Holland Knight

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Washington, D.C. 20006
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September 28, 2005

M. CAROLYN BROWN
202-862-5990

Internet Address:
carolyn.brown@hklaw.com

VIA HAND DELIVERY

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

Re: BZA Application No. 17393
1425 11th Street, N.W. (Square 338, Lots 37-40, 800-803)

Dear Members of the Board:

Enclosed please find the following revised application materials in support of an additional area of variance relief for the above-referenced matter. It was recently determined that proposed development also requires variance relief pursuant to Section 2117.4 of the Zoning Regulations to permit required parking spaces to be accessed by an alley that is less than ten feet in width.

- An additional filing fee of $800.00;
- A revised BZA Form 120;
- A revised building plat;
- A revised statement explaining how the application meets the specific tests identified in the Zoning Regulations;
- In lieu of a memorandum from the Zoning Administrator, a revised zoning self-certification form; and
- Revised architectural plans illustrating the project.

I very much appreciate your assistance with this matter. If you have any further questions, please do not hesitate to contact me.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17393
EXHIBIT NO. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17393
EXHIBIT NO. 23

Sincerely,

HOLLAND & KNIGHT LLP

M. Carolyn Brown

Enclosures

cc: Jennifer Steingasser, Office of Planning
Charles D. Reed, Chairman, Advisory Neighborhood Commission 2F
Michael G. Nelson, Advisory Neighborhood Commission 2F-06

3018944_v2

Form 120 – Exhibit 1
(Revised 04/29/02)

Case No.

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance – Use Variance Special Exception	Section No(s).
1425 11th Street, N.W.	338	37,38,39,40, 800,801,802, 803	C-2-A	Area Variance	773, 2117.4

Present use(s) of Property:	Residential Flats		
Proposed use(s) of Property:	Multi-family Residential containing 28 Units		
Owner of Property	Ellis Denning Properties LLC on behalf of Ernest L. Murphy	**Telephone No:**	(301) 657-5405
Address of Owner:	1300 Piccard Drive, Suite L1, Rockville, MD 20850		

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice: Application of Ellis Denning Properties LLC on behalf of Ernest L. Murphy, pursuant to 11 DCMR §3103.2, for variance relief from §773 to permit less than the required residential recreation space and variance relief from §2117.4 to permit an alley providing access to required parking spaces to be less than ten feet in width in order to allow the construction of a twenty-eight (28) unit apartment addition at premises 1425 11th Street, N.W. (Square 338, Lots 37, 38, 39, 40, 800, 801, 802, and 803).

Estimated construction cost		**Advisory Neighborhood Commission Single-Member District(s)**	2F-06
Date:	September 22, 2005	**Signature:**	Applicant

* *The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision: (Owner or Authorized Agent*)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17393
EXHIBIT NO. 23A

Name:	M. Carolyn Brown, Esquire				
Address:	Holland & Knight LLP, Suite 100, 2099 Pennsylvania Avenue, N.W., Washington, D.C. 20006				
Phone No.:	(202) 862-5990	**Fax No.:**	(202) 955-5564	**E-Mail:**	carolyn.brown@hklaw.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., June 9, 2005

Plat for Building Permit of SQUARE 338 LOTS 37,38,39,40,800,801,802 & 803

Scale: 1 inch = 20 feet Recorded in Book 167 Page 36 (LOTS 37-40) Microfilm (LOTS 800-803)

Receipt No. 20248

Furnished to: HOLLAND & KNIGHT

For Surveyor, D.C.

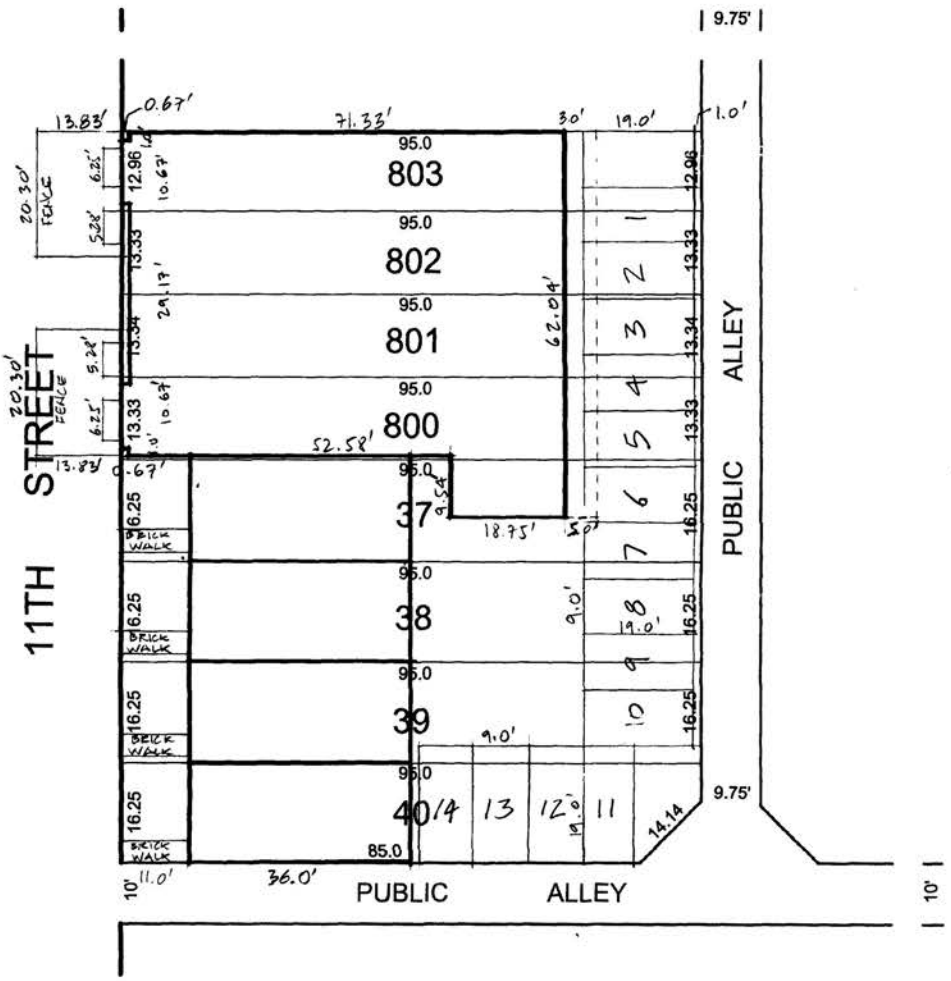
By: L.M.A.

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.



BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17393
EXHIBIT NO. 23B

SO-20248(2005)

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Ellis Denning Properties
On behalf of Ernest L. Murphy
1425 11th Street, N.W.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background

The Subject Property consists of Lots 37, 38, 39, 40, 800, 801, 802 and 803 in Square 338 and is located along 11th Street, N.W. between O and P Streets. Square 338 is bounded on the north by P Street, on the south by O Street, on the west by 11th Street, and on the east by 10th Street. The Subject Property is bounded by public alleys to its south and east. The Subject Property consists of approximately 11,156 square feet in area and is located within a C-2-A Zone District. Lots 37, 38, 39 and 40 are currently each occupied by a three-story flat. Each flat includes two residential units.

The Applicant proposes to subdivide the property into a single lot, connect the four existing flats to form a single building, and construct a new four-story residential addition with a basement to the north of the existing flats that will include twenty residential units. Fourteen surface parking spaces will be provided along the alleys to the rear of the development.

In order to accomplish the proposed development, the Applicant requests 1) variance relief from Section 773 of the Zoning Regulations to permit approximately ten percent of the residential area to be provided as recreation space instead of twenty percent; and 2) variance relief from Section 2117.4 to permit required parking spaces to be accessed by an alley less than ten feet in width.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17393
EXHIBIT NO. 23C

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In that Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested variance relief. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof

The test for variance relief is in three-parts: (1) demonstration that a particular piece of property is confronted with some exceptional condition or situation; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or zone plan.

A. Exceptional Condition or Situation:

As noted above, the Subject Property includes four existing flats that will be maintained with the proposed development. The existing flats, which count toward the residential recreation space requirement but cannot actually provide any inside residential recreation space, consist of approximately 7,068 square feet of building area. The residential recreation space requirement for the four existing flats alone would be almost 1,414 square feet, the majority of which would have to be provided in the new building area. Furthermore, the existing flats occupy 2,356 square feet of the Subject Property, leaving a limited area for new construction that would

comply with lot occupancy and floor area ratio regulations and an even more limited area that could be utilized for residential recreation space.

Given the limited size of the Subject Property, parking must be located at-grade instead of underground. The location of the required parking spaces, in addition to the existing flats, further limits building area that could be devoted to residential recreation space.

Furthermore, the roof of the proposed addition cannot feasibly be used for residential recreation space as roof decks are required to have two means of egress, one of which must be a separate stairway that is not part of the main roof structure. Adding a separate stairway would create multiple issues with regard to the number and setbacks of roof structures, as well as the height of the proposed addition in a historic district.

The public alley that borders the Subject Property on its east and provides access to the proposed development is 9.75 feet in width. This is an existing condition that does not allow the project to adhere to the regulation that alleys providing access to required parking spaces be at least ten feet in width due to the necessary configuration of the project, as detailed below.

B. Resulting Practical Difficulty:

The Applicant will demonstrate that the strict interpretation of the Zoning Regulations will result in a practical difficulty upon the Applicant.

1. Section 773

The existence of four flats on the Subject Property that count toward the residential recreation space requirement but cannot themselves provide

any inside residential recreation space creates an unintended and unnecessary burden on the new construction. Although the proposed new addition includes only twenty residential units, a strict application of the Zoning Regulations would require 5,493 square feet of residential recreation space for the entire project – or approximately 275 square feet per new residential unit.

The allotment 4,743 square feet (750 square feet is provided on the rooftops of the existing flats) of residential recreation space within a building that is only 20,400 square feet and includes only twenty units is both impractical and unnecessary. It is not feasible to establish this space in any kind of meaningful way while maintaining the required building core elements and reasonably configured living spaces. Furthermore, the existence of that large of a space within a multi-family residential building of the proposed size would ultimately be burdensome on the future residents in terms of maintenance.

2. Section 2117.4

As noted above, the limited size of the Subject Property creates the need for parking to be located at-grade instead of underground. The retention of the four existing flats and the necessity to have the remainder of the project front on 11th Street – the site's only street frontage – demands that the surface parking to be located at the rear of the development. The alley to the south does not have adequate frontage for it to provide access to all of the required parking spaces.

C. No Harm to Public Good or Zone Plan:

The Applicant will demonstrate that the proposed project can be undertaken without harm to the public good and without threat to the integrity of the zone plan.

1. Section 773

The proposed development will refurbish the facades of the existing rowhouses and establish an additional vibrant residential use on 11th Street. The proposed development includes a total of 2,803 square feet of residential recreation space, or approximately ten percent of the total residential building area. This amount represents approximately 100 square feet per residential unit, or 140 feet per new residential unit. Additionally, there are numerous recreational opportunities in the vicinity of the Subject Property, including Logan Circle two blocks to the west.

2. Section 2117.4

The parking spaces at the rear of the Subject Property have been moved one foot farther away from the adjacent public alley, creating an effective alley width of 10.75 feet. As Section 2117.4 requires that alleys providing access to required parking spaces be at least ten feet in width, the proposed development meets the intent of the Zoning Regulations without harm to the public good and without threat to the integrity of the zone plan.

For these reasons, the requested areas of variance relief are appropriate.

Form 135 – Side 1
(Revised 03/15/02)

Case No. _____

ZONING SELF CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s) Single Member District(s)
1425 11th Street, N.W.	338	37,38,39,40,800, 801,802,803	C-2-A	2F-06

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 – Use Variance	☒ §3103.2 – Area Variance	☐ §3104.1 – Special Exception
Pursuant to Subsections		773 and 2117.4	

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:
(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or difference zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
	Ellis Denning Properties LLC on Behalf of Ernest L. Murphy
Agent's Signature	**Agent's Name (Please Print)**
	Sean Wayne, AIA

