

April 12, 2021

Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

RE: BZA #20382, Joint Parties in Opposition Motion to Strike Certain Drawings Submitted by Applicant

Chairperson Hill and Honorable Members of the Board:

The joint parties in opposition to BZA #20382 move to strike certain drawings submitted to the record by the Applicant in Exhibits 2, 6, and 51A. We received the most recent drawings on April 8, 2021. Our surveyor provided his opinion to us in a letter on April 12, 2021. As explained below, some of the inaccuracies appear to be material to assessing the impacts of the proposed Project and to the type of zoning exceptions the Applicant might need. Therefore, the inaccurate drawings unduly prejudice the parties in opposition and the Board by:

- Impeding an accurate analysis and review of the impacts of the proposed Project (e.g., impacts to privacy, light, and air);
- Obscuring the type of exceptions to zoning regulations the Applicant may need (e.g., lot occupancy and rear yard); and
- Undermining the overall accuracy of the BZA case.

These material inaccuracies should be corrected, including through an accurate field run survey. The other inaccuracies do not depict in any reasonable way the conditions as they existed prior to the Project and should be corrected to ensure the BZA record is accurate, because the BZA case record will serve as the basis for obtaining building permits.¹

In support of this motion is a letter from David C. Landsman, PE, Prof. LS stating that certain of the Applicant's measurements material to assessing the Project do not match field conditions, including the rear yard measurement and the heights of the adjacent garages. Also in support of this motion are overlays to the Applicant's interior drawings of the actual floorplans and MLS photographs of the Property when the Applicant commenced the Project.²

¹ The inaccurate drawings/information include the same inaccurate drawings/information the Applicant has provided on other aspects of the Project with other District officials, including officials involved within DCRA permitting office and DCRA neighbor notification process.

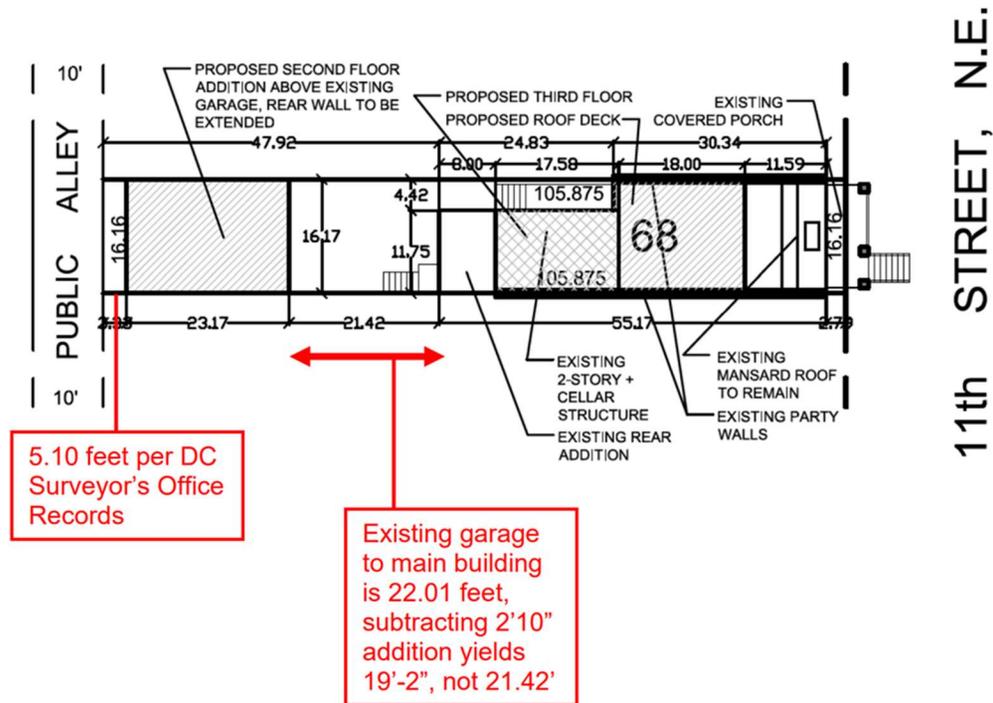
² Confirmed by the parties, who have extensive personal knowledge of the Property and have been in the property numerous times over 20 years.

