BOARD OF ZONING ADJUSTMENT

Washington, D.C.

Appeal by: **Case No. 20183**

The Residences of Columbia Heights, a Condominium

Appeal of Building Permit B1908601
2500 14th Street, NW

APPELLANT'S SUPPLEMENTAL PRE-HEARING STATEMENT

Appellant The Residences of Columbia Heights, a Condominium ("RCH"), through undersigned counsel, submits this Supplemental Pre-Hearing Statement, in response to the Pre-Hearing Statement of Intervenor DC Department of General Services ("DGS"). **Ex. 63** ("DGS Statement"). Appellant limits its response to DGS' arguments, to supplement its Revised Pre-Hearing Statement, **Ex. 33** and reply to DCRA's Prehearing Statement. **Ex. 55.** Both of these prior submissions address many of the arguments presented by DCRA and DGS.[1]

In summary, the DGS Statement claims that the 35 units of short-term family housing ("STFH") for families experiencing homelessness is not "temporary housing" and is not an "emergency shelter" but instead is an "apartment house." DGS's exegesis does not directly

---

[1] Just as DGS asserts in its pre-hearing statement footnote that the agency has not abandoned its assertion that the appeal should be dismissed based on timeliness, Appellant re-asserts for the Board its central arguments that its appeal was in fact filed in a timely manner, in that (1) the appeal was filed 24 days after issuance of the building permit; (2) Appellant could not appeal the 3/25/19 " email from the Zoning Administrator to DGS legal counsel, as it contains an advisory footnote of its non-finality; (3) the Board ruled in Case 20141 that the advisory footnote clearly establishes that document is not "first writing" for BZA appeal purposes; and (4) the Appellant has clarified that the 12 BZA and court cases raised by DGS as supportive of its untimeliness argument do not in fact provide such support. Finally, Appellant reiterates that, contrary to the assertion of DGS in the 1/29/20 hearing, the foundation permit is not being appealed nor does it authorize construction of the building and thus does not raise the matters under appeal, each of which is controlled by the building permit.

address the operative statutory language and instead references other enactments that serve only to obfuscate the matter. Clarity is found in the controlling B-100.2 definition of "emergency shelter," which references the Homeless Services Reform Act of 2005, which cites "apartment-style" as among the types of "emergency shelter" options to provide "temporary housing."

In addition, the DGS argument that the meaningful connection between the existing and new building on the Property meets the standards of B-309.1 simply ignores the fact that the alleged connection, which is located in the parking level, below the main level, is clearly and transparently not "fully above grade," and fails to meet the controlling B-100 definition of Building, which reads in part: "The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building." Furthermore, DGS misrepresents how "the Zoning Administrator has historically interpreted Subtitle B § 309.1" as well as the deliberations in Case "19950" [sic: Case number is 19550]. For that matter, DGS ignores numerous Zoning Commission, BZA and Zoning Administrator positions that communication below the main floor does not constitute a single building for zoning purposes. Appellants address each of these errors and omissions below.

1. Under the Zoning Regulations, "Apartment Style" Units for Those Experiencing Homelessness Is an "Emergency Shelter" Use

DGS claims that, unlike the one-room emergency shelter units being placed in Wards 3-8 under the Homeless Shelter Replacement Act of 2016 ("HSRA"), the units to be placed in Ward 1, being "apartment style," means they are outside the Zoning Regulations' "emergency shelter" definition because such units are not "temporary housing." DGS Statement at 10. This argument is erroneous; it is expressly contrary to enacted law, as detailed below. First, the "emergency shelter" definition in B-100.2 refers to the "arrangement" that is "defined in the Homeless Services Reform Act of 2005...." (the 2005 Act"). The 2005 Act and also subsequent enactments refer to

"apartment-style" units as among the types of temporary shelter for individuals experiencing homelessness. Second, the "apartment-style" units to be located in the designated Ward 1 location, as specified in both the 2016 HSRA and in the Ward 1 replacement legislation, the 2018 HSRAA, are expressly denoted as constituting a "temporary shelter." Notably, DGS fails mention the consistent characterization of apartment-style units for the homeless as "temporary shelter" throughout all of DGS's exhibits of homeless shelter legislation, as set forth in its Tabs A through E to Ex. 63, and as amended since, as shown in the Official D.C. Code. Third, DGS seeks to equate "apartment-style" temporary housing units with the zoning definition of "apartment" in the zoning regulations, as if the context of "apartment-style" in the legislation as being emergency housing and the word "-style" can be ignored. They cannot.

a. The 2005 Act, as amended. Definition 40 of the 2005 Act, defining "Temporary shelter," reads in relevant in part as follows:

> (40) "**Temporary shelter**" means: ... (B) A 24-hour **apartment-style** housing accommodation for individuals or families who are homeless, other than a severe weather shelter, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter and supportive services.