Date	September 22, 2005	D.C. Bar No.		or	Architect Registration No.	0401 011616

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17393
EXHIBIT NO. 23D

Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

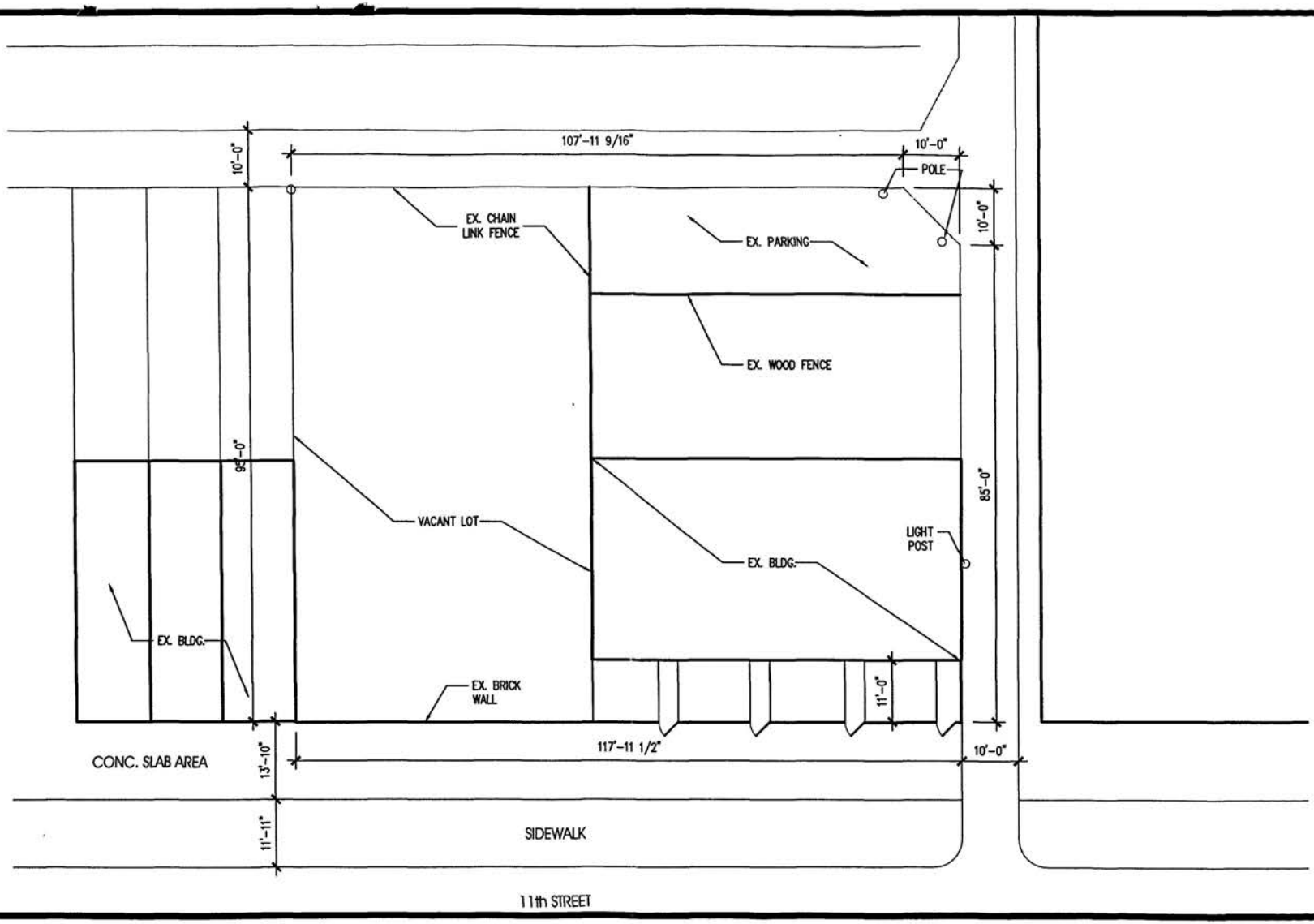
INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 2001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	11,156	n/a	n/a	11,156	n/a
Lot Width (ft. to the tenth)	117.96	n/a	n/a	117.96	n/a
Lot Occupancy (building area/lot area)	21%	n/a	60%	59.2%	n/a
Floor Area Ratio (FAR) (ft. to the tenth)	0.6	n/a	2.5	2.2	n/a
Parking Spaces (number)		14	n/a	14	n/a
Loading Berths (number and size in ft.)	0	n/a	n/a	0	n/a
Front Yard (ft. to the tenth)	0	0	n/a	0	n/a
Rear Yard (ft. to the tenth)		15'	n/a	19'	n/a
Side Yard (ft. to the tenth)	0	0	n/a	0	n/a
Court, Open (width by depth in ft.)	n/a	n/a	n/a	n/a	n/a
Court Closed (width by depth in ft.)	n/a	n/a	n/a	n/a	n/a
Height (ft. to the tenth)		n/a	50'	50'	n/a