I. This Motion Requests that the Board Strike the Following Unduly Prejudicial Errors

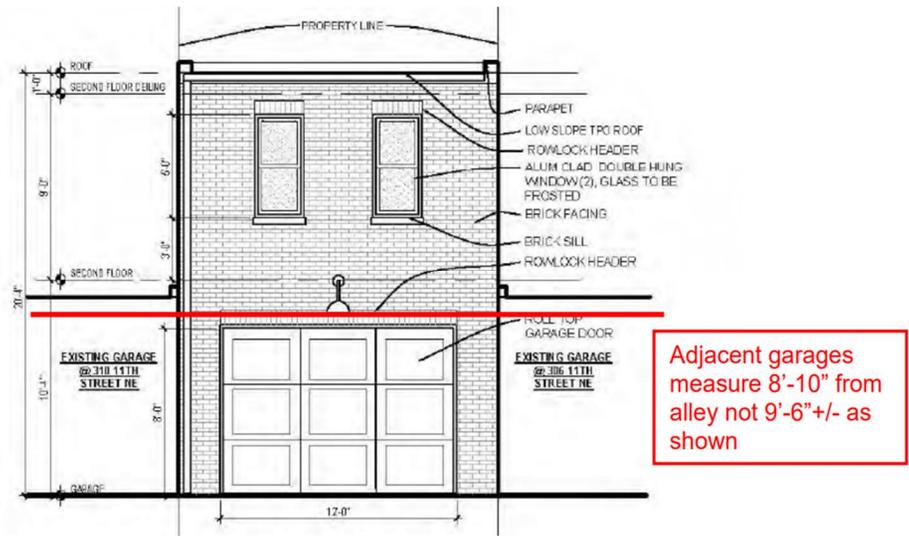
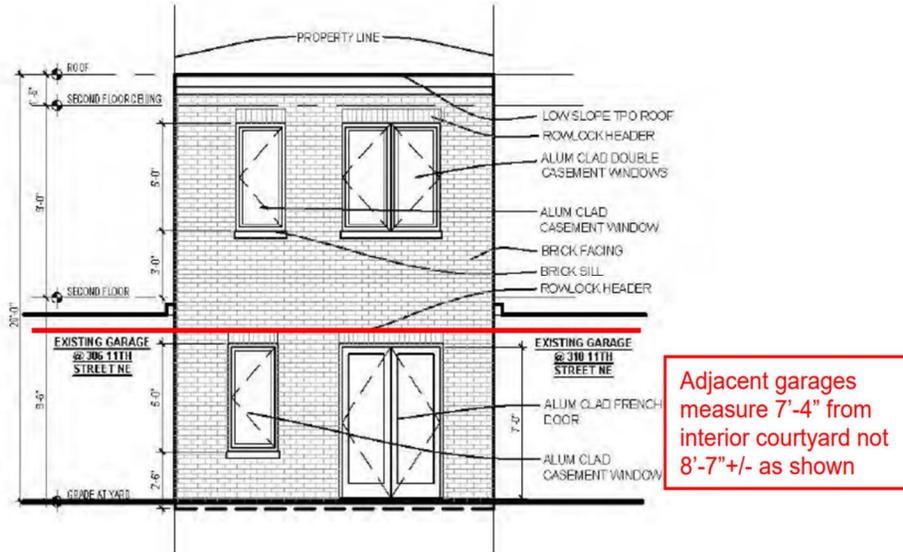
A. Exhibit 2: DC Surveyors Plat

- Plat shows 21.42 ft. between the garage and rear wall of the existing house with the 2 ft. 10 in. extension. The actual existing distance without the 2 ft. 10 in. extension measures to 22.01 ft. on-site. After extending into the rear yard an additional 2 ft. 10 in., this dimension would be significantly less than the 21.42 ft. shown with an extension to the garage rear wall, approximately 19 ft. 2 in. See letter from David C. Landsman, April 12, 2021.
- Plat shows the garage building 3.33 ft. from the rear property line. DC Surveyor's Office Records show the garage building set back 5.1-ft., which was confirmed by field measurement (5.05 ft.) by David Landsman. See letter from David C. Landsman, April 12, 2021.

