

April 28, 2009

VIA HAND DELIVERY

Ms. Sharon S. Schellin
Secretary to the Zoning Commission
Suite 210
441 4th Street, N.W.
Washington D.C. 20001

Steven E. Sher
Director of Zoning and Land Use Services
202 663 7278
steven.sher@hklaw.com

RECEIVED
D.C. OFFICE OF ZONING
2009 APR 28 PM 2:53

Re: Zoning Commission Case No. 09-07A
2269 Cathedral Avenue, N.W.
Application for Approval of a Special Exception under §223

Dear Ms Schellin:

In furtherance of the actions taken by the Zoning Commission regarding the above-referenced property at its meeting last evening, Scott and Kristen Franklin, the owners of the property, hereby submit an application for approval of a special exception under §223 for consideration by the Commission. The Franklins propose to construct an addition of approximately 225 square feet to the existing single family dwelling on the property. The existing dwelling occupies more than 40% of the lot. If the property is zoned R-4 as a result of the Commission's deliberations on the matter, the addition could not be built without the further specific approval requested herein.

Enclosed, please find an original and twenty copies of

- A BZA application form 120;
- A letter of authorization from Scott and Kristen Franklin, the owners of the property;
- A plat showing the boundaries and dimensions of the property and the location of the proposed addition;
- Three photographs of the property;
- A list of the owners of property within 200 feet of the subject property (labels have already been furnished as part of our filing in the zoning map designation case);
- A statement of existing and intended use; and
- A preliminary statement explaining how the application meets the requirements of the Zoning Regulations, specifically §223 and §3104.1.

ZONING COMMISSION
District of Columbia

Atlanta • Bethesda • Boston • Chicago • Fort Lauderdale • Jacksonville • Los Angeles
Miami • New York • Northern Virginia • Orlando • Portland • San Francisco
Tallahassee • Tampa • Washington, D.C. • West Palm Beach
Beijing • Caracas* • Helsinki* • Mexico City • Tel Aviv* • Tokyo • *Representative Office

CASE NO.

EXHIBIT NO.

09-07A
ZONING COMMISSION
District of Columbia
CASE NO. 09-07A
EXHIBIT NO. 1

Holland+Knight

April 28, 2009

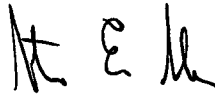
Page 2

By the end of the week, we will submit additional information as part of the application, including:

- Copies of plans for the addition;
- A zoning self certification form (BZA form 135); and
- A check for \$250 payable to the D.C. Treasurer for the filing fee.

We appreciate your assistance and the willingness of the Zoning Commission to move forward with this matter.

Sincerely,



Steven E. Sher
Director of Zoning and Land Use Services

Enclosures

cc: Scott and Kristen Franklin
Arthur Jackson, D.C. Office of Planning
ANC 3C
Lee Brian Reba, ANC 3C01

6277481_v1



BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



APPLICATION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR - Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance • Use Variance Special Exception	Section No(s).
2269 Cathedral Ave NW	2210	803	R-4	Special Exception	223
			Pending		

Present use(s) of Property: Single family dwelling

Proposed use(s) of Property: Single family dwelling

Owner of Property: Scott and Kristen Franklin Telephone No: 301-951-0124

Address of Owner: 3300 Shepherd Street, Chevy Chase MD 20815

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public

Hearing Notice: Application of Scott and Kristen Franklin, pursuant to 11 DCMR 3104.1, for a special

exception to allow an addition to a single family dwelling under Section 223, not meeting the percentage of lot occupancy requirements (Section 403.2 and Section 2001.3) in the R-4 District (final designation pending) at 2269 Cathedral Avenue, NW (Square 2210, lot 803)

Estimated construction cost \$ 50,000

Advisory Neighborhood Commission
Single-Member District(s)

3C01

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22-2405)

Date: April 28, 2009

Signature:

Christopher H. Collins Applicant*

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision (Owner or Authorized Agent*):