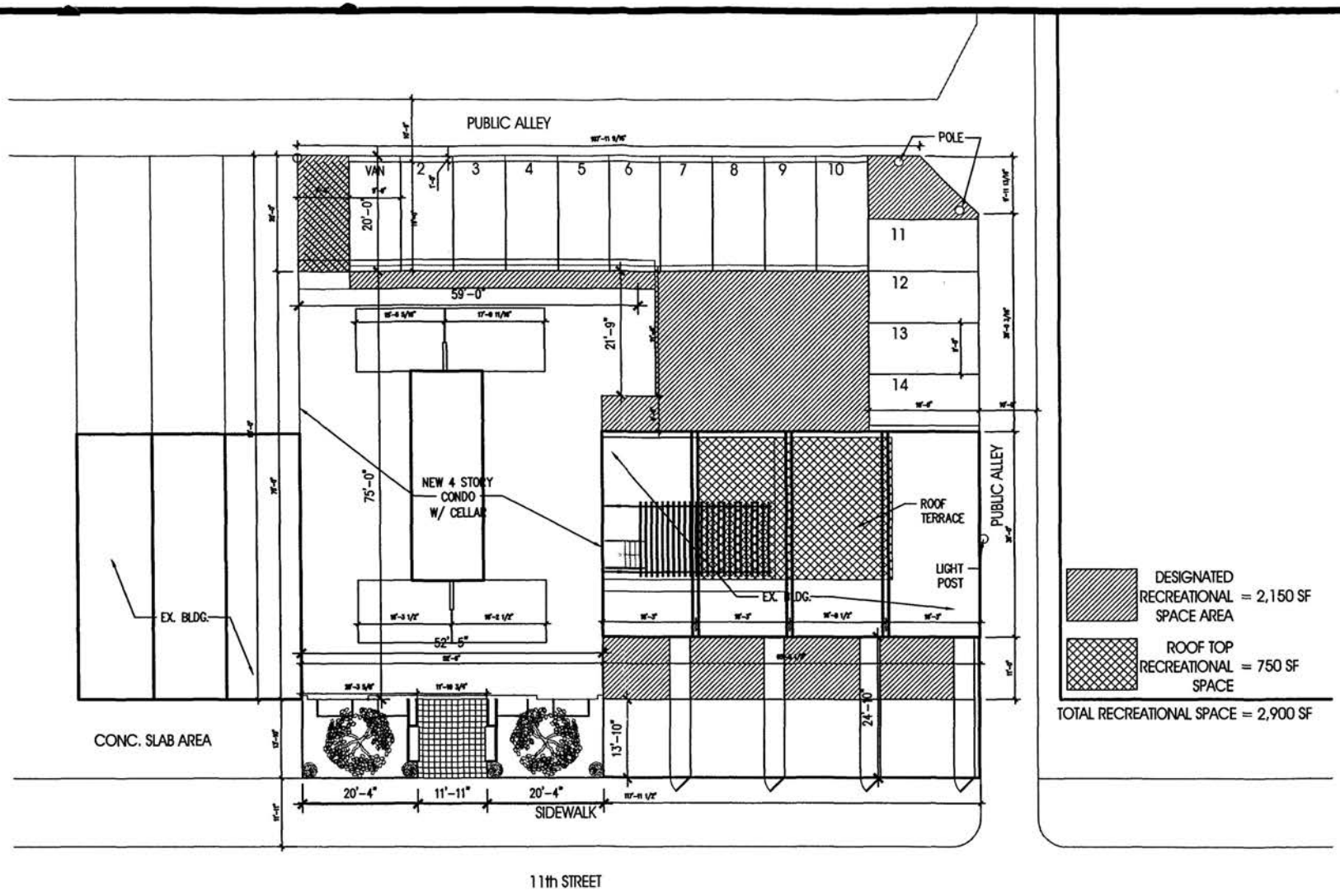


BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17393
EXHIBIT NO. 23E

A1 - SITE CONTEXT

1425 11th Street - BZA SUBMISSION - JULY 01, 2005
REVISED - SEPTEMBER 20, 2005

HICKOK WARNER COLE
Architects
1023 31st Street, NW Washington, DC 20007
P 202.667.9776 F 202.667.2260
www.hwc-dc.com



11th STREET

A2 - PROPOSED SITE PLAN
1425 11th Street - BZA SUBMISSION - JULY 01, 2005
REVISED - SEPTEMBER 20, 2005

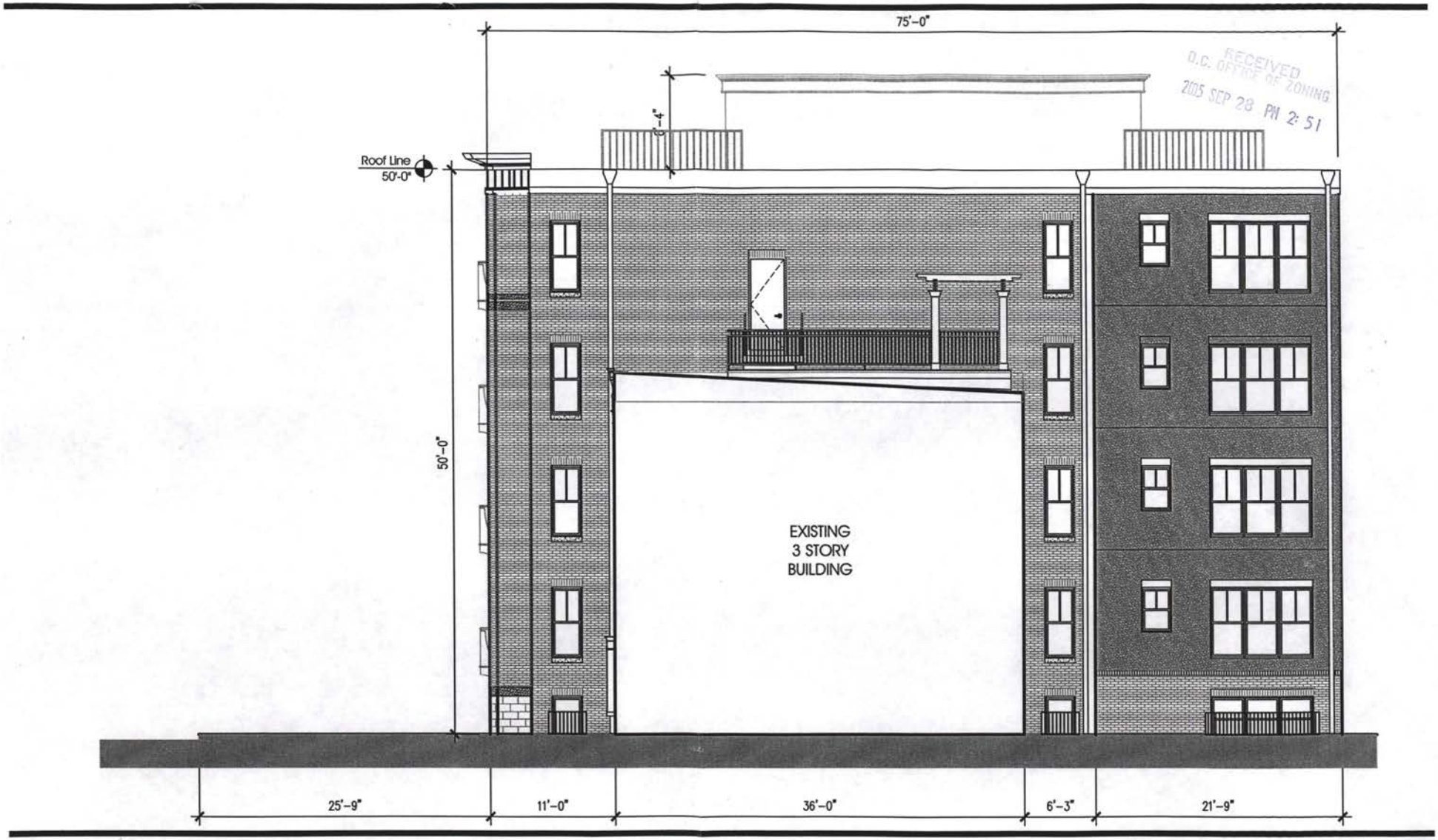
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A3 - WEST ELEVATION
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A4 - SOUTH ELEVATION

