/Deposit #
  Sidewalk Deposit $ _____ Driveway Deposit $ _____
  by: _____ Date: 7/2/02
- ☑ 5. Water/Sewer Design Branch
  Consumer Eng. by: _____ Date: 2/8/02
- ☑ 6. Environmental Regulation Administration
  - ☑ Environmental Policy Review
    Control No.: _____ 2/8/02
    by: _____ Date: _____
  - ☑ Erosion Control by: _____ Date: 2/8/02
  - ☑ Storm Water Mgmt. by: _____ Date: 2/8/02
    Plan No. _____
- ☑ 7. Mechanical Eng. Review by: _____ Date: 2/6/02
- ☑ 8. Plumbing Eng. Review by: _____ Date: 2/8/02
- ☑ 9. Electrical Eng. Review by: _____ Date: 2/3/02
- ☐ 10. Health Plan Review
  - ☐ (a) Food Plan Review by: _____ Date: _____
  - ☐ (b) Medical X-ray Plan Rev. by: _____ Date: _____
- ☑ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section) by: _____ Date: 2/8/02
- ☐ 12. Elevator Plan Rev. Sec. by: _____ Date: _____
- ☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 14. Construction Insp. Branch (Field Check) by: _____ Date: _____
- ☐ 15. Historic Pres. Div. by: _____ Date: _____
- ☑ 16. Structural Eng. by: _____ Date: 2/8/02
- ☑ 17. Permit and Certificate Issuance Counter By: _____ Date: _____
- ☑ 18. O.C. By: _____ Date: 2/8/02

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639

ZONING

C of O Number _____ Date _____
Existing Use(s) _____

- ☐ New bldg.
- ☐ P.O.D.
- ☐ File in room 329

Job No.:	BZA Case No.:	PUD Order No.:

DPW — PUBLIC SPACE

Street Name: _____
Street Width: _____
Road Width: _____
Sidewalk Width: _____
Parking: _____
Restrictions: _____

2-03 wd-375

DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS
Building and Land Regulation Administration
941 North Capitol Street NE, Suite 2000
Washington DC 20002

ENVIRONMENTAL INTAKE FORM

Project Name:	Project Address:	Lot:	Square:
Boystown	1308 Potomac Ave SE	137	1045
Filed Job Application # (if applicable):	**Project Description:**		
	2 story & cellar Residence		

Owner: FATHER FLANAGAN'S BOYS HOME Date: 7/8/02

Owner's address and phone #: Boystown, NE 68010 402-498-1136

Authorized agent: ESOCOFF & Associates - KAREN BURDITT

Address and Phone # of authorized agent: 1030 15th St. NW Suite 430 202-682-1600 ext 21

Scope of the Project	Yes	No	Instructions
1. Does the owner of this site own adjacent or abutting property?	✓		If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
2. Does the owner of this site plan to acquire property that is adjacent to or abutting this site within the next three years?		✓	If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
3. Is additional activity planned by the applicant for this site or any site within the same square during the next three years that requires a permit?	✓		If yes, submit a site plan to EIS Coordinator, DCRA. If no plan exists, submit written explanation to EIS Coordinator, DCRA.
4. Is this a residential project within the R-1 through R-5-A zoning districts?		✓	If yes, skip to signature line.
5. Is this project a single-family residence that is not in conjunction with the building of two or more units?		✓	If yes, skip to signature line.
6. Is this project an accessory structure such as a garage, patio, swimming pool or fence?		✓	If yes, skip to signature line.
7. Is the project solely an interior renovation with no change in the use or capacity of the structure being renovated?		✓	If yes, skip to signature line.
8. Is the project located in an Economic Development Zone, as defined in DC Code 5-1401 et seq (DC Law 7-177)?		✓	If yes, skip to signature line.
9. Is the project located within the Central Employment Area as defined in DC Zoning Regulations? (Title 11DCMR)		✓	If yes, skip to signature line.
10. Does the project involve only the operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features and involve negligible or no expansion of use beyond that previously existing?		✓	If yes, skip to signature line.
11. Has an Environmental Impact Statement (EIS) been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), or a determination made that no EIS is needed, or has the functional equivalent of an EIS been prepared?		✓	If yes, submit documentation to EIS Coordinator, DCRA.

