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October 25, 2005

John Epting
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By Hand Delivery

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W., Second Floor
Washington, D.C. 20001

Re: **BZA Application No. 17387 - Gtown 32nd Street, LLC and Strategic Georgetown, LLC, for rear yard variances at 1517 and 1521 32nd Street N.W. (Square 1270, Lots 19, 20 and 74)**

Dear Chairman Griffis and Members of the Board:

Gtown 32nd Street, LLC and Strategic Georgetown, LLC (collectively, the "**Applicant**"), hereby submit updated information for the BZA Case No. 17387 for variance relief from the rear yard requirements at 1517 and 1521 32nd Street N.W. (Square 1270, Lots 19, 20 and 74) in the R-3 Zone District to allow for the construction of rowhouses thereon.

Included with this letter are the following documents:

1. Historic Preservation Review Board ("**HPRB**") Staff Report and Recommendation (attached as Exhibit A) – HPRB staff generated a report that recommended that the Board approve the subdivision and forward it for consideration by the Mayor's Agent for Historic Preservation. HPRB put the case on their Consent Calendar for their next meeting on October 27, 2005.

2. Old Georgetown Board ("**OGB**") Report on O.G. 05-301 (H.P.A. 05-504), dated October 20, 2005 (attached as Exhibit B) – The Applicant met with OGB on October 7, 2005. OGB recommended concept approval for the new construction on Lots 19 and 20 in Square 1270 (1521 32nd Street, N.W.) with the recommendation of further study of the proportions of the first floor windows and

BOARD OF ZONING ADJUSTMENT
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the treatment of the face of the retaining walls on the garden in the remaining lot. We are therefore requesting flexibility to change such windows in accordance with OGB recommendations.

3. Letter from Neighbors to ANC 2E, dated October 4, 2005 (attached as Exhibit C) – Gunnar Halley and other Neighbors who are parties to the Settlement Agreement between the Applicant, ANC 2E, Councilmember Jack Evans and the Neighbors dated April 28, 2005 (the "**Settlement Agreement**"), wrote a letter of support to ANC 2E. The Neighbor's letter highlighted that they have achieved their goals through the Settlement Agreement and that the project design is compatible with the Georgetown Historic District and this block of 32nd Street, N.W.

4. ANC 2E Resolution (attached as Exhibit D) – The Applicant met with ANC 2E on October 4, 2005 and presented its plans for the project. ANC 2E voted to support the OGB subdivision application and Application No. 17387 to the BZA with no conditions.

5. Order from the District of Columbia Court of Appeals, filed August 16, 2005 (attached as Exhibit E) – The Court ordered the Applicant's motion to stay the appeal of H.P.A. 480-03 based on the Settlement Agreement between the parties involved in that document.

The Applicant looks forward to presenting its application on November 8, 2005.

Respectfully,

John T. Epting /jcu

John T. Epting

Jeffrey C. Utz

Jeffrey C. Utz

Enclosures

cc: Darrin Phillips
Ryan Hill
ANC 2E

Maxine Brown Roberts
Gunnar Halley
Jack Evans
Tom Birch

Document #: 1500655 v.1

EXHIBIT A

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Landmark/District:	**Bowie-Sevier House (Georgetown)**	( ) Agenda
Address:	**1521 32nd Street, NW**	(x) Consent
Meeting Date:	**October 27, 2005**	(x) New Construction
Case Number:	**05-504, 06-007**	( ) Addition
Date Received:	**September, 2005**	(x) Subdivision
Staff Reviewer:	**Tim Dennée**	(x) Concept

The applicant, Anne Adams (of Pillsbury Winthrop Shaw Pittman), agent for owner Gtown 32nd LLC (Darrin Phillips et al.) with architect Stavropoulos Associates, requests the Board's approval of the subdivision of a landmark property in order to construct a two-story house and garage. The proposed lot is within the historic boundary of the 1805 Bowie-Sevier House, landmarked in 1964.

The construction of the proposed house has received conceptual approval from the U.S. Commission of Fine Arts and the support of the Advisory Neighborhood Commission and is the subject of an agreement with a group of neighbors across 32nd Street.[1] The proposed brick house would be compatible with—and in a sense, a completion of—the development of three other "Second Empire revival" houses on this side of the block, on lots all carved from the Bowie-Sevier property and previously the subject of subdivision hearings. The house design is subject to, but does not require, additional review by the Board (although the garage portion of the building would be better if set back to the face of the proposed and permitted) 1517 32nd Street house). The subdivision of a landmark, however, requires a Mayor's Agent hearing, which is why the matter is before the Board for comment.