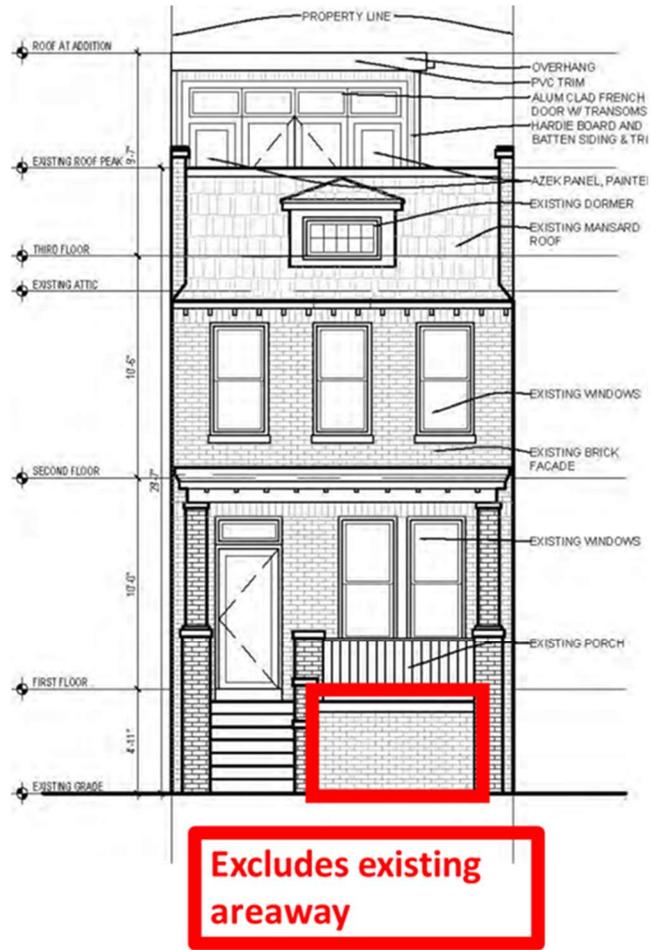
Annotated Portion of Exhibit 2



- Pg. 11, A-3, shows inaccurate heights of adjacent garages. Field measurements of yard elevation show height of adjacent garages is 7 ft. 4 in., not 8 ft. 7 in. Field measurements of alley elevation of existing garage is 8 ft. 11 in., not 9 ft. 6 in. These significant errors call into question the accuracy of the Applicant's assessment of privacy, light (shade study), and air impacts. (Annotated Portion of Exhibits 51A. Pg. 11 (A-3), applies to Exhibit 6.) See letter from David C. Landsman, April 12, 2021.



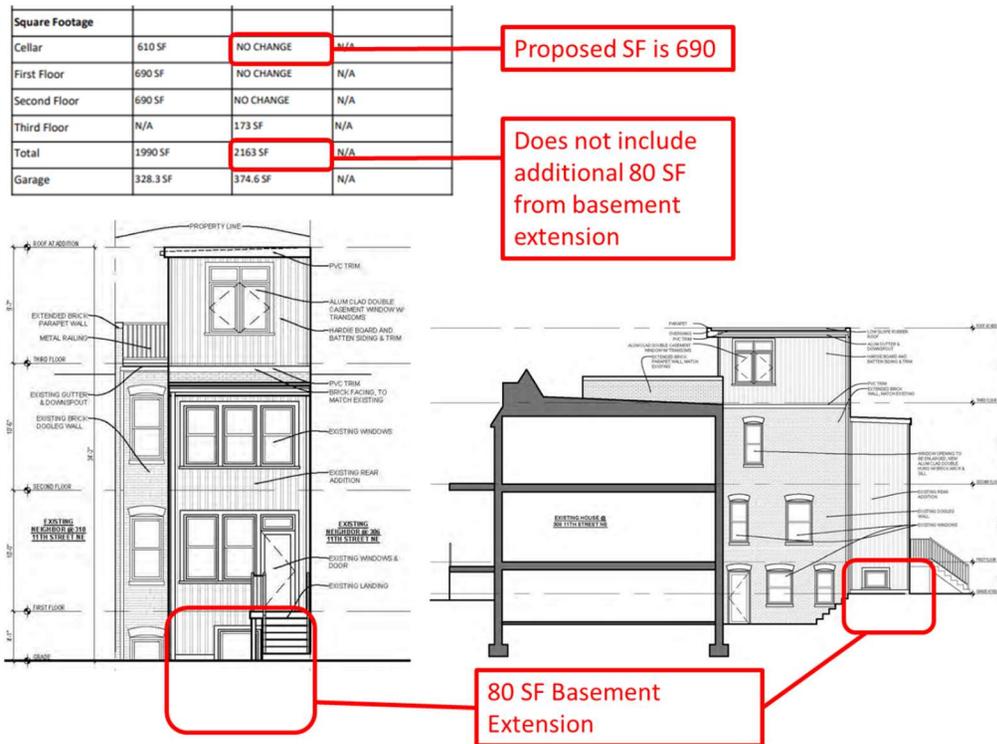
- Pg. 12, A-4, shows an inaccurate main house front elevation that excludes the existing areaway into the basement apartment, which could indicate the proposed 2-level garage carriage house may potentially be intended as the 2nd flat of the 2-family flat, rather than as an office space for the main building, which would increase the privacy implications to the adjacent neighbors. (Annotated Portion of Exhibits 6 & 51A. Pgs. 12 (A-4).)



