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Robert J. Goldman ★✱◆

★ MD, ✱ DC, ◆ GA

RECEIVED
D.C. BOARD OF ZONING
2005 MAY 20 PM 12: 55

May 20, 2005

Via Hand Delivery

Mr. Geoffrey Griffis, Chair
Board of Zoning Adjustment
441 Fourth Street, NW
Suite 210
Washington, D.C. 20001

RE: BZA Application No. 17327, 1812 35th Street, N.W.

Dear Mr. Chairman and Members of the Board:

Enclosed is the Party Status Application of Ms. Deidre O. Stancioff in connection with the above-referenced matter. Additionally, Ms. Stancioff, through undersigned counsel, is submitting a written **opposition** to the special exception application.

Ms. Stancioff requests an opportunity to participate in the public hearing on June 7, 2005. Thank you in advance for your consideration of this matter.

Sincerely,

Laurie B. Horvitz, Esq.
Attorney for Deidre O. Stancioff

Enclosure

BZA
Case No. 17327
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17327
EXHIBIT NO. 27

Form 140
(Revised 03/15/02)

Case No. 17327

PARTY STATUS APPLICATION

Notice: Click Here for Application Form Instructions

Name:*	Deidre O. Stancioff						
Address:*	1814 35th Street, N.W.	City:*	Washington	State:*	D.C.	Zip:*	20007
Phone:*	202-337-5871	Fax:	301-337-5871	Email:	dostancioff@hotmail.c		

I, hereby request to appear and participate as a party. Signature: Deidre O Stancioff Date:* 5-19-05

Will you appear as a(n) ☐ Proponent ☑ Opponent | Will you appear through legal counsel ☑ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

Name:	Laurie Horvitz, Finkelstein & Horvitz, P.C.						
Address:	7315 Wisconsin Ave., Suite 400E	City:	Bethesda	State:	MD	Zip:	20814
Phone:	301-951-8400	Fax:	301-951-8401	Email:	LaurieH@fandhlaw.c		

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?*

I own and reside at the adjacent property on the right side. The construction includes a 3 story addition (plus basement) on my lot line. My house is four feet from that lot line. My property will be dramatically and adversely affected by the requested relief. See attached statement.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*

I own 1814 35th Street, N.W., Washington, D.C. 20007. I also reside at that address.

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)*

0 feet. We share a side lot line. The project includes construction on top of an existing house and an addition of approximately 27 feet in length along my property line. This addition is 3 stories high and includes a basement. See attached statement.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?*

The special exception would allow an extra 90 square feet of construction directly on my lot line. This construction dramatically reduces the light and air on my property, in part because it is at least 35 feet high and 4 feet from my house. See also attached statement.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.*

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The addition has a devastating effect upon my property and backyard garden. It presents an eyesore and diminishes the previously charming character of the street, including the prior appeal of my 19th Century, detached home. See attached statement.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.*

I live next door. The construction is on my lot line. See attached statement.

Print Preview | Clear Form

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

In re: 1812 35th Street, N.W., Washington, D.C.
Case No. 17327

OPPOSITION TO APPLICATION FOR SPECIAL EXCEPTION

I. Introduction

Deidre Stancioff, by and through undersigned counsel, hereby opposes the application for special exception that was filed on March 21, 2005 pertaining to 1812 35th Street, N.W, Washington, D.C. (hereinafter the "Subject Property"). 1812 35th Street Associates, LLC (the "Applicant") seeks permission to exceed the maximum lot occupancy of forty percent (40%) for a semi-detached dwelling and to build an addition that would expand a nonconforming side yard of 2.5 feet.

The Applicant's house is a semi-detached dwelling. On the South side of the Subject Property, there is a nonconforming side yard of approximately 2.5 feet. According to the plans for the project, the Applicant intended to add floors to the existing structure on that side and to construct a "trellis" over the narrow side yard. Access was contemplated under the trellis. There is a basement door on that side of the house and windows along that wall. Thus, the Applicant planned to use the small side yard. Yet, at the same time, the Applicant allegedly "reclassified" the structure as a row dwelling for the very limited purpose of exceeding the lot occupancy restrictions on semi-detached dwellings. As a purportedly "reclassified" row dwelling, the Applicant proceeded to build a structure that exceeded the lot occupancy restrictions for semi-detached dwellings. Despite these circumstances, the Applicant did not seek a special exception before initiating construction.

With great perseverance and at considerable personal expense, Ms. Deidre Stancioff ("Ms. Stancioff") finally discovered this circumvention of the zoning regulations.[1] Months later, the Applicant finally filed the instant application to (1) dispense with the trellis, (2) build a dwelling that exceeds the permissible lot occupancy for semi-detached houses; and (3) extend a non-conforming side yard by building upper stories within 2.5 feet of a neighboring home. Although the Applicant has known for months that there are serious lot occupancy and side yard issues with the project, it has nonetheless proceeded with construction.

On the right (North) side of the Subject Property, the dwelling sits directly on the lot line with 1814 35th Street, N.W., Washington, D.C. Ms. Stancioff owns and resides in that home. The Applicant's three-story addition (plus basement) is being built on Ms. Stancioff's lot line. Her home is located approximately four feet from that property line. As Ms. Stancioff explains herein, the requested relief would be devastating to her property, damaging to the neighborhood and inconsistent with zoning and building code principles of the District of Columbia.

The Application should be denied for the following reasons, all of which are established in the record before this Board: (1) Ms. Stancioff's property would be unduly and adversely affected by the proposed special exception, including a dramatic loss of light and air to her property; (2) the Application would permit the addition of an extra 90 square feet on each of the three above-grade floors, thereby creating an aesthetically unattractive and imposing structure directly on Ms. Stancioff's lot line; (3) Ms.

[1] Although a building permit was issued to the Applicant, that building permit is the subject of a pending appeal by Ms. Stancioff. The appeal was filed on February 22, 2005 and has been docketed as Case Number 17310. It was scheduled for a hearing on May 24, 2005. The Board postponed that hearing in order to consider the special exception application first.