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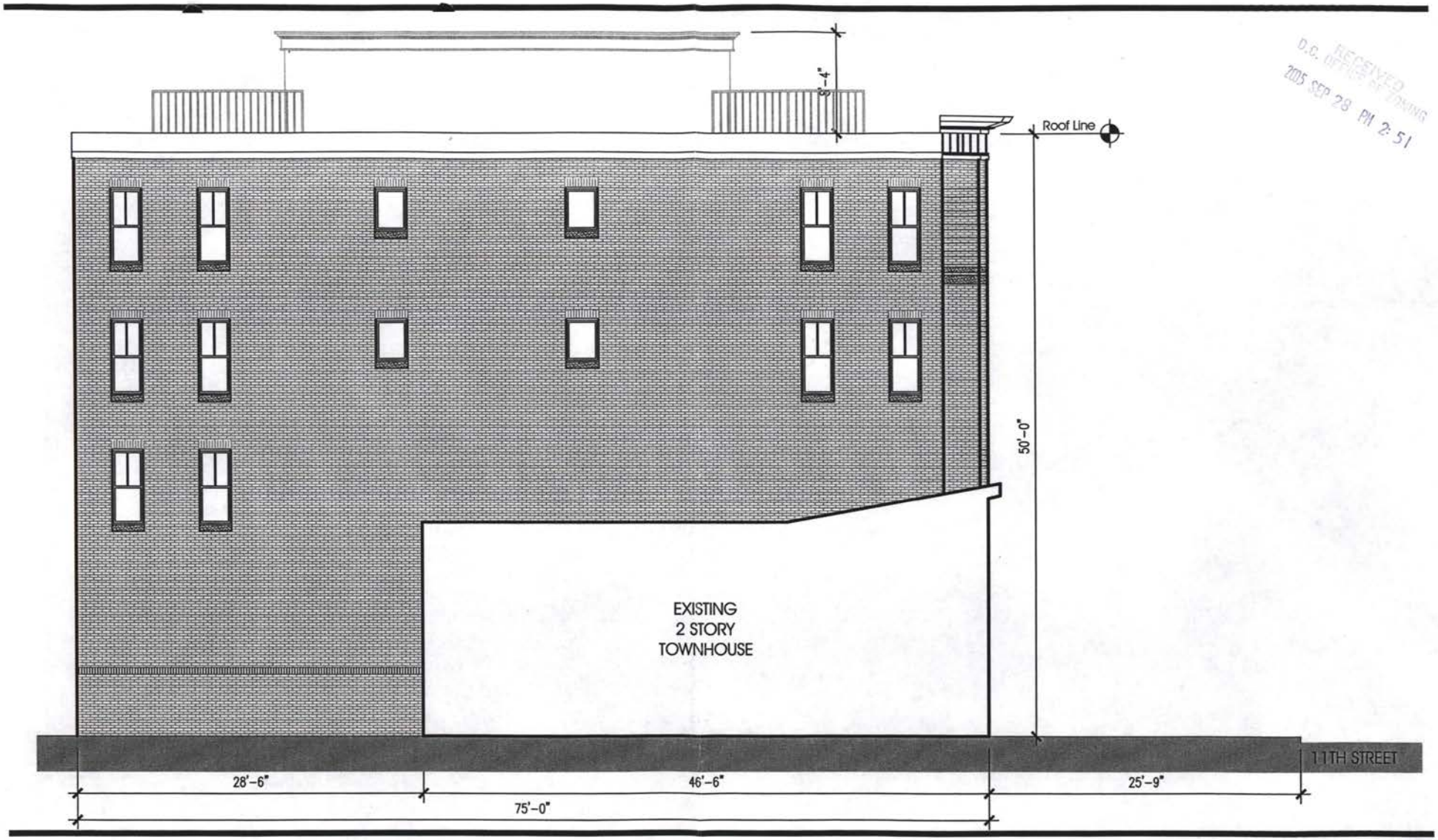
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A5 - EAST ELEVATION

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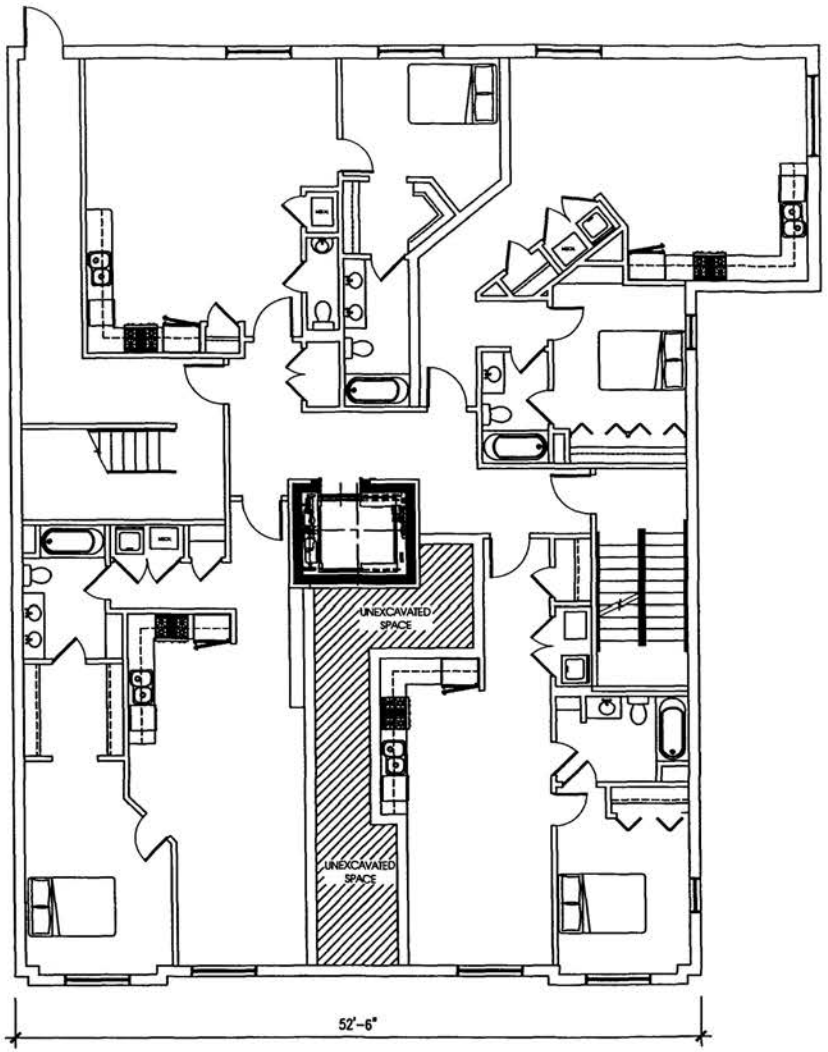