Name: Christopher H. Collins, Holland & Knight LLP

Address: Suite 100, 2099 Pennsylvania Ave, NW Washington DC 20006

Phone No.: 202-451-7841

Fax No.: 202-955-5564

E-Mail: christopher.collins@hklaw.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

INSTRUCTIONS

Any notice of application for action provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made on Form 120. All applications must be completely filled out and be typewritten or printed. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11"x17").
2. Present this form and supporting documents, in person, to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001.
3. At the time of filing an application before the Board of Zoning Adjustment, the Petitioner shall pay a filing fee in accordance with the Board of Zoning Adjustment Schedule of Fees – 11 DCMR §3180. (Check or money order is payable to the "DC Treasurer"; cash will not be accepted.)
4. **REQUIRED information to be submitted when making an application submission, includes one (1) original and twenty (20) copies of the following (except for labels of which (1) original and (1) copy is required):**
 - A. All applicants shall obtain from the Zoning Administrator (DCRA) a memorandum directing the applicant to the Board of Zoning Adjustment prior to filing this application or file through self-certification using Form 135. For self-certification, a licensed architect or attorney must certify the proposed relief requested.
 - B. A plat, drawn to scale and certified by a DC licensed survey engineer or the D.C. Office of the Surveyor showing boundaries and dimensions of the existing and proposed buildings and accessory buildings. Also required are architectural plans and elevations in sufficient detail to clearly illustrate any proposed building to be erected or altered, proposed landscaping/screens and building materials. Submittal of plat and plans shall not exceed 11" x 17" in size. (See Form 130 – Plat, Plan and Elevation Specifications for the required information on these drawings.)
 - C. A detailed statement of existing and intended use of such building or part of building.
 - D. A detailed statement explaining how the application meets the specific tests identified in the Zoning Regulations for variance (area and/or use), special exception or other specific relief being sought. (See Form 121 – Applicant's Burden of Proof for Variance and Special Exception Applications.)
 - E. Three color photograph views of appropriate size, not-to-exceed 8½" x 11", showing pertinent features of the building and the property involved (front, rear and sides, if possible).
 - F. The names and mailing addresses of the owners of all property within 200 feet, in all directions from all boundaries of the property involved in the application, **and self-stick labels of the names and mailing addresses of the owners of the properties.** (Note: This information is most readily available from the D.C. Department of Tax and Revenue, Tax Assessors, 941 North Capitol Street, N.E., 1st Floor, Washington, D.C. 20002.)
 - G. The name and mailing address of any person who has a lease with the owner for all or part of any building located on the property involved in the application.
 - H. Documentation or a copy of the Certificate of Occupancy showing the current authorized use. In cases where a change in one conforming use to another non-conforming use is requested, provide a copy of the past authorized uses.

Note: All applications are referred for review and recommendation to the D.C. Office of Planning (OP) and the Advisory Neighborhood Commission within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly recommended, at the time of filing a Form 120 application, to make contact with these agencies to discuss the merits of their application. OP can be reached at (202) 442-7600.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Request for Reasonable Accommodation form.

District of Columbia Office of Zoning
441 4th Street, N.W. Ste. 200-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

April 28, 2009

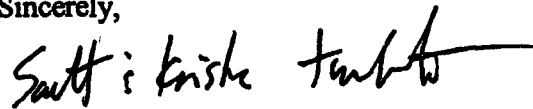
D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: 2269 Cathedral Avenue, N.W.
Washington, D.C.
Square 2210, Lot 803