Stancioff's house is only four feet from this lot line and, as such, the new structure would dominate her view out the rear and side windows of her home; (4) the new construction would alter dramatically the charming character of the street, (5) the addition is unsightly from many angles within the neighborhood and would adversely affect the views of numerous properties; (6) the addition is inconsistent with the Zoning laws because such laws expressly contemplate the inclusion of some semi-detached dwellings within the R-3 District; (7) the ANC opposes the Application, in part because of the increasing over-development of the area; (8) other neighbors oppose the Application because of the effect of the expansion upon their homes; (9) although the structure is almost completed, the Applicant does not deserve any latitude regarding relief in this case, because the Applicant proceeded at its own peril with full knowledge that the zoning issues were being challenged; and (10) the Applicant has not set forth any persuasive facts supporting its requested exception to the normal zoning requirements.

II. The Zoning Regulations Do Not Support the Application

The fact that this neighborhood is zoned as an R-3 District does not justify the special exception and certainly did not permit a reclassification of the Subject Property as a matter of right. Significantly, 11 DCMR § 320.1 states the following:

> The R-3 District is designed essentially for row dwellings, but there **shall be** included in an R-3 District **areas within which row dwellings are mingled with** one-family detached dwellings, **one-family semi-detached dwellings**, and groups of three (3) or more row dwellings.

Id. (emphasis added). The clear purpose of this Regulation is to preserve a certain character in R-3 neighborhoods that would be lost if every property owner had the right to become a row dwelling and to expand according to the 60 percent lot occupancy of such dwellings. The Subject Property is situated on a street that perfectly illustrates that

an R-3 district can still maintain considerable charm if semi-detached structures are interspersed among row dwellings.

Significantly, the quoted language of this Regulation is mandatory. As such, its terms must be considered when the Board evaluates whether or not to grant the Application. Pursuant to 11 DCMR § 3104, a special exception may only be granted if it will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps...". Id. Because, the purpose of the Zoning Regulations expressly includes preservation of semi-detached dwellings in R-3 Districts, the Application should be denied. Such semi-detached dwellings may only utilize 40 percent of their lots.

By their express terms, the zoning regulations of the District of Columbia are also intended to provide adequate light and air, to prevent overcrowding of land, and to preserve the character of the respective districts. 11 DCMR § 101.1, 101.2. If every semi-detached dwelling is permitted to exceed the forty percent lot occupancy and side yard requirements, as of right or by means of the special exception process, then the intentions of the zoning laws would significantly undermined.

Moreover, the regulations are, by their express terms, intended to restrict the expansion of nonconforming structures. In part, 11 DCMR 2000.3, states that "all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls, to the extent permitted by the Zoning Act of 1938." Id.

III. The Unduly Adverse Impact of the Additional Construction

A. The Legal Standard

The Application also fails to satisfy the specific requirements for special exceptions under 11 DCMR § 223 and 11 DCMR § 3104. As explained herein, the Application would not be "in harmony with the general purpose and intent of the Zoning Regulations". Instead, the requested special exception would "tend to affect adversely, the use of neighboring property". 11 DCMR § 3104. Similarly, the Applicant cannot meet the standards set forth in Section 223. That regulation only permits special exceptions when the following criteria are met:

> The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
>
> (a) The light and air available to neighboring properties shall not be unduly affected;
>
> (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
>
> (c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and
>
> (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways

11 DCMR § 223.

B. The Effect Upon Ms. Stancioff's Property

With respect to the lot occupancy issue, the Applicant apparently is seeking permission to build an extra 90 square feet on each of the three above-grade levels of the

dwelling. As mentioned above, this additional construction is located directly on the lot line with Ms. Stancioff's property. Ms. Stancioff's property is only 2,400 square feet and her house is four feet from the dwelling on the Subject Property.

Assuming that the additional square footage is situated in the rear of the Subject Property's new addition, as the Applicant has indicated in its drawings, then the Applicant is seeking permission to extend the entire 37-foot high building an extra 7.5 feet back into its small yard. Although lot occupancy technically focuses upon the footprint of the dwelling, it is important to appreciate that all three floors would include such additional space. Each floor within this 37-foot high structure would include additional dimensions of approximately 7.5 feet deep by 12 feet wide. This additional construction is the amount that the dwelling would exceed the permissible lot occupancy.[2] Needless to say, a 37-foot high structure that is 7.5 feet deep and situated on the property line will have an adverse effect upon the light and air of an immediately adjacent house that is only four feet from that same property line. This obvious fact is confirmed by photographs of the almost constructed addition, which show a shadow across Ms. Stancioff's entire backyard and reveal a monstrous structure outside of her bedroom window. See Exhibit 1.

In part, Ms. Stancioff purchased her charming Nineteenth Century home because of the lovely look of the street and the rear garden in which she has cultivated many flowers and plants. Undoubtedly, the looming structure will diminish her enjoyment of her own backyard and will adversely affect the garden by diminishing available light.

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[2] If the special exception application is denied as to the lot occupancy issue, the Applicant nonetheless would be permitted to build a three-story addition behind the original house with dimensions of approximately 20 feet deep by 12 feet wide (subject to all applicable zoning and building code restrictions).

Additionally, the structure has an overwhelming presence through the windows in the rear and side of her house. Less light will enter her home and her view from such windows is unduly affected. Exhibit 1.

On Ms. Stancioff's side of the Subject Property, the addition does not have any charming or aesthetically pleasing qualities. Instead, the plans anticipate a solid structure with cement siding. Notably, this box-like structure would not comport with the generally charming characteristics of the street or Ms. Stancioff's own Nineteenth Century home.

With respect to this issue, the Applicant does not present any factual information which could support the conclusory statements in a cover letter that the relief would not have a substantial adverse impact on the light and air available to neighboring properties. See Application at Exhibit 3.

