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March 29, 2016

VIA IZIS

Marnique Y. Heath, AIA
Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: **BZA Case 19239 Application for Deborah J. Jones-Miller**
7723 Alaska Avenue, NW (Square 2957, Lot 13) ("Property")

Dear Chairperson Heath and Members of the Board:

The information below is provided to update the Board on the following: 1) clarification on the number of existing residential units on the third floor, 2) the increase in apartment units is not an enlargement of a nonconforming use and therefore additional zoning relief is unnecessary, 3) summary of the Applicant's interaction with the ANC, and 4) a list of witnesses planning to testify at the hearing.

1) Clarification on the 3rd Floor and Correction to the Chart

The chart on page 4 of the Applicant's Statement (Exhibit 7) inaccurately stated that there are 3 existing residential units on the third floor of the existing mixed-use apartment house. The revised redlined chart below reflects the correct layout: the second floor currently has 3 residential units and the third floor currently has 2 residential units. The request is to go from 5 (3 on the second floor, 2 on the third floor) to 11 residential units (2 in the basement, 3 on the 1st floor, 3 on the second floor and 3 on the third floor).

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Floor	Existing Use	Proposed Use
Cellar	Ancillary Apartment Uses (Elec/Mech Room, Washer/Dryer, Storage, Laundry, etc.)	Electrical Room 2 Residential Units
First	Dental Office	3 Residential Units
Second	3 Residential Units	3 Residential Units
Third	23 Residential Units	3 Residential Units

2) **Not an Expansion of a NonConforming Use**

Although the Applicant proposes to increase the residential unit count from 5 to 11 units in a nonconforming apartment house in the R-2 zone district, no gross floor area will be added and therefore it should not be deemed an expansion of a nonconforming use which would require variance relief from the zoning regulations pursuant to 11 DCMR Section 2002.¹

For example, in May 2014 the DC Zoning Administrator found that a proposed interior renovation for an existing nonconforming apartment house at 2926 Porter Street, NW in the R-2 Zone District was not an enlargement of a non-conforming use since it did not provide additional gross floor area. As a result, the conversion from 19 to 23 dwelling units was allowed as a matter-of-right and a building permit was issued for the interior renovation.

¹ The Office of Planning requested the Applicant address whether the increase in dwelling units would be considered an expansion of a nonconforming use.

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3) **ANC**

The Applicant will present before ANC 4A at its regularly scheduled monthly meeting on April 5, 2016.

4) **Witnesses**

The following witnesses will testify on behalf of the Applicant at the BZA hearing. Outlines of their testimony may be found in **Exhibit A**.

Deborah J. Jones-Miller, Owner of the Property
Anila Angjeli, AIA, LEED AP, Project Architect

Ms. Angjeli will be proffered as an expert witness in the field of architecture. Her resume is attached as **Exhibit B**.

If you have any questions, please do not hesitate to ask the Office of Zoning staff to contact the undersigned.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: 
John Patrick Brown, Jr.

By: 
Kate M. Olson

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that a copy of this letter was sent electronically on March 29, 2016 to the following:

ANC 4A
4A@anc.dc.gov

Commissioner Gale B. Black, Chairperson, ANC 4A08
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