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A6 - NORTH ELEVATION

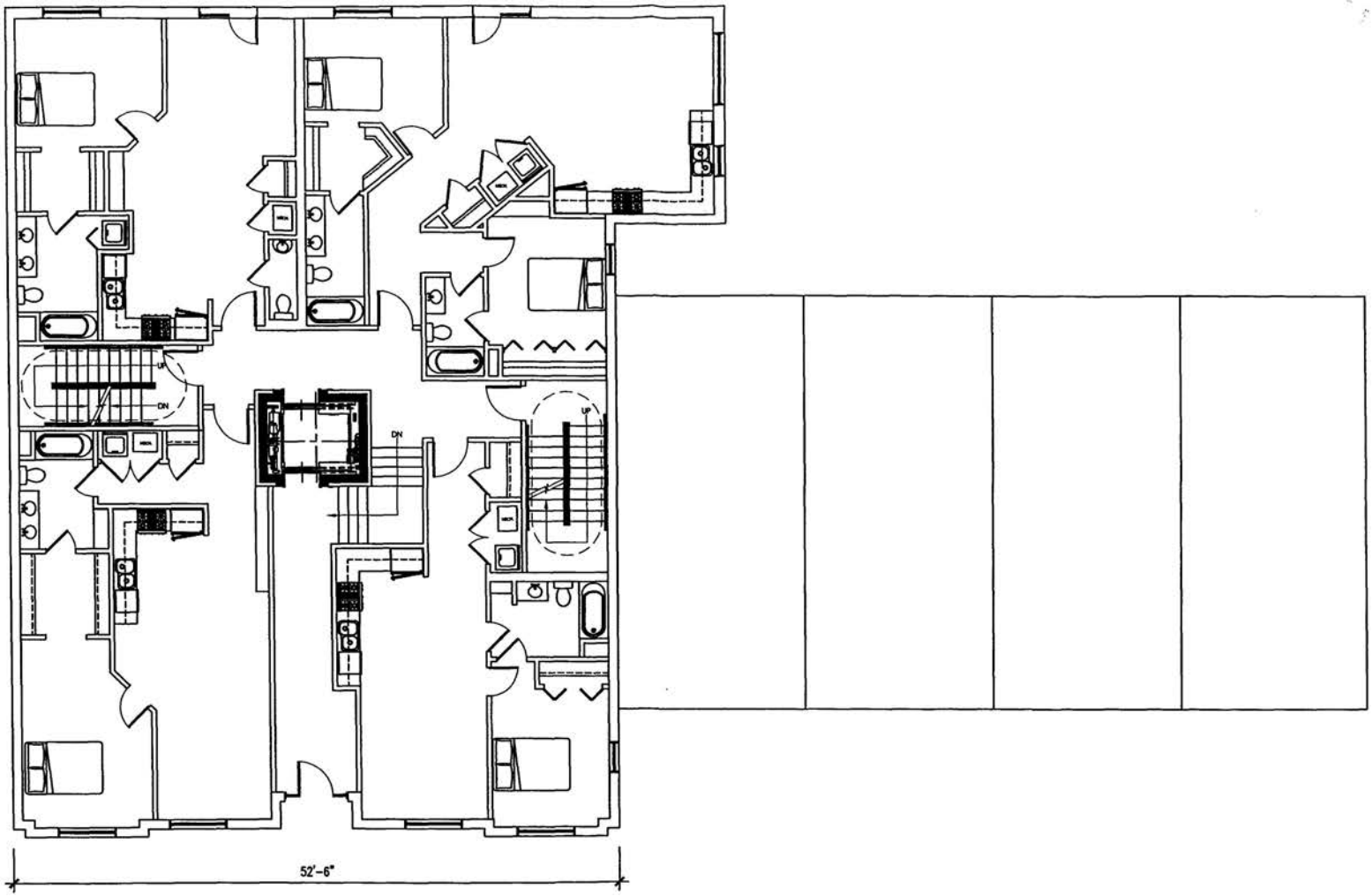
1425 11th Street - BZA SUBMISSION - JULY 01, 2005
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A7 - LOWER LEVEL PLAN
1425 11th Street - BZA SUBMISSION - JULY 01, 2005
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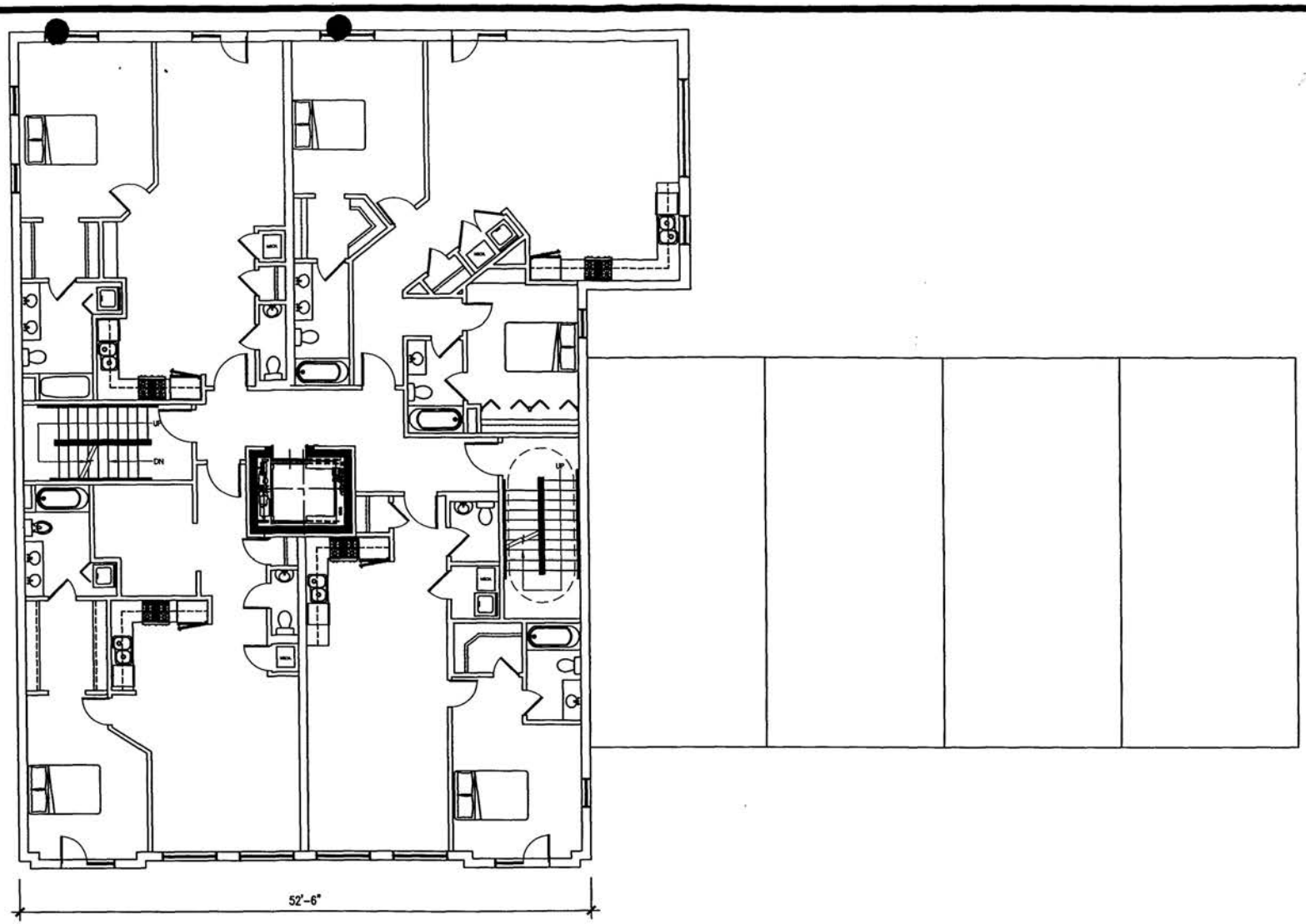
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A8 - FIRST FLOOR PLAN