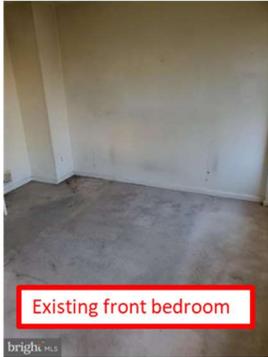
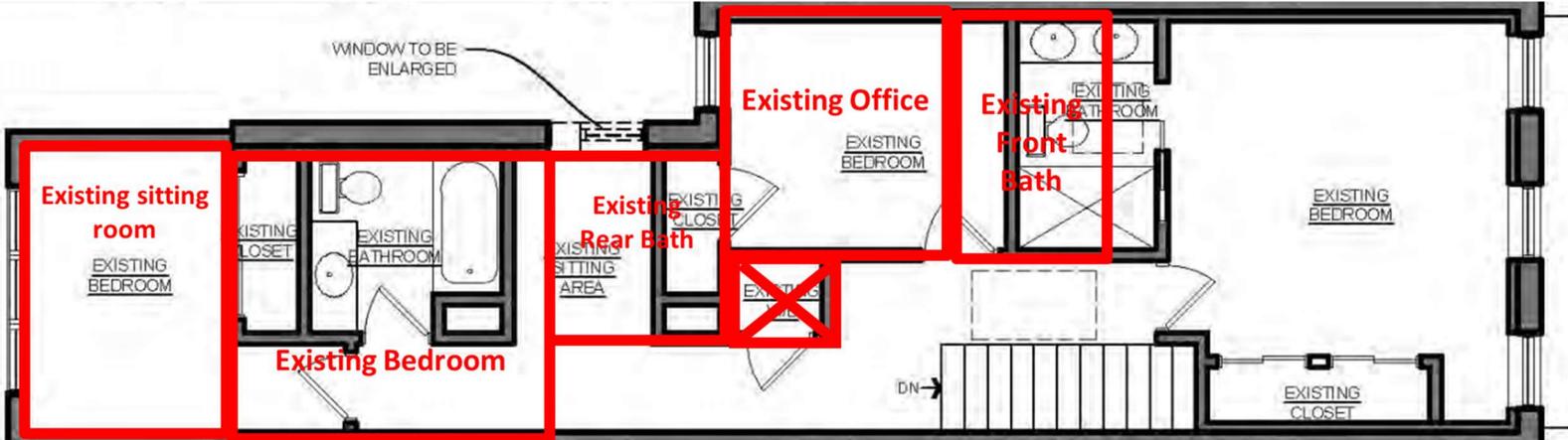
II. This Motion Requests that the Board Strike the Following Errors that Undermine the Accuracy of the Record

A. Exhibits 6 & 51A: Architectural Plans and Elevations

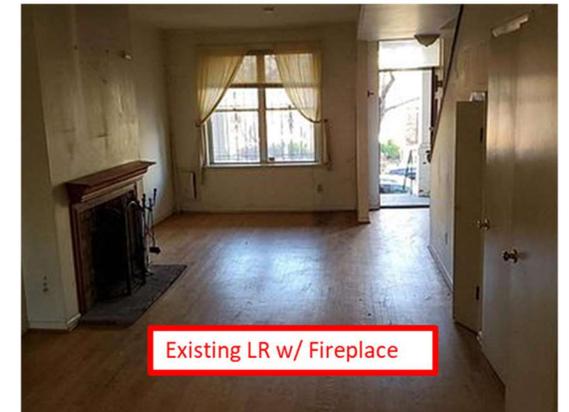
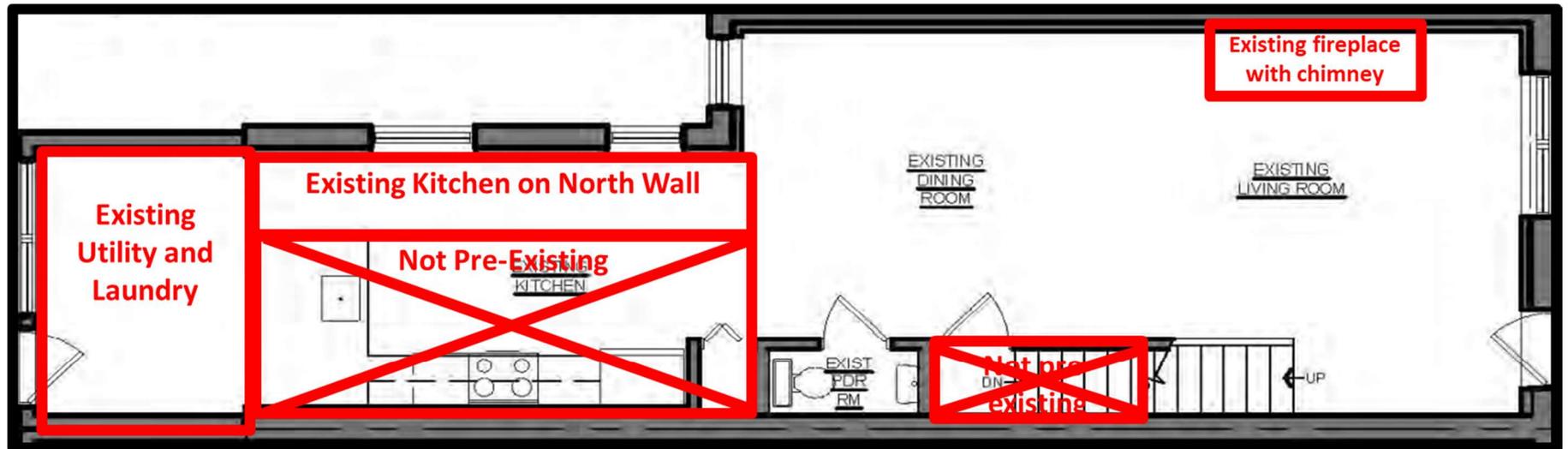
- Pg. 1. The “no change” to the proposed cellar sq. ft. is not consistent with the 690 sq. ft. in the existing/demo and proposed floorplan drawings submitted April 30, 2020 for Applicant’s building permit B2007169. This “no change” in basement SF is also not consistent with the Applicant’s drawings on pgs. 12 & 13 of the same Exhibits showing a 3-level rear addition with basement, labeled inaccurately as “existing.” On pg. 1, the proposed total SF is also inaccurate because it does not reflect the additional 80 SF from the basement extension that is included in the proposed 3-level rear addition. (Annotated portions of Exhibits 6 & 51A, pgs. 1, 12, 13.)