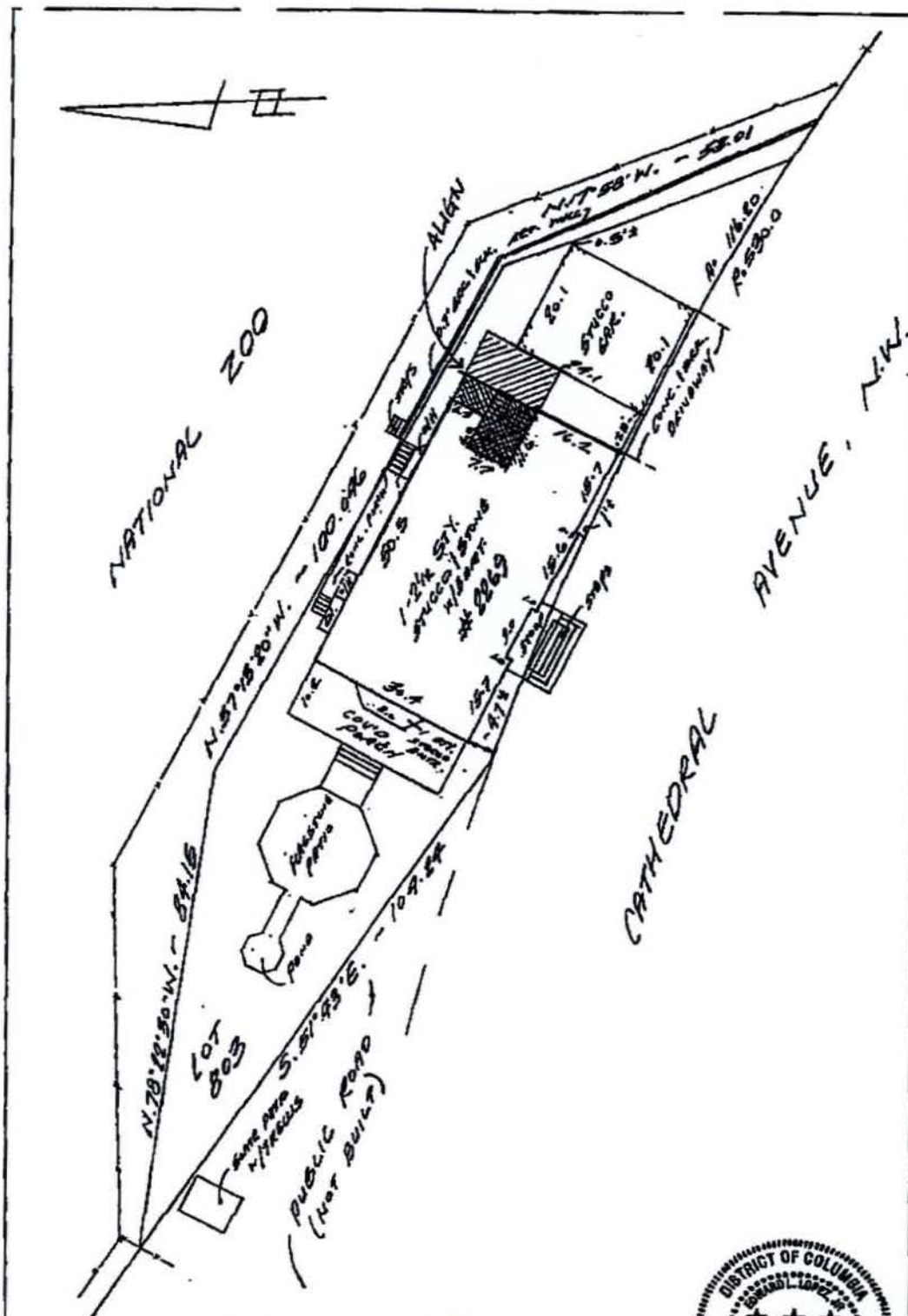
Dear Members of the Board:

As the owners of the subject property, this letter is to authorize the law firm of Holland & Knight LLP to represent us in all matters before the Board of Zoning Adjustment concerning the application for the above-referenced property. As set forth in §3106.1 of 11 DCMR, this authorization includes the power to bind the owner in the case before the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott & Kristen Franklin", with a long horizontal flourish extending to the right.

Scott and Kristen Franklin



PROPOSED
3.13.09

ONE
STORY
ADDIT.