1425 11th Street - BZA SUBMISSION - JULY 01, 2005
REVISED - SEPTEMBER 20, 2005

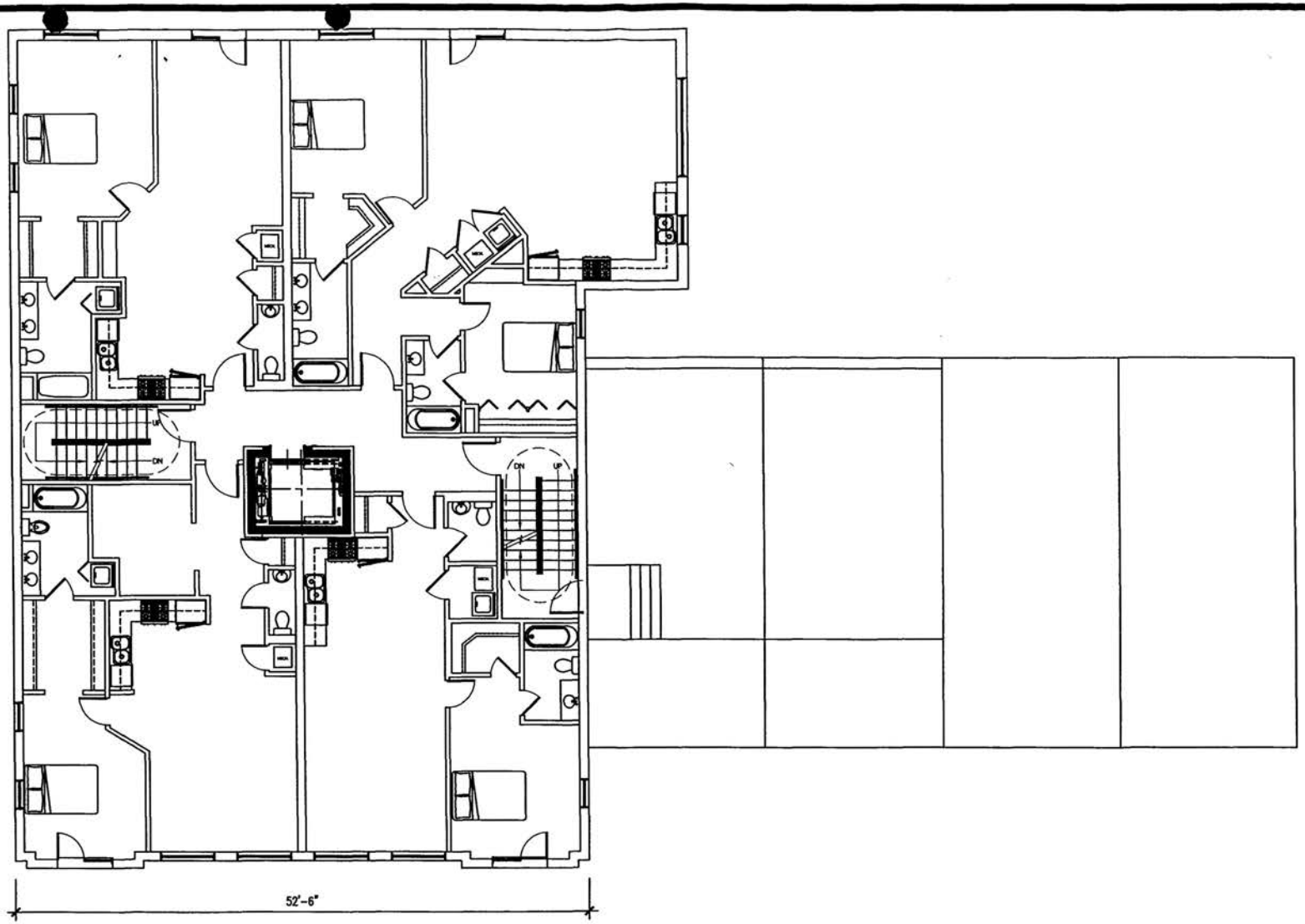
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A9 - SECOND FLOOR PLAN