- Pg. 8, D-1, shows inaccurate “existing” layout of second floor. This drawing does not represent the actual second floor layout in April 2020 when the same inaccurate layout was used to obtain building permit B2007169. Overlays on Applicant’s drawing show layout. MLS photos illustrate layout. (NOTE: overlays NTS but are best efforts.) (Annotated portion of Exhibits 6 & 51A pg. 8 (D-1).)



- Pg. 9, A-1, shows inaccurate layout of “existing” structures on first floor plan and second floor plan (see above), and is the same inaccurate layout that was used to obtain building permit B2007169. (NOTE: overlays NTS but are best efforts.) (Annotated portion of Exhibits 6 & 51A pg. 9 (A-1).)

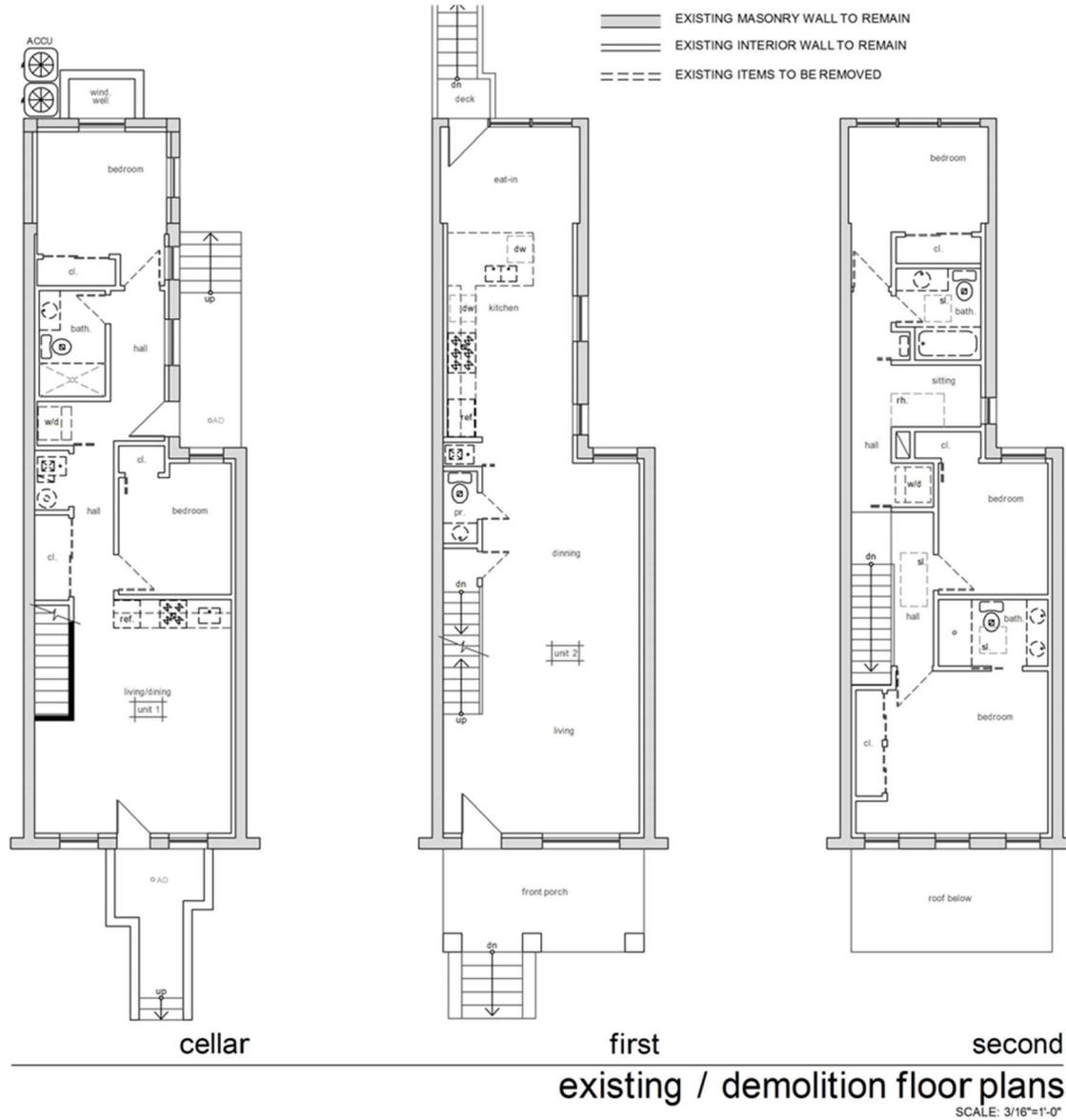


- Pg. 12, A-4 and pg. 13, A-5, show an inaccurate rear elevation of a 3-level rear addition with basement extension, rear basement windows, and a window well extending into the rear yard, which are labeled as “existing.” These drawings do not reflect prior or existing conditions. These drawings correspond to the inaccurate basement layout that was used to obtain building permit B2007169. These drawings conflict with the drawings of the side elevations on pgs. 6 (C-6), 7 (C-7), and 14 (A-6) of the same Exhibits, which show a crawl space under the existing 2-level rear addition but which are labeled as “existing.” (Annotated Portion of Exhibits 6 & 51A Pgs. 12 (A-4) & 13 (A-5).)



EXISTING REAR FACADE

April 30, 2020 Drawings Submitted for Applicant's Permit B2007169



SCOPE OF PERMIT B2007169 (5.5.2020): “INTERIOR RENOVATION OF EXISTING FLAT TO INCLUDE REPLACEMENT OF KITCHEN AND BATHROOM FIXTURES AND APPLIANCES, DRYWALL, PAINT, TRIM, FLOORING, ETC. REPLACE ELECTRICAL AND PLUMBING FIXTURES AND UPGRADE HVAC SYSTEMS PROPOSED AND EXISTING FLOORS AND DWELLING UNITS”

SCOPE OF D2000386 (3.9.2020): “INTERIOR DEMOLITION OF NON-LOAD BEARING ELEMENTS (DEBRIS, FURNITURE, PLASTER, DRYWALL, KITCHEN CABINETS, ETC.”



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April 12, 2021