D.C. Code § 4–751.01.(40) (emphasis added). In turn, § 4–751.01.(3)(emphasis added) reads:

> (3) "**Apartment style**" means a housing unit with: (A) Separate cooking facilities and other basic necessities to enable families to prepare and consume meals; (B) Separate bathroom facilities for the use of the family; and (C) Separate sleeping quarters for adults and minor children in accordance with the occupancy standards of Title 14 of the District of Columbia Municipal Regulations.

The 2005 Act also includes a definition for Continuum of Care, including the following provision:

> (d)(1) Except as provided in paragraph (2) of this subsection, when the Mayor places a family in shelter pursuant to this act, the **shelter** shall be one or more **apartment-style** units, or one or more DC General Family Shelter replacement units.

D.C. Code § 4-753.01(d)(1)(emphasis added). Subparagraph 2 provides the Mayor authority to place the family experiencing homelessness in a non-apartment-style unit when an apartment-style unit is unavailable.

b. D.C. Act 21-412. Homeless Shelter Replacement Act of 2016 (the HSRA). This legislation is the key enactment triggering the replacement of the large homeless shelter at D C General with smaller homeless shelters distributed among Wards 3-8. As to Ward 1, it authorizes funding for "replacement shelter facilities . . .for the apartments used for **temporary shelter** at 1433 and 1435 Spring Road..." DGS Statement, Tab D at 1 (emphasis added). In section 2 of the HSRA, subparagraph **(5)** (emphasis added) notes that the "apartments used by the District to provide **temporary shelter** to families experiencing homelessness at 1433 and 1435 Spring Road, N.W. ...are antiquated and in need of replacement.... Under Section 3(a) of the HSRA, applicable across the board to all the shelters for Wards 1 and 3-8, the Mayor is authorized "to use designated funds...to provide **temporary shelter** for families experiencing homelessness," to include "6 facilities containing DC General Family Shelter Replacement Units ... and one facility containing **apartment-style** units, as defined in section 2(3) of the Homeless Services Reform Act of 2005...." *Id.* (emphasis added). Section 3(a) continues with seven subparagraphs, one for each of Wards 1 & 3-8, identifying the size and location of the shelter for that Ward. For Ward 1, subparagraph 3(a)(1)(A) provides authorization for the Mayor to acquire designated land for the shelter, and subparagraph 3(a)(1)(B) authorizes the Mayor to construct "a facility to provide **temporary shelter** for families experiencing homelessness containing 29 2- and 3- bedroom apartment-style units on the land to be acquired . . ." *Id.* (emphasis added).

c. DC Act 22-441, Homeless Shelter Replacement Amendment Act of 2018 (the HSRAA). The stated purpose of the HSRAA (emphasis added) is "To amend the Homeless

Shelter Replacement Act of 2016 to revise the location of the Ward 1 **temporary shelter** site for families experiencing homelessness, enhance the capacity of the shelter, and authorize the use of the site for the location of permanent supportive housing for seniors and the Rita Bright Recreation Center."

Section 2 of the HSRAA amends both the size and location of the temporary shelter, and adds a second, distinct use to the building to be constructed:

> Section 3(a)(1) of the Homeless Shelter Replacement Act of 2016, ...is amended to read as follows "(1) The Mayor is authorized to use funds appropriated for capital project HSW01C – Ward 1 Shelter to construct a facility to provide **temporary shelter** for families experiencing homelessness containing 35 2- and 3-bedroom **apartment-style** units on District-owned land at 2500 14th Street, N.W....[and] provided further that the site may also be used to locate 15 units of permanent supportive housing . . .for seniors and the Rita Bright Recreation Center."