Although the lot occupancy special exception would involve a relatively small percentage variation from the lot occupancy requirements of the Zoning Code, the Applicant is seeking approval for construction that would have an unduly adverse effect upon Ms. Stancioff's light, air, use and aesthetic enjoyment of her property. This is not a case where the over development is located acres from any neighbor or limited to a small, tasteful structure.

C. The Effect Upon The Neighborhood

1. The Nonconforming Side Yard

By building on top of an existing structure with a nonconforming side yard, the construction would have a devastating effect upon the adjacent neighbor at 1810

35th Street, N.W.[3] The two structures would be 2.5 feet apart with windows facing into this narrow corridor. See Application for Special Exception, Exhibit 7; Exhibit 1 hereto.[4] This circumstance would significantly affect the light, air and privacy of that neighbor. In addition, such construction raises serious building code concerns that, to the knowledge of undersigned counsel, have never been adequately addressed. See, e.g., 12 DCMR § 704A (governing openings near adjacent construction or property lines). These health and safety issues would affect the entire street, in part because they pertain to the spread of fire.

D. The Structure is Inconsistent with The Pattern and Scale of the Street

The new structure is inconsistent with the charm and character of the neighborhood, particularly because of its height, exceedingly large boxy footprint, proximity to adjacent properties and construction materials. The scale and pattern of the project visually intrude upon the general appearance of the neighborhood, in part because 35th Street includes Nineteenth Century homes such as Ms. Stancioff's. This eyesore is apparent from the alley behind Ms. Stancioff's home and from many houses throughout the area. See Exhibit 1. As other neighbors have indicated in opposition to the Application, the overly large structure is extremely unattractive and impairs the views and charm of many properties. See Exhibit 1 and submissions of others.

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[3] When a property includes a nonconforming structure, enlargements and additions to that structure may not increase or extend any existing nonconforming aspect of the structure. 11 DCMR §§ 2001.3. See also 11 DCMR § 2002.5.

[4] The roof on this side of the building has an overhang that extends into this 2.5 foot side yard, thereby further affecting the light and air on this side of the property.

E. The ANC Opposes the Application

Notably, the Advisory Neighborhood Commission ("ANC") has opposed the Application based, in part, upon the over-development of the region and the concerns of immediate neighbors. The ANC position is entitled to "great weight". 11 DCMR 3115.2; D.C. Code 1-309.10(d)(3)(A) (2001).

IV. The Current Status of the Construction Should not be A Basis for Granting the Applicant's Request for Special Exception

The Application should be denied even though the proposed addition is almost completed. The history of the project's permitting and construction may be an important consideration in this case because it establishes that the Applicant built the extra square footage and nonconforming side yard addition while knowing that the zoning issues had not been adequately addressed. The Applicant proceeded at its own peril.

More specifically, the addition allegedly was built pursuant to a series of applications for building permits and amendments thereto, all of which referenced an incorrect lot number. Even the instant Application includes an erroneous reference to Square S1296, Lot No. 27. In fact, the Subject Property is located at Square S1296, Lot 802. [5]

Initially, the Applicant did not disclose to the Department of Consumer and Regulatory Affairs ("DCRA") that it planned to exceed the lot occupancy limit of forty percent (40%) or to expand a structure with a nonconforming side yard of 2.5 feet. Instead, it left such information blank in the relevant application, dated August 12, 2004, when applying for a permit to add a three-story addition to the existing house. On

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[5] Accordingly, there is a preliminary question regarding whether a valid building permit was ever issued to the Subject Property. Ms. Stancioff has raised this issue repeatedly and, nonetheless, the Applicant continues to use the incorrect Lot number for reasons that remain unclear.

October 5, 2004, DCRA apparently noted the need for a special exception as follows in a "plan correction list" by stating: "Existing structure has a non-conforming side yard, proposed addition over existing footprint cannot be allowed. Structure is a semi-detached dwelling and the max lot occupancy is 40%. You need to modify proposed work to bring into compliance or seek relief thru the BZA to build proposed work." See Exhibit 2. On October 16, 2004, DCRA again raised the issue by clarifying that the proposed lot occupancy was "44% BZA relief require." Exhibit 3.

The Applicant did not comply with these instructions by filing for a special exception during the next four months. It did not even revise its DCRA filings to reflect the correct lot occupancy figures. For example, the plans for the project still reported a "proposed lot occupancy" of 40.0% and a proposed house footprint of 967 SF. Exhibit 4. In response to this issue, the Applicant only made a handwritten revisions to its plans by depicting a trellis and stating "trellis above first floor." Exhibit 4 (pg. A-1). Apparently, the Applicant had decided that BZA approval was not necessary because it purportedly was converting the property, as of right, to a row dwelling by affixing a trellis across the 2.5 foot nonconforming side yard on the South side of the Subject Property.

Meanwhile, Ms. Stancioff promptly began raising concerns about the construction, including lot occupancy issues. It took weeks for DCRA to locate the relevant plans. Even then, Ms. Stancioff did not have access to correct information on the plans or the permit applications regarding the actual lot occupancy of the project, in part because that information was never added by the Applicant.[6]

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[6] In an interesting email from Elizabeth Carter, dated January 13, 2005, DCRA stated, in part: "I had an opportunity to review the permit file and plans ... with Mr. Toye Bello, the DCRA Zoning Administrator..... You were concerned that the property owners were using 60%, rather than the 40% allowed by zoning regulations and you also asked if zoning had given an exception to allow the 60% use. I

On January 31, 2005, undersigned counsel wrote Applicant's attorney and stated, in part: "No zoning variance was requested (or granted) which would permit a lot occupancy in excess of forty percent. In other words, your client is building a structure that exceeds the permissible footprint for improvements on the property. Your client owns a semi-detached dwelling, not a rowhouse. As such, construction cannot lawfully exceed forty percent of the lot. If the DCRA erroneously issued a building permit that violates D.C. law, then Ms. Stancioff is prepared to challenge that permit."[7]

On February 5, 2005, Mr. Bello wrote, without disclosing the DCRA position, that "this is one of those vexing zoning situations which fall in such a grey area that there is merit in more than one interpretation."[7] On or about February 8, 2005, DCRA officials met with Ms. Stancioff and the Applicant separately. According to Mr. Bello, DCRA suggested that the Applicant file a special exception petition because issuance of the permit might not have complied with the "spirit" of the zoning laws. At that time, Applicant purportedly told DCRA officials that a special exception petition would be filed within the next few days. During February, Mr. Bello also represented to undersigned counsel that construction by the Applicant would be at the Applicant's own "peril". Thereafter, the Applicant repeatedly promised undersigned counsel during early and mid-February that it would be filing the application for special exception shortly.