-OVER-

Scope of the Project	Yes	No	Instructions
12. Is an exemption claimed from the requirement to submit an Environmental Impact Screening Form pursuant to Title 20, Sec. 7202 that is not referred to in this form? If yes, describe the exemption and cite the relevant section of the regulations on an attachment.		✓	If yes, describe on an attachment and submit to EIS Coordinator, DCRA.
13. Does the total cost of the project exceed $1.42 million, including site preparation and construction?	✓		If yes, and no exemption claimed, Environmental Impact Screening Form (EISF) required. If no, indicate actual project cost _____
14. Is the cost of this project $1.42 million or less? If yes, please answer all of the following questions:	✓		If yes, complete A through G.
A. Does the project site contain any species of plant or animal that is identified as threatened or endangered?		✓	If yes, EISF required.
B. Are any streams, lakes, ponds, springs or wetlands within 100 feet of the project site?		✓	If yes, EISF required.
C. Will the project result in an emission of odorous or other air pollutants from any source, including VOCs?		✓	If yes, EISF required.
D. Will this action involve the use, production or disposal of hazardous substances as defined in 20 DCMR 7299?		✓	If yes, EISF required.
E. Will construction be on land where the depth to the water table is less than 3 feet?		✓	If yes, EISF required.
F. Will blasting occur as part of the project?		✓	If yes, EISF required.
G. Will the project generate medical, infectious, radioactive or hazardous waste?		✓	If yes, EISF required.

I certify that all of the statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable laws and regulations of the District of Columbia. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)

Signature of Owner/Authorized Agent _____ Date 7/8/02

OFFICIAL USE ONLY

Environmental Impact Screening Form required: Yes _____ No ✓ Referred to EIS Coordinator _____

DCRA Reviewer _____ Date 7/8/02

If yes, submit to EIS Coordinator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration

Comments: Owner previously submitted EISF for this project on 5/11/2001. Review of this intake form and EISF reveals no change in proposed construction or*

NOTE: APPROVAL OF A BUILDING PERMIT IS NOT SYNONYMOUS WITH APPROVAL OF AN ACTION OR ENTIRE PROJECT UNDER THE ENVIRONMENTAL POLICY ACT OF 1989. IF THE APPLICANT BUILDS ON THE SAME, ADJACENT OR ABUTTING PROPERTY OR EXPANDS UPON THE WORK DESCRIBED IN THE INSTANT APPLICATION OR PLANS AND SPECIFICATIONS WITHIN THREE YEARS, AN ENVIRONMENTAL IMPACT SCREENING FORM MAY BE REQUIRED FOR THE ENTIRE PROJECT, INCLUDING THE PORTION ENCOMPASSED BY THIS APPLICATION AND PERMIT APPROVAL. FURTHER, IF THE ACTION IS IN VIOLATION OF ANY FEDERAL OR DISTRICT LAWS PERTAINING TO THE ENVIRONMENT, AN EISF CAN BE REQUIRED.

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* activity as originally described on EISF. Consequently, pursuant to 20 DCMR, 7202.1(d) NO new EISF required.

BLRA 33C

CONTRACT AGREEMENT

Name of Contractor/Owner ESOCOFF & Associates Contractor's License No. _____

Address of Contractor/ Owner 1030 15th St. NW Suite 430, WDC Date: 7/8/02

ADDRESS OF PROPOSED WORK 1308 Potomac Ave SE	LOT: 137 SQUARE: 1045
OWNER OF BUILDING OR BUSINESS: Father Flanagan's Boys Home Boys Town NE 68010	PHONE No: 402-498-1136
DESCRIPTION OF PROPOSED WORK: 2-Story + Cellar	

COST ESTIMATE

CONSTRUCTION e.g drywall, ceilings, framing, carpentry etc	$ 160,000	
ELECTRICAL	$ 160,000	
MECHANICAL	$ 120,000	
PLUMBING	$ 120,000	
FIRE PROTECTION e.g sprinkler system, fire alarm system, generator etc.	$ 5,000	
DEMOLITION Sitework	$ 20,000	
MISC/OTHER (please specify)	$	
TOTAL	$ 625,000	

The labor and material costs of counter tops, kitchen cabinets, floor coverings, tile work, caulking, patching and plaster repair, painting other than fire retardant paint, gutters and downspouts, not more than 160 square feet of gypsum board shall not be included in the cost estimate for permitting purposes. The entire list can be seen in the 1999 D.C Building Supplement Chapter 1 Section 107.3.

The foregoing terms, specifications and conditions are satisfactory and hereby agreed to. You are authorized to work as specified and payment will be made in the amount as outlined. Upon signing this agreement, the owner represents and warrants that he or she is the owner or the authorized agent of the owner of the aforesaid premises and that he or she has read this agreement.

CONTRACTOR Karen Burdett KAREN BURDITT Date: 7/8/02
Signature & print

OWNER OF BUILDING/BUSINESS _____ Date: _____
Signature & print

Upon signing this document, the owner and contractor declare that the cost of construction as specified above for the referenced project is true and correct to the best of their knowledge

Please fill out this agreement form in accordance with D.C Construction Code Supplement 1999, Chapter 1 Section 112.1.