Id. (emphasis added).

d. Conclusion. The relevant statutes included in the definition of "emergency shelter" in the Zoning Regulations, as detailed above, make clear that whether the units are apartment-style or not, they constitute an "emergency shelter" for zoning purposes. Even DGS' own statements make the use of this building clear by describing it as "the Ward 1 Short-Term Family Housing shelter" and comparing it to "other shelters." **Ex. 58**. One-room units are "temporary shelter"; apartment-style units are also "temporary shelter." There is therefore no statutory basis for distinguishing the Ward 1 "temporary shelter" from the six "temporary shelters" in Wards 3-8 authorized by the HSRA and HSRAA on account of the internal configuration of the units. All of them were obliged to seek and obtain a special exception, as has been previously

detailed. All of them did, except for the temporary shelter in Ward 1. It should not be allowed to go forward without special exception approval.[2]

[2] DGS discusses at length the Interim Eligibility and Minimum Shelter Standards Amendment Act of 2015. DGS Statement at 3-4, 12-14. This discussion is mere obfuscation, as it simply establishes by statute that there are differences between private-room and apartment-style temporary shelters, and specifies where each is appropriate. But there is no dispute here that the Ward 1 shelter is appropriately following all constraints in the enabling legislation regarding number, location, and type of temporary shelter units proposed for Ward 1. None of this has anything to do with the question before the Board: is the Ward 1 temporary shelter, consisting of 35 apartment-style units, an "emergency shelter" under B-100.2 of the Zoning Regulations? In the end, while acknowledging that "temporary" means "lasting for a limited time," DGS Statement 11, DGS attaches dispositive significance to the fact that, while the 2005 Act -- the statutory framework for the "emergency shelter" definition -- uses the term "temporary **shelter**," the B-100.2 definition instead employs the term "temporary **housing**." This argument is ludicrous. In this context, there is no material difference between shelter and housing, and DGS does not attempt to argue otherwise. Instead it hopes the Board will overlook the problem with the brazenly misleading claim that "the zoning term 'emergency shelter' **does not incorporate any defined term** from the [2005 Act] that would govern the use of the Project." *Id.* (Emphasis in original).

APARTMENT-STYLE DEFINED AS TEMPORARY SHELTER

Homeless Services Reform Act of 2005	**D.C. Law 21-141. Homeless Shelter Replacement Act of 2016**	**Homeless Shelter Replacement Temporary Amendment Act of 2018**
40) A Temporary shelter means: (A) A housing accommodation for individuals who are homeless that is open either 24 hours or at least 12 hours each day…for the purpose of providing shelter and supportive services; or (B) A 24-hour apartment-style housing accommodation for individuals or families who are homeless… for the purpose of providing shelter and supportive services.	…for the purpose of…the apartments used for temporary shelter at 1433 and 1435 Spring Road… **(5)** The apartments used by the District to provide temporary shelter to families experiencing homelessness at 1433 and 1435 Spring Road…are antiquated… **Sec. 3. (a)** … to use designated funds…to provide temporary shelter for families experiencing homelessness…and one facility containing apartment-style units, as defined in section 2(3) of the Homeless Services Reform Act of 2005… **(1)** The Mayor is authorized to use funds appropriated for capital project HSW01C – Ward 1 Shelter….	**Sec. 2.** Section 3(a)(1) of the Homeless Shelter Replacement Act of 2016, …is amended "**(1)** The Mayor is authorized to use funds appropriated for capital project HSW01C – Ward 1 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing 35 2- and 3-bedroom apartment-style units on District-owned land at 2500 14th Street, N.W.

2. The 35 Apartment-Style Units of Temporary Shelter for Families Experiencing Homelessness is Not an Apartment House Use

Appellant's Revised Prehearing Statement point out that "When a site contains more than one (1) use and these uses fall within different use categories, each use is subject only to the regulations of the applicable use category." B-202.1, Applicability of Multiple Uses. Applying this principle here, in the applicable MU-5A zone, the portion of the building devoted to emergency shelter use is a special exception use subject to U-531.1(b), while the PSH portion is a

matter-of-right use. DGS seeks to avoid this provision entirely by claiming that only one use is involved here: the "apartment house" use. DGS Statement 8. Appellant agrees that the permanent supportive housing (PSH) units, consisting of 15 apartments, constitutes an "apartment house" use. This conclusion flows directly from the definition of that term in the 2005 Act, as amended:

> Permanent supportive housing" means a program that provides rental assistance and supportive services for an **unrestricted period of time** to assist individuals and families experiencing chronic homelessness, or at risk of experiencing chronic homelessness, to obtain and maintain permanent housing and to live as independently as possible.