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have verified with zoning that an exception has not been granted and the permit file supports this fact." Interestingly, neither Ms. Carter nor Mr. Bello disclosed in this email that the Subject Property was being treated as a row dwelling or that the proposed construction would, in fact, exceed 40%. Upon request, Ms. Stancioff will submit a copy of this email to the Board.

7 Upon request, Ms. Stancioff will submit a copy of this letter to the Board.

8 He proceeded to write: "Quite frankly I think the formulators of the zoning regulations anticipated discordant interpretive opinions to the Zoning Administrator's, in permitting appeals of all and any determination. My first attempt will be to fashion an administrative remedy to a zoning conflict, if possible, but sometimes it takes an appeal to foster a better understanding of the intent of the regulations." A copy of that email will be submitted to the Board upon request.

When no such submission was forthcoming, Ms. Stancioff filed her appeal of the building permits.

Significantly, a considerable portion of the new addition behind the house had not been constructed in early February. Exhibit 1 shows that the third floor had not even been fully framed on February 5th (photo from street, dated Feb. 5, 2005) and the first and second floors were largely incomplete. Id. (photos dated Feb. 5, 2005).

This chronology is important because the Applicant proceeded to build throughout this entire time period, even after Ms. Stancioff appealed issuance of the building permits based upon the lot occupancy and side yard issues on February 22, 2005. The Applicant did not file its own special exception petition until March 21, 2005 and, at that time, did not seek any expedited consideration of the application. Instead, the Applicant waited six weeks after it first promised DCRA that it would file the application. Throughout this six-week period and since filing the application, construction has continued.

Under these unique circumstances, the Board cannot properly consider any financial hardship associated with the special exception application. The Applicant was fully advised of the zoning issues in late January, perhaps long before, and the likely legal deficiencies of the building permits. Nonetheless, it elected to proceed with construction. The risks associated with these business decisions must be borne solely by the Applicant, not by Ms. Stancioff or the neighborhood.

V. The Application Should not Be Granted Because it is Inaccurate and Internally Inconsistent

The Application for special exception is riddled with inaccuracies and inconsistencies that generally understate or incorrectly depict the relief that is being requested from the Board.[8]

First, as noted above, the Application refers to the incorrect lot number for the Subject Property.[9]

Second, the Applicant misstates the dimensions of the nonconforming side yard in her explanatory letter to Ms. Jerrylee Kress, dated March 15, 2005. More particularly, that letter erroneously refers to an existing side yard of 3 feet. See Application at Exhibit 3. Elsewhere in the filing, Applicant admits that the side yard is only 2.5 feet. See Notes and Computations page; Application at Exhibit 2 (plat showing a 20 foot street frontage and a dwelling of 17.5 in width). Notably, the difference between a 2.5 foot and 3 foot side yard may be relevant to the project's compliance with the D.C. Construction Codes regarding Fire-Resistance-Rated Construction.

Third, the Applicant is inconsistent with respect to the proposed height of the house. Exhibit 2 of the Application states that the proposed height of the house will be 37 feet. Yet, one section of Exhibit 7 states that the height will be 35 feet.

Fourth, the Applicant repeatedly is inconsistent regarding the percentage of lot occupancy that would exceed the permissible forty percent for semi-detached dwellings. The cover letter to Ms. Kress states that the Applicant is "seeking relief of the lot occupancy requirement from 40% to 43.4%". See Application at Exhibit 3. The Notes

[8] Despite repeated requests, the Applicant has never provided Ms. Stancioff or undersigned counsel with a complete copy of the application for special exception in this case. Ms. Stancioff has obtained many of the relevant pages directly from BZA.

[9] See Application form.

and Computations page indicates a requested special exception of 3.75% (not 3.4%). Exhibit 7 to the Application reports a proposed lot occupancy of 44% in one location, and yet refers to the area seeking special exception as 4.35%.[10] Exhibit 2 of the Application still reports a proposed lot occupancy of 40%. Although some of these variations are relatively minor, they impair the ability of this Board and the parties to determine the actual magnitude of the issue and the appropriate remedy if the special exception is denied in whole or in part.

Fifth, Applicant's filings are similarly inconsistent regard the actual square footage associated with the lot occupancy issue. The Notes and Computations page indicates that the special exception request pertains to 90 square feet (premised upon a variance of 3.75%). According to that same document, this figure was calculated based upon an existing square footage of 720 square feet, an addition totaling 330 square feet, and a total lot occupancy of 1,050 square feet. Assuming that this analysis is correct, which Ms. Stancioff cannot independently verify, then portions of Exhibit 7 to the Application may be incorrect. More specifically, the Applicant has submitted a graphic depiction of the area requiring special exception. Those drawings do not appear to depict a 90 square foot area on the three affected floors. [11]

VI. Conclusion

For the foregoing reasons, the Application for special exception should be denied. The Applicant has not met its burden of proof. The building should be reduced in size to

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[10] None of these figures incorporates the contemplated deck in the back yard. The height of the deck is not known. Accordingly, Ms. Stancioff cannot determine if the deck would add to the lot occupancy footprint of the home.