MaryJoy Ballantyne
Via email maryjoyb@gmail.com

Re: **CAS Job No. 21-256-DC**
308 11th Street, SE
Lot 0068, Square 0963
BZA Case 20382
Site Observations/Analysis

Dear Ms. Ballantyne,

Pursuant to our discussions, we met with you on-site to review survey markers/evidence and exhibits submitted under BZA Case 20382 for the property adjoining your home to the north at 308 11th Street, NW. During our time on-site we measured select features on and around your property to assist in your interpretation and understanding of documents submitted to the Board of Zoning Adjustment, and the corresponding impact to your property. The following represents our observations and analysis.

Exhibit 2: DC Surveyors Plat

- This plat shows the garage building 3.33' from the rear property line. DC Surveyor's Office Records show the garage building set back 5.1-feet. Two property corners (nails) presumably set by the Case 20382 Applicant's Surveyor confirms this based on our field measurement (5.05-feet measured on-site)
- The plat shows 21.42' between the garage and rear wall of the existing house with addition. This distance measures to 22.01-feet on-site. This dimension would be significantly less than the 21.42' shown with an extension to the garage rear wall (2'-10" shown in Exhibit 6), approximately 19'-2".

Exhibits 6 and 51A: Architectural Plans and Elevations

- Pages 5 and 9 show the garages aligning in the rear/west to north and south of 308 11th, and garage at 3'-4" off the alley line. This does not appear to match field conditions, see note under Exhibit 2.
- An addition of 2'-10" as shown on Page 5 reduced from the existing 22.01-feet between the garage and main building would result in approximately 19'-2", not 21'-5" as the drawings depict.
- Page 11 shows the height of adjacent garages as approximately 9'-6" from the alley and 8'-7" from the courtyard. These do not appear to match field conditions as the garage measures 8'-11" from the alley and 7'-4" from the inner courtyard.