D.C. Code § 4–751.01(28) (emphasis added). The PSH is distinguishable from an emergency shelter principally due to its **permanent**, rather than **temporary**, nature. Plainly, the City's statutory scheme for meeting the needs of persons experiencing homelessness encompasses a form of "graduation" from a "temporary shelter," where occupancy is restricted in time, to one where occupancy is unrestricted in time. If the 35 units in the building that have not been designated PSH units were similarly unrestricted in time, all 50 units would be PSH units and DGS's claim of a single, "apartment house" use would be plausible. But that is not the case here; there is no representation that the "temporary shelter" units are anything but "temporary."

DGS also argues that it will be offering occupants "habitation on a continuous basis of at least thirty (30) days" to show that the use is not temporary/transient, citing B-200.2(aa). DGS Statement 10. While that provision does define what constitutes "residential use" in terms of time continuity, DGS omits two caveats fatal to its argument: Under B-200.2(aa)(1), continuity is established by tenancy with a minimum term of one (1) month or property ownership; and under B-200.2(aa)(4), excluded from residential use are "uses which would more typically fall within the lodging, education or community-based institutional use categories." Here, the temporary shelter

is a community-based institutional use that does not employ a landlord-tenant leasing regime on the shelter occupants.

Finally, DGS takes issue with Appellant's observation that following the Board's decision in Case No. 18151, the definition of "apartment" was amended to establish what "control" means, as used in the prescriptive part of the "apartment" definition, i.e., "exclusively for the use of and under the control of the occupants of those rooms." B-100.2. The added sentence, plainly worded to limit what acceptably constitutes "control," states as follows: "Control of the apartment may be by rental agreement or ownership." *Id.* DGS inexplicably argues in effect that this addition to the definition is pointless, claiming that "a rental agreement or ownership is not a necessary prerequisite to an apartment use." DGS Statement 10. This makes no sense. The added restriction is no restriction at all if the two specified options to establish "control" are just two among many undefined ways. Perhaps sensing the implausibility of that claim, DGS further argues that the occupants of the STFH units meet the "rental agreement" requirement because they will "be required to execute a written document in order to establish occupancy at the Project." *Id.* But whatever this document requires of the occupants, it is not a "rental agreement" as there will be no rent to be paid by the occupants. The whole point of the City's homeless shelter enactments is for the City to provide temporary shelter for those experiencing homelessness because they are **unable to pay rent.**

3. Under the Approved Plans, the Existing Community Center and the New Building Will Not Constitute a "Single Building" Under B-309.1

Appellant's claim is that the connection to be established between the Rita Bright Community Center and the new building on the Property does not make the two buildings a single building under the requirements set forth in B-309.1. First, the entire connection between the two buildings must be "fully above grade." It is not, and thus violates B-309.1(a). The approved

drawings depict a communication below the main floor, in the P1 parking level, as shown in P1 Finish Plan (A8.60); P1 Floor Plan (A2.00), and Level P1 GFA (this last drawing supplied by DGS being not in the DCRA approved plans). Indeed, even the Code Analysis (A0.20) (which is a construction-code issue not the purview of the BZA) includes remarks about this level: "Therefore, P1 is not considered a story above grade plane [...]."

DGS evades this clear fact and presents a new line of argument. DGS asserts that the Zoning Administrator has previously established that "the connection itself, not the entire common space or passageway," needs to be fully above grade. DGS Statement 16. As support for its interpretation of this requirement, DGS cites Board Case 19950 [sic 19550], asserting that "the stairs and landing leading to the connection was below grade, but the connection between two buildings was entirely above grade" and that the "same conclusion should be made here where the internal connection between the Project and the Rita Bright Center is above grade." DGS Statement 16. This argument is contrary to the B-309.1(a) requirement that the meaningful connection must be "fully above grade." The word "fully" means fully. The definition does not bisect "connection" into two parts.

