

## SUPPLEMENTAL REPORT

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
Joel Lawson, Associate Director Development Review  
**DATE:** June 21, 2019  
**SUBJECT:** BZA Case 19978: Request for special exception and variance relief to allow construction of a second story addition to an existing building on an alley lot.

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### I. BACKGROUND

At its April 24, 2019 public hearing, the Board of Zoning Adjustment requested that the Applicant provide the following information in a supplemental filing due May 29, 2019 and re-post the site, if necessary for a June 19<sup>th</sup> hearing.

- **Subdivision** – the property is a tax lot and the Board requested that the Applicant clarify his intent to subdivide and create a record lot.
- **Address of Record** – See Exhibit 39, dated April 24, 2019 for proof of official address.
- **Relief Requested** – See Exhibit 45, dated June 15, 2019 for revised self-certification.
- **Existing Variance** – See Exhibit 40, dated April 24, 2019 for confirmation that approval of requested relief for a matter-of-right use would supersede the previously approved use variance for the property (BZA Order 17892).
- **Burden of Proof** – provide a burden of proof statement reflecting the relief request.

The Applicant has not fully addressed the issue of Subdivision; however, should relief be required to create a record lot, for purposes of obtaining building permits, the Applicant would have to come back before the Board to request the necessary relief.

The Applicant did not provide a revised burden proof but relied on the hearing statements in the record at Exhibits 8 and 31.

On May 30, 2019, the Secretary to the Board administratively rescheduled the hearing to July 3, 2019 (Exhibit 44).

On June 15, 2019, the Applicant submitted a revised zoning self-certification that requested area variance relief pursuant to X § 1002.1 from E §§ 5102.1 (height), 5106.1 (alley centerline setback), and 51027.1 (pervious surface) and special exception relief pursuant to X § 901.1 from E §§ 5104.1 (rear yard) and 5105.1 (side yard). This is consistent with the OP Report and analysis provided at Exhibit 36 (April 11, 2019), so OP continues to recommend **approval** of this application.

Since the original OP Report was filed, ANC 1B comments were filed to the record at Exhibit 37, noting that the ANC voted at its April 4, 2019 meeting to support the project and defer to the Board

of Zoning Adjustment regarding the exact relief required. In addition, one letter in opposition was submitted by property owners at 767, 769, and 771 Fairmont Street NW (Exhibit 42).

The District Department of Transportation (DDOT) in a memo dated April 10, 2019 (Exhibit 35) stated that it had no objection to the approval of the subject application.

**Location Map:**



**Location: 775 (rear) Fairmont Street NW**