1425 11th Street - BZA SUBMISSION - JULY 01, 2005
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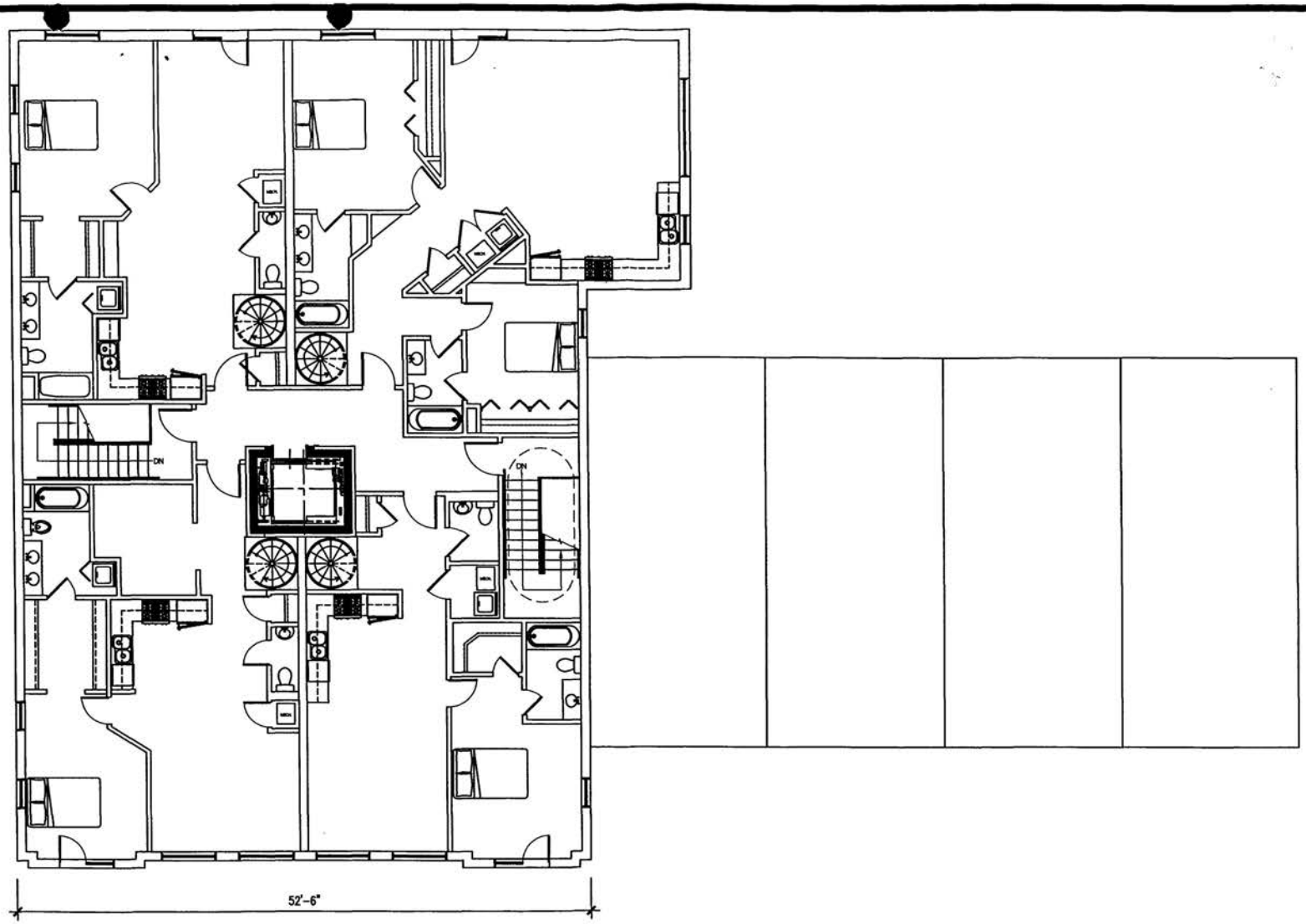
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A10 - THIRD FLOOR PLAN

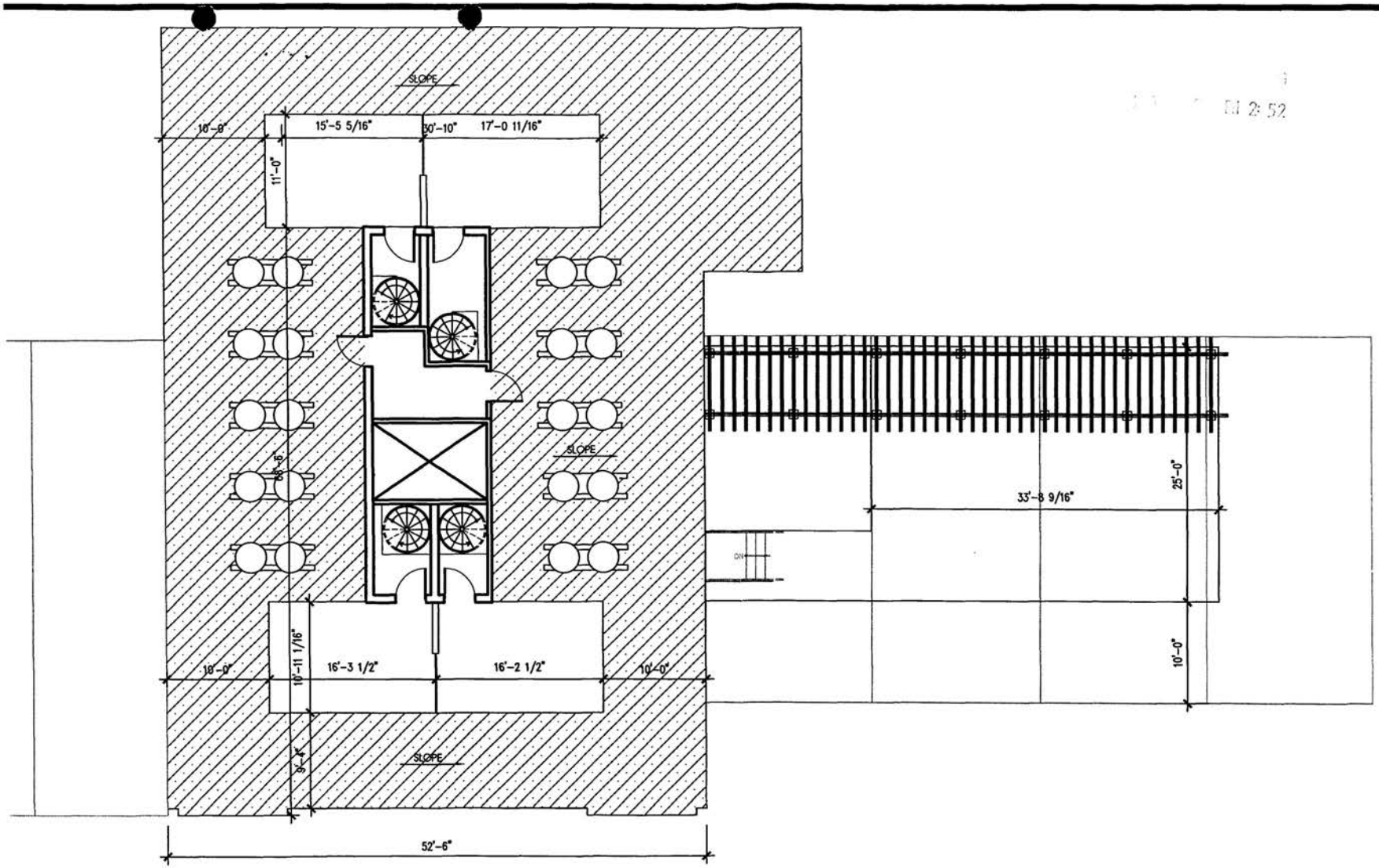
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A11 - FOURTH FLOOR PLAN
1425 11th Street - BZA SUBMISSION - JULY 01, 2005
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A12 - ROOF PLAN

1425 11th Street - BZA SUBMISSION - JULY 01, 2005
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