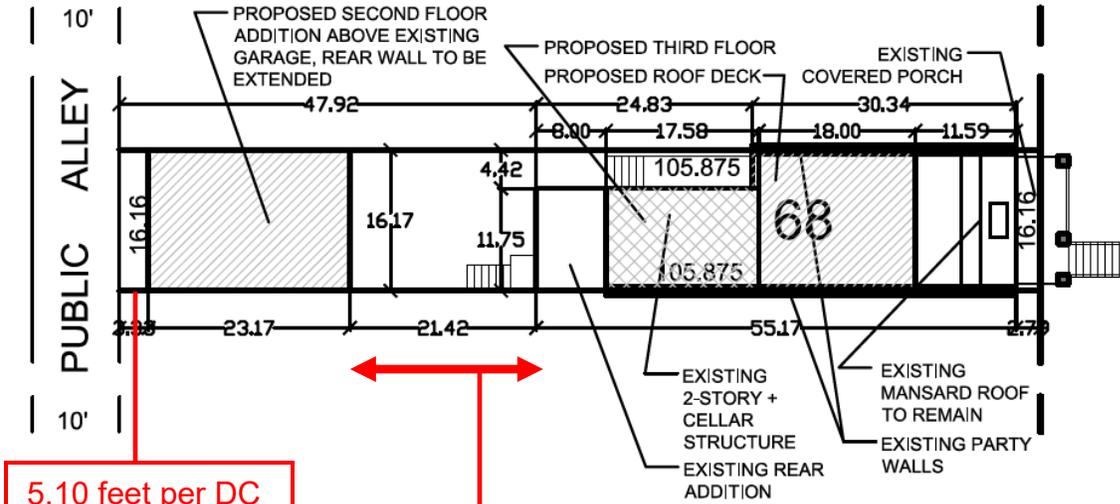
It is my professional opinion that the documents presented do not accurately depict existing conditions for the properties, specifically the distance between the garage and the main buildings and the resulting rear yard following the garage addition, and the height of the existing/adjacent garages. It is also my professional opinion that the documents submitted under BZA Case 20382 should be updated to reflect an accurate field run survey of the properties so that the impacts and proposed project can be properly analyzed/reviewed, and the appropriate relief be obtained, if necessary/applicable.

If you have any questions or need any additional information, do not hesitate to call us.

Sincerely,


David C. Landsman, PE, Prof. LS
Manager
District of Columbia, Registered Professional Land Surveyor No. LS909272
04/12/2021

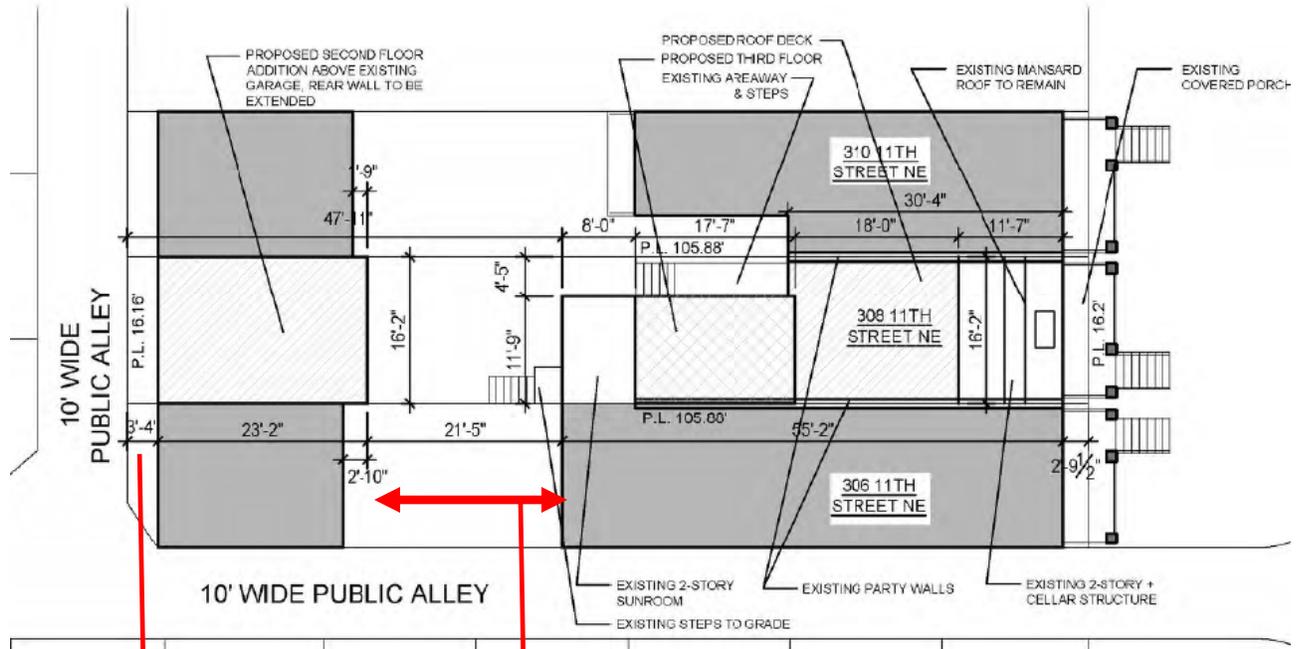
Annotated Portion of Exhibit 2



5.10 feet per DC Surveyor's Office Records

Existing garage to main building is 22.01 feet, subtracting 2'10" addition yields 19'-2", not 21.42'