TWO
STORY
ADDIT.

10762 Rhode Island Avenue
Beltsville, MD 20705

Capitol Surveys, Inc.



NOTE: This drawing is not intended to establish property lines. It cannot be used for construction or design purposes. All information shown herein taken from the land records of the county or city in which the property is located and field work performed. This survey prepared for title purposes only.
© As of current date.

HOUSE LOCATION
LOT - 803 SQUARE - 2210
RECORDED A.F.T. PAGE 1899.
DISTRICT OF COLUMBIA

EDWARD L. LOPEZ, JR.
D.C. Licensed Land Surveyor
No. 15900238

DATE FEB. 13, 2009

CASE: 1008-09

FILE: 89330







**Roster of Persons or Entities Owning Real Property within 200 Feet (225 Feet scaled)
of the Property at 2269 Cathedral Avenue NW Washington DC (Lot 803, Square 2210)**

SSL		PREMISE ADDRESS	OWNERS
2206	0036	2270 Cathedral Ave., NW	Dan Haendel Ellen S Goldberg 8900 Lynnhurst Dr. Fairfax, VA 22031-3226
2206	0037	2268 Cathedral Ave., NW	James A Colville Catherine L Colville 415 E Laurel Ave. Sterling, VA 20164-2919
2206	0038	2266 Cathedral Ave., NW	Elizabeth A Tyson 2266 Cathedral Ave., NW Washington, DC 20008-1504
2206	0039	2264 Cathedral Ave., NW	Jane Scholz Douglas C Balz 2264 Cathedral Ave., NW Washington, DC 20008-1504
2206	0040	2262 Cathedral Ave., NW	Joyce Evans Prashar Trustee 1944 Calvert St., NW Washington, DC 20009-1519
2206	0041	2260 Cathedral Ave., NW	Patricia T Rosenman Rosenman Louis 3425 Garrison St., NW Washington, DC 20008-2038
2206	0042	2258 Cathedral Ave., NW	Sean G Kennedy 2258 Cathedral Ave., NW Washington, DC 20008-1504
2206	0043	2256 Cathedral Ave., NW	Paul Hoffman Sallie B Adams Greg Friedman 6216 Mazwood Rd. Rockville, MD 20852-3528

SSL		PREMISE ADDRESS	OWNERS
2206	0044	2254 Cathedral Ave., NW	Michael Gelner PSC 461 Box 100 FPO, 95621
2206	0119	2757 Woodley Pl., NW	Nathan D Tibbits Suzanne George 2757 Woodley Pl., NW Washington, DC 20008-1518
2206	0120	2759 Woodley Pl., NW	Louise Fox c/o World Bank Rmc Beijing 1818 H St., NW Washington, DC 20433-0001
2206	0121	2761 Woodley Pl., NW	Edward I Richards 2761 Woodley Pl., NW Washington, DC 20008-1518
2206	0122	2763 Woodley Pl., NW	Moirra M Shea 2763 Woodley Pl., NW Washington, DC 20008-1518
2206	0123	2765 Woodley Pl., NW	Cynthia Z Shaughnessy 2765 Woodley Pl., NW Washington, DC 20008-1518
2206	0124	2767 Woodley Pl., NW	James A Millward c/o Presidential Savings 4600 E West Hwy - Ste. 415 Bethesda, MD 20814-3414
2206	0086	2769 Woodley Pl., NW	Christopher F Clarke Aimee Verdisco 2769 Woodley Pl., NW Washington, DC 20008-1518
2206	0087	2771 Woodley Pl., NW	Peter C Choharis 2771 Woodley Pl., NW Washington, DC 20008-1518