[11] When depicting the area subject to the lot occupancy special exception, the Applicant refers to a section in the back of the addition that apparently is only 6.5 feet deep. If that addition is 12 feet wide, then the depicted area is only 78 square feet, rather than 90 square feet.

comply with the zoning laws and regulations of the District of Columbia. Unless this relief is granted, many other properties within R-3 zones will seek the same relief. Such a circumstance would significantly erode the basic principles that govern zoning within this jurisdiction.

Respectfully Submitted,

Laurie B. Horvitz, Esq.
Nathan I. Finkelstein, Esq.
Robert Goldman, Esq.
FINKELSTEIN & HORVITZ, P.C.
7315 Wisconsin Ave., Suite 400 East
Bethesda, Maryland 20814
(301) 951-8400
Counsel for Ms. Deidre Stancioff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposition, including all exhibits thereto, were served on May 19th, 2005, via first class mail, postage prepaid to the following:

Advisory Neighborhood Commission 2E
Attn: Ed Solomon
3265 S Street, N.W.
Washington, D.C. 20007

Angel F. Clarens
1053 31st Street, N.W.
Washington, D.C. 20007

Laurie B. Horvitz

1



View from Ms. Stancioff's second floor. Shadow in April at approximately 10:30 am



2.5 foot
side yard



View from alley behind Ms. Stancioff's property

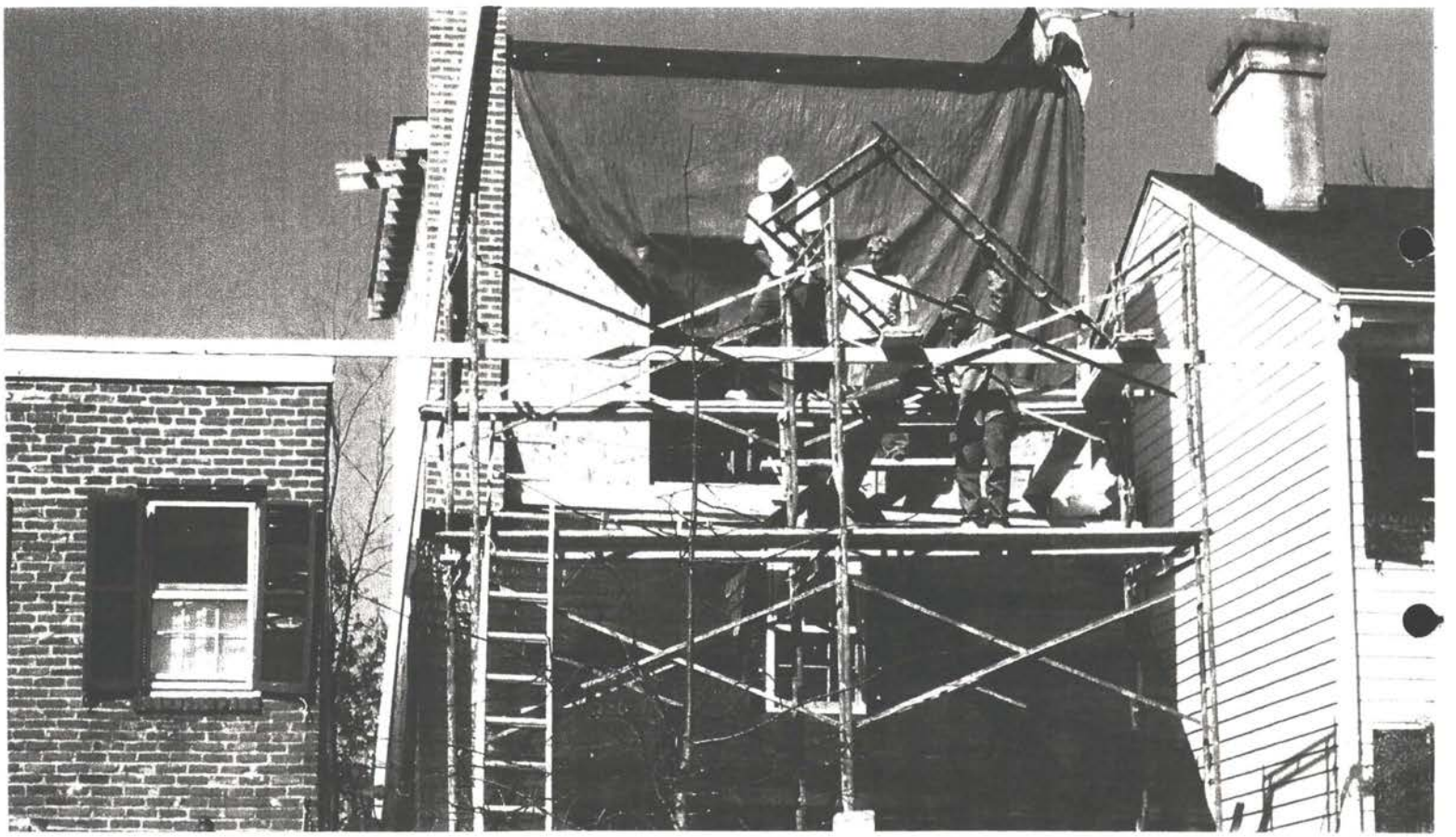


Photo from street
of subject property



Photo from 2nd floor
bedroom window of
Ms. Stancioff

2-5-05 No2 Front JPG (1024x768x16M jpeg)