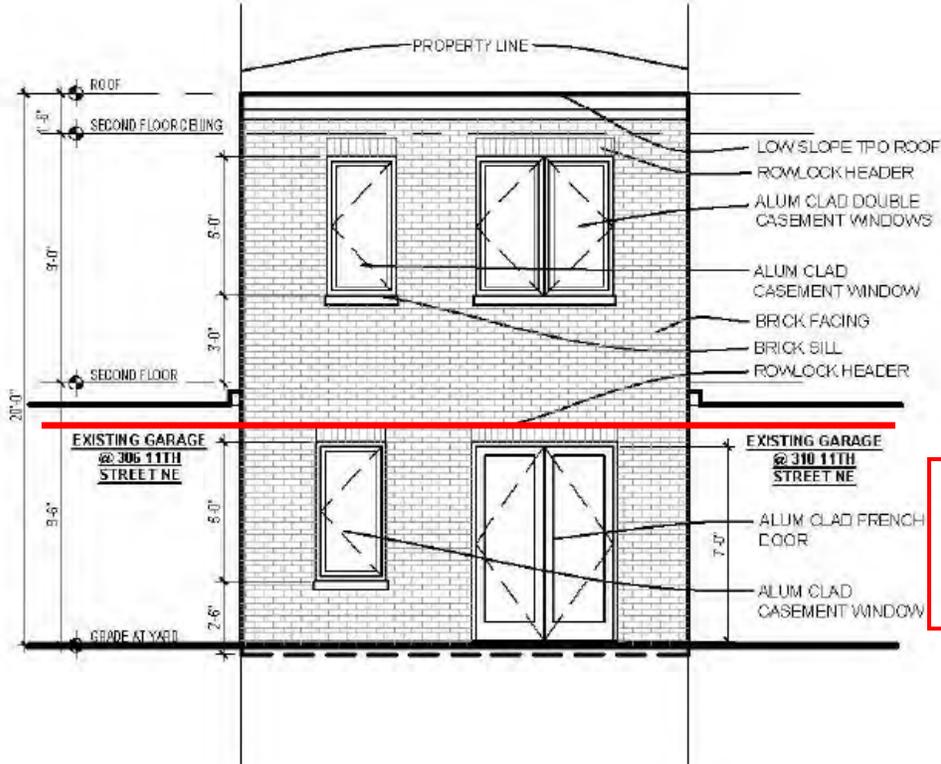
Annotated Portion of Exhibits 6 & 51A



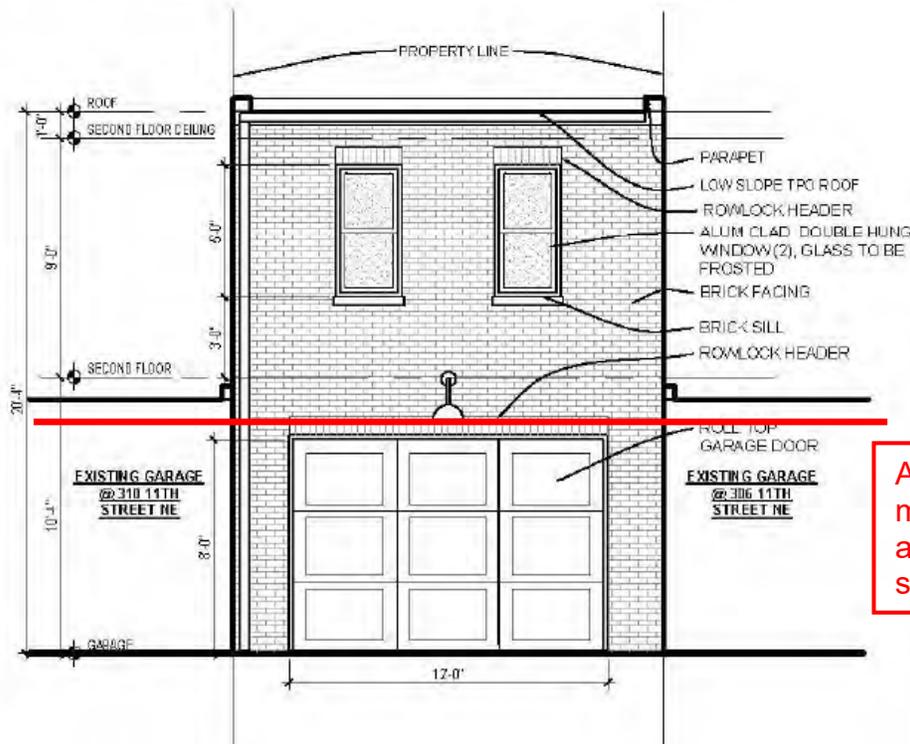
5.10 feet per DC Surveyor's Office Records

Existing garage to main building is 22.01 feet, subtracting 2'10" addition yields 19'-2", not 21.42'

Annotated Portion of Exhibits 6 and 51A



Adjacent garages measure 7'-4" from interior courtyard not 8'-7" +/- as shown



Adjacent garages measure 8'-10" from alley not 9'-6" +/- as shown