

March 24, 2016

Via IZIS

Marnique Y. Heath, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: BZA Application No. 19018 of Colleen Slattery; 2026 North Capitol Street, NW. Final Submission;

Dear Chairperson Heath and Members of the Board:

We are submitting this brief update of the course of this proceeding and activities undertaken by the Applicant since the last hearing before the Board. We first refer the Board to the Applicant's letter filed with the Board on December 21, 2015, which provided a summary of the case up to that point, including a copy of the executed agreement with the neighbor, and a request to bifurcate the Application into two alternatives; those being (1) the original request to approve the entire decks, based primarily on a *de novo* argument that the relief for the additional deck area is extremely *de minimus*, the Property is unique for reasons other than just the reliance argument, and the neighbor agreement shows a preference by the affected neighbor for approval of this first alternative; or (2) a request to approve two partial decks, as was originally approved by DCRA, based primarily on the reliance argument put forth in this case.

Regarding the uniqueness and practical difficulty present, separate from the permitting history and reliance argument, as discussed in the Applicant's filings and at the hearings. The Property is unique, in part, because of its pre-1958 building footprint, which is larger than that of the seven properties to its south, leaving a lot occupancy which exceeds 60%, just for the primary structure. The accessory garage at the rear of the Property makes this footprint much larger. If not for this garage, which due to the topography sits well below the main level of the principal structure, this Application could have been a Section 223 special exception case. Neither alternative requested increases the existing pre-1958 lot occupancy. Decks are extremely prevalent in this neighborhood, due to the properties bordering a busy commuter street (North Capitol), providing deck use as one of the few outdoor recreation opportunities.

Following the last hearing on this case, the Applicant went back to ANC 5E. ANC 5E voted to support the revised Application – noting the neighbor agreement – as a *de novo* application, but made that approval contingent on the later approval recommendation by the Bloomingdale Civic Association. That association, however, voted to continue to recommend denial of the Application. So the Applicant does not have a resolution in support from ANC 5E. It does, however, have the agreement of the adjacent neighbor, who happens to be the ANC Single Member District Commissioner for this area.

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Therefore, the Applicant now respectfully requests that the Board approve Alternative One, which would allow the decks to remain as a de novo approval, with the neighbor agreement in place to provide permanent screening to address that neighbor's concerns. If the Board does not see fit to approve Alternative One for the full decks, then the Applicant requests that the Board approve Alternative Two, which would approve the decks which were originally approved by the Zoning Administrator (and rescinded following full construction).

Thank you for considering this request.

Sincerely,

A handwritten signature in black ink that reads "Martin P. Sullivan". The signature is written in a cursive, slightly slanted style.

Martin P. Sullivan

cc: Austin Pearl
Teri Janine Quinn, ANC5E Chair
Karen Thomas, Office of Planning