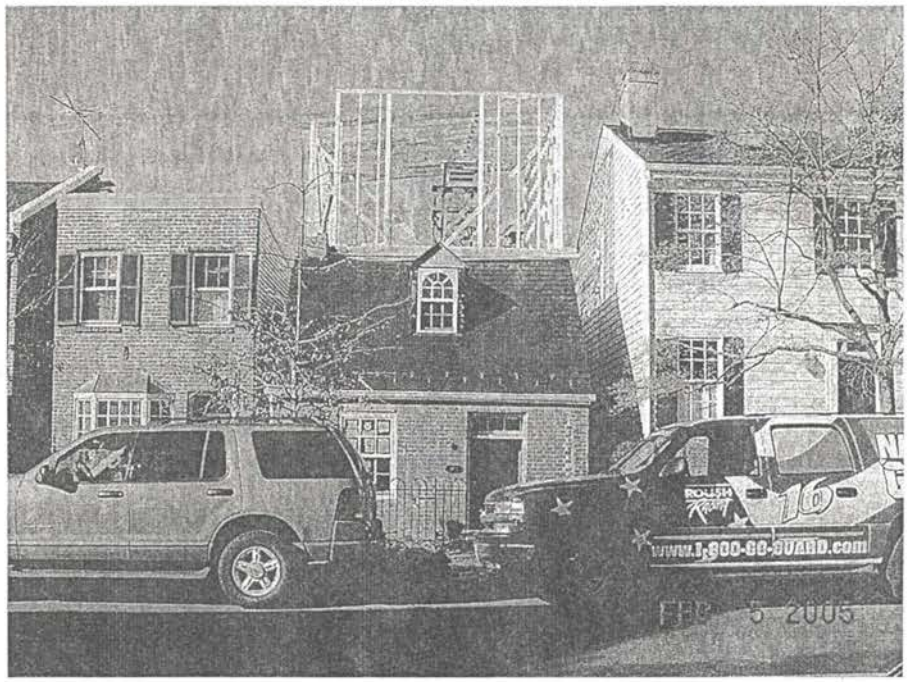


Photo from street
2-5-05

2-5-05 No5 Rear.JPG (1024x768x16M jpeg)

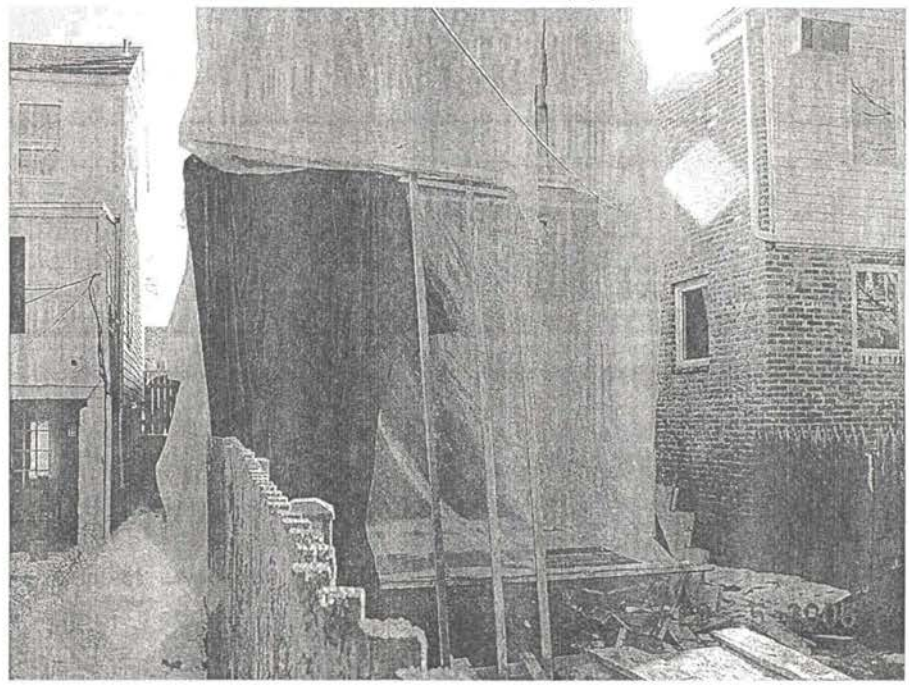
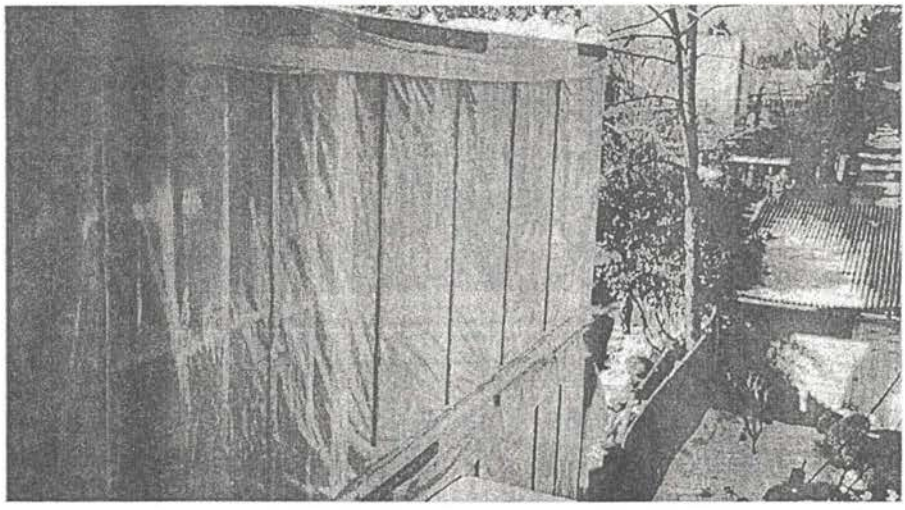


Photo from rear of Ms. Stancioff's yard on 2-5-05

feb 5 back sky line.JPG (600x332x16M jpeg)



View from second floor of Ms. Stancioff's house on 2-5-05

2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BLRA-10 (Rev. 6/89)

/89): 1810 35th st NW

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

FY: 04

PLAN CORRECTION LIST R-3

Job No.	Engineer	Section	Date
2186-C	FAYE O.	ZONING	10-16-04

CHANGES REQUIRED ON PLANS PRIOR TO APPROVAL: 2ND REVIEW

No.

(1) Proposed lot Occupancy is 44% BZA relief require. Note: the Nonconforming Side Side 2.5ft x 30.8ft is included in the lot Occupancy.