SSL		PREMISE ADDRESS	OWNERS
2206	0088	2773 Woodley Pl., NW	Gregory J Deninno 2773 Woodley Pl., NW Washington, DC 20008-1518
2206	0072	2272 Cathedral Ave., NW	Todd M Malan 2272 Cathedral Ave., NW Washington, DC 20008-1504
2206	0073	2276 Cathedral Ave., NW	Jodi A Enda 2276 Cathedral Ave., NW Washington, DC 20008-1504
2206	0074	2274 Cathedral Ave., NW	Charles D Hartley Gretchen A Reitsch 2274 Cathedral Ave., NW Washington, DC 20008-1504
2208	0023	Woodley Pl., NW	All Souls Parish Protestant Episcopal Church 2300 Cathedral Ave., NW Washington, DC 20008-1505
2208	0101	2300 Cathedral Ave., NW	
2210	0001	2301 Cathedral Ave., NW	Cathconn Associates LP c/o Abko Investment Inc. 4415 5th Ave. Pittsburgh, PA 15213-2654
2210	0802	Connecticut Ave., NW 33413	United States Of America Smithsonian / Natl Zoo Steven Monfort, Acting Director PO Box 37012, Mrc 5508 Washington, DC 20013-7012
Par	00670006	3001 Connecticut Ave., NW	

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STATEMENT OF EXISTING AND INTENDED USE

The property at 2269 Cathedral Avenue, N.W., Square 2210, lot 803, has been used as a single family dwelling and will continue to be used as a single family dwelling.

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**Application of Scott and Kristen Franklin
2269 Cathedral Avenue, N.W.**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background:

The Subject Property is located at 2269 Cathedral Avenue, N.W. (Square 2210, Lot 803) and consists of approximately 5,822 square feet of land area. The Subject Property is improved with a detached single family dwelling which was originally constructed in 1910. The property is also improved with a detached garage located approximately 7.5 feet to the southeast of the house. The Subject Property is proposed to be located within either an R-5-D or an R-4 Zone District.

The existing dwelling and garage occupy 2,456 square feet. The Applicants propose to add an addition of approximately 225 square feet, to add a bathroom on the second floor and attach the house to the garage on the first floor. In an R-4 District, the maximum permitted percentage of lot occupancy for a detached single family dwelling is 40%. That would allow a maximum building area of 2,329 square feet. The existing condition therefore exceeds 40% by approximately 127 square feet and any addition would require special exception relief under §223. If the property is zoned R-5-D, the maximum permitted percentage of lot occupancy is 75% and no relief would be required.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Commission no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Commission's approval of the requested special exception relief. Following herein, as required by the application process before the Board of Zoning Adjustment, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

Section 223.1 of the Zoning Regulations states that an addition to a one-family dwelling that does not comply with all of the applicable area requirements shall be permitted as a special exception if approved by the Zoning Commission under Section 3104, subject to the following provisions:

A. The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

1. The light and air available to neighboring properties shall not be unduly affected.

The only abutting property to the subject property is land which is part of the National Zoo and is essentially undeveloped at that point. The subject property is separated from all other properties by an improved street, a paper street and a private driveway. The addition, to be constructed at the east corner of the house on the side away from the street, will not have any impact on the light and air available to neighboring properties.

2. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

The addition will not compromise in any way the privacy of use and enjoyment of neighboring properties. The addition will be located between the house and the garage and will not face on to any nearby residential property.

3. The addition, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

The addition is setback at least 16 feet from the front of the house. Its location is such that it is essentially screened from public view by both the existing house and garage.

4. In demonstrating compliance with the above, the applicant shall use graphical representations such as plans, photographs, or elevation and

section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

Included in this application are photographs of the existing dwelling and plans showing the proposed addition. Additional graphical representations will be reviewed and provided at the public hearing.

- B. The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent in the R-1 and R-2 Districts or seventy percent in the R-3, R-4, and R-5 Districts.

The lot occupancy of the dwelling with the addition is 46.05 percent.

- C. The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

The design of the proposed addition is subject to review by both the Historic Preservation Review Board and the Commission of Fine Arts. The Applicants believe that no further design restrictions from the Commission will be required.

- D. This relief may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The existing dwelling is not a nonconforming use.