While the Bowie-Sevier property originally consumed the entire square, this west end of the square along 32nd Street had been subdivided in the late nineteenth century in order to construct rowhouses. While a couple were built, carriage houses and garages eventually occupied much of the rest of the streetface (which is why the proposal for a curb cut and garage was found to be acceptable to the Commission of Fine Arts). And in the 1950s, on this side of the block stood a large wing connected to the historic house when it was used as a nursing home. A very high concrete retaining wall now physically and visually separates the subject lot from the historic mansion on the hillock. The vacant space north of the subject lot is to be retained open in perpetuity and will be heavily landscaped, at least partly to obscure the retaining wall.

The construction will require Board of Zoning Adjustment approval of a variance of the rear yard requirement.

[1] The agreement limited the height of the new building and limited the number of houses to one (from a previously proposed two) plus the garage that would serve both of the flanking houses.

The staff recommends that the Board approve the subdivision as proposed and forward it for consideration by the Mayor's Agent for Historic Preservation. Such approval in no way constitutes an endorsement of any required zoning relief.

EXHIBIT B

REPORT OF THE OLD GEORGETOWN BOARD
to
THE COMMISSION OF FINE ARTS

20 October 2005

O.G. 05-301 (HPA 05-504)
1521 32nd Street, NW (Lots 19 and 20 - Square 1270)
Georgetown 32nd LLC and Strategic Redevelopment LLC, Darrin Phillips - Residence
New semi-detached building for single family residence
Concept - resubmission

REPORT: At their meeting of 7 October, the Old Georgetown Board reviewed the concept design for a new house, part of a development of four houses proposed by Georgetown 32nd LLC and Strategic Redevelopment LLC for the 1500 block of 32nd Street, NW on lots that once belonged to the historic Bowie-Sevier House (formerly the Episcopal Church Home property and, subsequently owned by Mr. Herbert Miller). The single family residence adjacent to the alley behind the Q Street rowhouses was approved in December 2003 (O.G. 04-042) and its construction is almost completed. The two rowhouses at the south end were reviewed through the Mayor's Agent appeal process when the Board and the Commission raised their concerns about the scale of the row of four houses as proposed in May 2003 (O.G. 03-047) and in September 2003 (O.G. 03-264 and O.G. 03-265).

Since then, the two central lots have been combined into one lot. The Old Georgetown Board reviewed and disapproved the concept design for the house proposed for this new lot at their meeting of 2 December 2004 (O.G. 05-042). At that time, the Board was opposed to the garage facing 32nd Street, which required a curb cut, and to the height of the new house in

relation to the historic two-story houses across the street, giving the recommendation that the garden be terraced to eliminate a retaining wall along the proposed sidewalk.

The present application is a resubmission of the same design a second time for concept review. Neighbors, who previously had opposed the new house, now support this design as part of an agreement in which the neighbors, the Advisory Neighborhood Commission, and Councilman Jack Evans (who lives on the same block) are signatories. Aware that the project will require a variance from the Board of Zoning Adjustment, the Board approved the concept with the recommendations that the proportions of the first floor windows be studied further and that a treatment for the face of the retaining walls on the garden in the remaining lot be found to minimize their adverse impact.

As such, the Board offers the following recommendation:

RECOMMENDATION: No objection to concept design for proposed new building. Recommend further study of proportions of the first floor windows and of a treatment for the face of the garden retaining walls. File new submission of working drawings, including dimensions, details, and material samples, with permit application for review by the Commission when ready. Note is made that approval of the concept design by the Commission of Fine Arts does not assume any approval by the Board of Zoning Adjustment.

EXHIBIT C

GUNNAR D. HALLEY
1520 32ND STREET, N.W.
WASHINGTON, DC 20007

4 October 2005

Ms. Bonnie Hardy
Advisory Neighborhood Commission Administrator
3265 S Street, N.W.
Washington, DC 20007

Re: BZA Application 17387 and O.G. Application No. 05-301

Dear Ms. Hardy:

I write this on behalf of myself and the undersigned neighbors who have been actively involved with the proposed development on the 1500 block of 32nd Street.

We support the above-referenced applications before you. They represent the culmination of extensive consultation and numerous meetings between the neighbors, the developers, the ANC 2E and Councilman Jack Evans. These consultations and meetings resulted in a ***delicately-balanced*** compromise that is set forth in an Agreement signed by all parties to the underlying litigation, the ANC 2E and Councilman Evans. I believe it is fair to say that the Agreement, as with any reasonable compromise, is not a landslide victory to any single party, but represents a satisfactory resolution to the issues surrounding this development. The proposals before you today represent that Agreement and we respectfully request that the ANC 2E honor the proposals in their entirety so as not to upset the balance that was so extensively negotiated.