(2) Reroute decision to Zoning for action

0-0086 wd-205

3

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

/89) 1812 35th St NW

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

FY:04

PLAN CORRECTION LIST R-3

Job No. 2186-C

Engineer	Section	Date
FAYE	ZONING	10-5-04

CHANGES REQUIRED ON PLANS PRIOR TO APPROVAL:

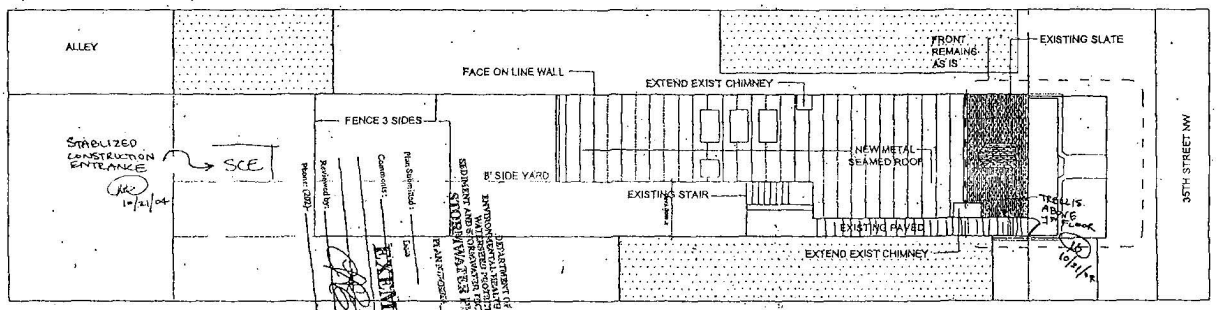
No.

(1) Existing structure has a non-conforming side yard, proposed addition over existing footprint cannot be allowed. Structure is a semi-detached dwelling and the Max lot Occupancy is 40% You need to modify proposed work to bring into Compliance or Seek Relief thru the BZA to build proposed work.

(2) Reroute decision to Zoning for action.

4

ADDITION & RENOVATION TO
1812 35th STREET NW WASHINGTON, D.C.



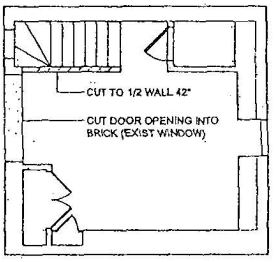
A SITE PLAN - PROPOSED
SCALE: 1/8" = 1'-0"

1812 35TH STREET NW
LOT 27 SQUARE S1296

RESIDENCIAL DISTRICT	R3
LOT SIZE	2400 SF
EXISTING HOUSE FOOTPRINT	637 SF
EXISTING LOT OCCUPANCY	26.5%
PROPOSED HOUSE FOOTPRINT	967 SF
PROPOSED LOT OCCUPANCY	40.0%
HEIGHT OF HOUSE	24'-4"
PROPOSED HGT OF HOUSE	35'-0"

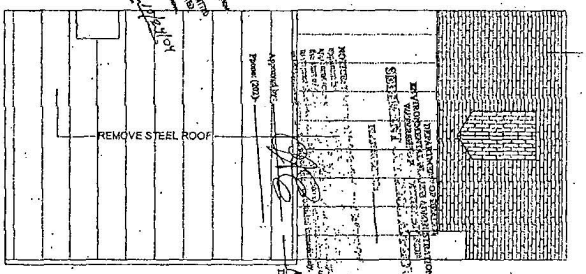
LIST OF DRAWINGS

A-1	ARCHITECTURAL PLANS
A-2	EXTERIOR ELEVATIONS
A-3	LONGITUDINAL SECTION
A-4	TRANSVERSE SECTIONS
A-5	SCHEDULES / DETAILS
S-1	STRUCTURAL PLANS
S-2	STRUCT. NOTES & DETAILS
S-3	STRUCTURAL DETAILS
M-1	MECHANICAL
P-1	PLUMBING
E-1/E-2	ELECTRICAL
EC-1	EROSION CONTROL

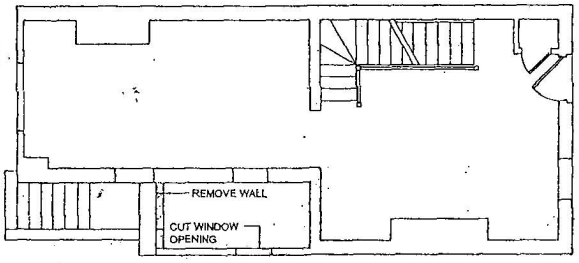


C 2ND FLOOR DEMOLITION PLAN
SCALE: 1/4" = 1'-0"

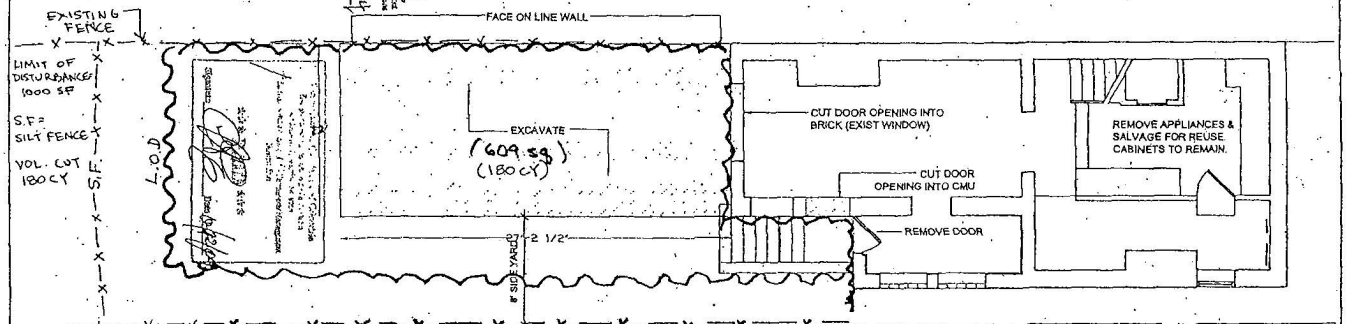
DEMOLITION PLANS



B ROOF DEMOLITION PLAN
SCALE: 1/4" = 1'-0"

