

June 9, 2021

Via IZIS

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

Re: Applicant's Response to June 2nd Letter from the Parties in Opposition - BZA Case No. 20382 (308 11th Street, NE)

Dear Members of the Board:

On behalf of the Applicant, herein is the response to the Opposition Parties' June 2nd submission (BZA Exhibit No. 46).

1. **Regarding Opponents' Request to Address and Clarify Requirement for An Area Variance:**

The Zoning Regulations (E-5201.2) appear to provide that, when seeking lot occupancy relief to expand an accessory building, special exception relief is only available if the principal building has [only] one (1) principal dwelling unit.¹

Special exception relief is available:

“For a new or enlarged accessory structure to a residential building with one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception...” [E-5201.2]

The principal building on the Subject Property currently consists of only one (1) residential dwelling unit, and the current building permit application on file at DCRA is for renovation of the principal building as one residential dwelling unit. While there is an old certificate of occupancy for the Subject Property for a flat, the subject principal building has been configured as a single dwelling unit prior to the Applicant's purchase thereof. The Applicant originally intended to renovate it back to a two-unit dwelling, despite plans to use both units for their one family for the time being. When this restriction on the lot occupancy relief was discovered, the Applicant amended their current building permit plans to reflect renovation in its existing state, as a single-

¹ Correlating provisions in the single-family R zone use the phrase “*only* one (1) principal dwelling unit...”, and there is also a correlating provision in the RA zones (without the “only” language), so it is not entirely clear whether or not this provision requires that there be *only* one dwelling unit, or *at least* one dwelling unit. At any rate, the subject principal building in the present case consists of *only* one dwelling unit.

family dwelling.² So the subject principal building is both currently configured for one dwelling unit and is also proposed to be renovated in its continuing format as one dwelling unit. Therefore, special exception relief is available for lot occupancy relief, and variance relief is not required.

The Parties in Opposition (the “Opponents”) simply claim that the Applicant has not sufficiently demonstrated the *intent* that the property be a single-family dwelling. It is not clear what else Opponents require to demonstrate intent. The building is currently one residential dwelling unit, which is enough to satisfy the requirement. Intent, while irrelevant in this case, can be ascertained from the current building permit application proposing renovation and use as one dwelling unit.

2. **Regarding Concerns Related to Plan Discrepancies:** The Opponents have concerns regarding the (A) Setback from the Alley, (B) Height Measurement and Rear Elevations, and (C) Other Inaccuracies in the Architectural Plans.

Included are revised Architectural Plans, which clarify the applicable dimensions. In these revised plans, the Applicant has also reduced the size of the proposed Accessory Building so that it is now flush with the adjoining accessory building to the north, at both ends. The proposed lot occupancy has been decreased from 69.8% to 68.8%. The existing lot occupancy for the Subject Property will increase by 1%. In addition, the Applicant has added a late afternoon time frame to the Sun Study, in response to comments from the Opposition. This inclusion has no material impact on the impact on light and air to any neighboring property. The reduction in the size of the proposed Accessory Building slightly reduces what was already a negligible impact on neighboring and air due to the requested relief.

Respectfully Submitted,

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² This restriction is the result of a text amendment adopted in July 2020.

BZA Case No. 20382
308 11th Street, NE

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2021, an electronic copy of this Applicant's Response to June 2nd Letter from the Parties in Opposition was served on the following:

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