Specifically, the neighbors believe that the proposed single-family house and the landscaped space is an appropriate solution for the development of the subject property.

- We believe that, when taken together with all the elements, its design (including the height and materials proposed) is compatible with the character of the Georgetown Historic District as a whole and with the 1500 block of 32nd Street, in particular.
- Specifically, as you may recall, the setback of the house was of tremendous importance to the neighbors. The developer has agreed to seek a variance from the BZA (to make the back yard slightly smaller) which would allow an increased setback of the house from the street and we strongly urge the ANC 2E to support that variance request.
- Originally, the developer had proposed a parking space for the house that would have been visible from the street. The revised plan (which is

represented in the Agreement) provides for a curb cut and drive through which, we believe, is a more appropriate means of handling the necessary parking issues. It also will result in a landscaped open space visible from the street. As a condition of the Agreement, the curb cut would be installed without endangering the health of the mature trees lining the street.

- The mature trees are to be protected by the terms of the Agreement and a brick sidewalk will be installed insofar as such installation can occur without endangering the health of the trees.

We thank the ANC for its active support of our concerns for this project. We believe that with the help of the ANC, we have been able to reach an Agreement with the developers that satisfactorily addresses our primary concerns. The proposals before you today for the design of a new single-family home, landscape of open areas, preservation of trees, installation of a sidewalk, a curb cut with a drive-through for concealed parking and a zoning variance request to allow for an increased setback from the street, when taken together, are consistent with the character of the Historic District, the character of the 1500 block of 32nd Street and with the Agreement reached between the neighbors, the developer, the ANC 2E and Councilman Evans. As such, we respectfully request the ANC's approval of the above-referenced applications.

Respectfully submitted,

Gunnar Halley

Mary Coyne and William Kolasky

Yvette and Theodore Boone

Cynthia Ely

Joseph and Jini Brittain

Stanley Cloud and Christina Lynne Olson

Richard and Roberta Theis

EXHIBIT D

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith,Georgetown and Hillandale
3265 S Street, NW • Washington, DC 20007
(202) 338-7427 • FAX (202) 338-0279 • anc2e@erols.com

October 6, 2007

Mr. Jeffery Griffis, Chair
DC Board of Zoning Adjustment
441 Fourth Street, NW
Washington, DC 20001

RE: BZA Application No. 17387: 1517 and 1521 32nd Street, NW

Dear Mr. Chairman and Members of the Board:

On October 4 2005, ANC 2E held its public meeting which was duly noticed and attended by all seven commissioners. At the meeting the above-referenced item was presented. After the presentation the following motion was made by Commissioner Moore and was unanimously passed:

> ANC 2E supports the applicant's request for a variance from the rear yard requirements to allow the construction of two single-family houses at 1517 and 1521 32nd Street.

Please enter this into the file for the November 8 2005 hearing and give it the "great weight" it deserves. If any questions please call the office at 338-7427.

Sincerely,

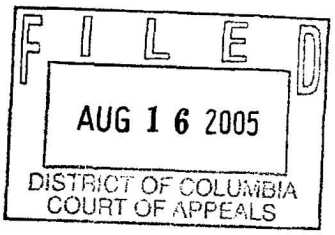
Ed Solomon
Chair, ANC 2E

COMMISSIONERS:

Ed Solomon, District 1 John Lever, District 2 Bill Skelsey, District 3 Brett Clements, District 4
Bill Starrels, District 5 Pam Moore, District 6 Charles Eason, District 7

EXHIBIT E

District of Columbia
Court of Appeals



No. 04-AA-1295

DAVID M. HALLEY, *et al.*,

Petitioners,

HPA480-03

v.

DISTRICT OF COLUMBIA
HISTORIC PRESERVATION
REVIEW BOARD,

Respondent,

and

GEORGETOWN 32ND STREET, L.L.C.,

Intervenor.

ORDER

On consideration of intervenor Georgetown 32nd Street, L.L.C.'s consent motion to stay appeal, wherein intervenor indicates that disposition of a joint settlement agreement is pending with the agency, it is

ORDERED that intervenor Georgetown 32nd Street, L.L.C.'s motion is granted, and this petition for review is hereby stayed pending further order of this court.

BY THE COURT:

ERIC T. WASHINGTON
Chief Judge

Copies to:

David M. Halley
1530 32nd Street, N.W.
Washington, D.C. 20007

No. 04-AA-1295

Copies to:

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William J. Kolasky
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Joseph Brittain
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No. 04-AA-1295

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Deputy Attorney General for D.C.

Deborah B. Baum, Esquire
John T. Epting, Esquire
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ee