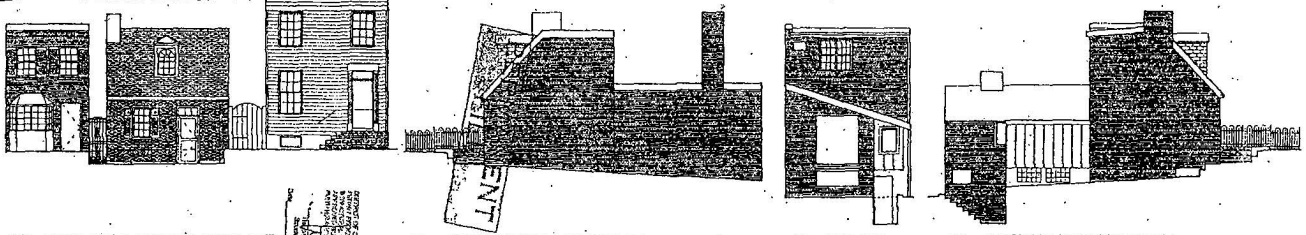


D 1ST FLOOR DEMOLITION PLAN
SCALE: 1/4" = 1'-0"



E BASEMENT DEMOLITION PLAN
SCALE: 1/4" = 1'-0"

EROSION CONTROL NOTES



F EXISTING FRONT ELEV W/ NEIGHBORS
SCALE: 1/8" = 1'-0"

G EXISTING RIGHT SIDE ELEV
SCALE: 1/8" = 1'-0"

H X REAR
1/8" = 1'-0"

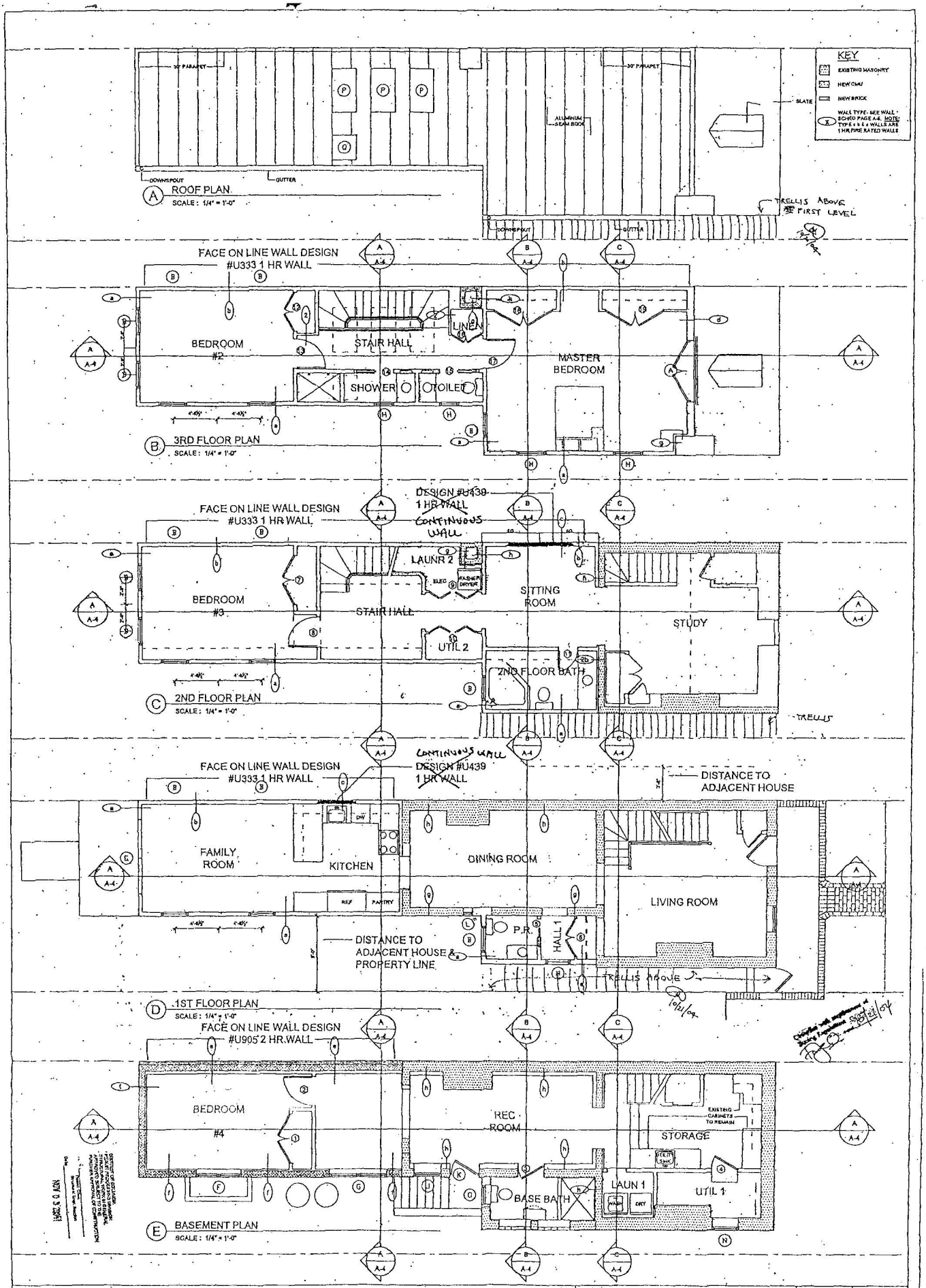
J EXISTING LEFT SIDE ELEV
SCALE: 1/8" = 1'-0"

1812 35th STREET NW WASHINGTON, D.C.
PARTNERSHIP OF 1812

COVER SHEET
DEMOLITION / EXISTING

PERMIT SET 09-24-04

CS



RENOVATION & ADDITION TO

1812 35TH STREET NW

FLOOR & ROOF PLANS

A-1