As for findings in Case 19550, which has not yet formally decided by Board order, that case does not in fact reflect nor endorse the DGS argument, as is evident in a review of case transcripts, plans, and additional documentation. **Exs. 68-70**. In fact, initial plans presented stairs that extended below the main level, which concerned the Board regarding compliance with the "fully above grade" requirement. The project architect subsequently modified plans so that the stairs no longer descended and, in doing so, put those concerns to rest. In actuality, the Zoning Administrator spoke to the stair configuration with regard to compliance with B-309.1(d) and not the "fully above grade" B-309.1(a) requirement: "The question has to do is, too, does it meet the

final criterion of it's -- set forth in Subsection D...My analysis of this connection is that it functions as a common space, used by all users of the building, all portions of the building. It does, as noted, function as a corridor, but in addition, as a doorway that leads to the interior courtyard." **Ex. 68.** (September 19, 2018 Tr. at 67-68)

The Board's concerns in Case 19550 flow naturally from the definition of "building, separate," and "building" in the Zoning Regulations, B-100.2, as evidenced by a review of hearing transcripts. The former definition states that two buildings are separate if "separated from the ground up," and the latter states that "[t]he existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building." DGS also asserts that the Zoning Administrator has "historically interpreted Subtitle B § 309.1 to require that the connection itself, not the entire common space or passageway, to be fully above grade." This is incorrect. The B-309.1(a) requirement of "fully above grade" provides no exemption for the common space or passageway required under B-309.1(d). The Board, the Zoning Administrator, and the Zoning Commission have all long relied upon these definitions, before and after the enactment of B-309.1. In Case No. 18735/18737 (2014), the Board concluded that "[a]lthough the definition of 'building' provides that the existence of a communication below the main floor cannot make the structure one building, it necessarily follows that the existence of such a communication at or above the main floor would." **Ex. 65.** BZA Order 18735 at 10. BZA Case 19929 (2019) is equally instructive, as a cellar below-grade connection was altered to secure a "fully above grade" approval by the Zoning Administrator.[3] Finally, two Zoning Commission

[3] Other projects, all of which demonstrate a meaningful connection that is not below the main/ground level (and presented in the Appellant's revised PowerPoint slides), include: 2800 Columbia Road, NW (2017 Zoning Determination Letter); 727 Euclid (2017), Case 19524 (2017); 711 Irving Street NW (2016 Zoning Determination Letter); 1311 R Street, NW (2018 Zoning

cases confirmed the understanding that the meaningful connections must be at or above the main floor. ZC Order No. 08-34 (2011), a PUD case reads: "[T]he Commission finds that the North Block is a single building with meaningful connections at the level of the main floor...." The question/answer discussion with a developer's representative in ZC Case No. 06-14D speaks to a meaningful connection as being "a vestibule above grade on the plaza level." (Tr. 2/9/17, pp. 77-78), later confirmed in the final order for this case. (Tr. 2/9/2017, pp. 73-78).

In summary, DGS's argument that the essential access to the between-buildings connection can be below grade is wrong. It is also beside the point, as every single component between the shelter and Rita Bright Center is fully below the main/ground level: the stairway, the landing, the (locked) doorway, and the connection hallway. Indeed, none of the alleged meaningful connection is "fully above grade."

In addition to failing the "fully above grade" requirement for a single building in B-309.1(a), the approved drawings do not satisfy the other B-309.1 requirements, i.e., subparagraphs (b) through (d). Under subparagraph (c), DGS asserts that the connection is fully heated and artificially lit. DGS Statement 16. But DGS fails to respond to Appellant's earlier assertion that a parking level space in a building seeking LEED status is unlikely to serve as heated space. Under the "free and unrestricted passage" requirement of subparagraph (d)(2), DGS asserts, without explanation or evidence, that the "internal connection likewise meets the requirements of subsection (D) because it is a space that provides free and unrestricted passage between the Project and the Rita Bright Center." *Id.* But as Appellant has previously documented, the security requirements for the STFH and PSH facility simply do not allow for "free and unrestricted passage

---

Determination Letter); 33 N Street, NE (2013 Zoning Determination Letter); and 831 Rock Creek Church Road (2017 Zoning Determination Letter). See **Ex. 67**.

between separate portions of the building" as a security desk will be in place for the new building and key code access will be necessary to gain entry via the parking level. The alternative to compliance with subparagraph (d)(2) is compliance with subparagraph (d)(1), which is that the connection between the buildings be "common space shared by users of all portions of the building." DGS does not even attempt to assert compliance with this requirement; the passageway is clearly described in documents as, again, being accessible only to parking level users with key code access. As for the external door depicted by DGS in its submission, it must be presumed that this doorway too will be locked and/or accessible only to individuals with appropriate credentials. Indeed, even if the two uses in the new building can be seen as inherently compatible as between themselves, the significant difference between those uses and the use of the Rita Bright Community Center underscores the practical difficulty, if not outright undesirability, of compliance with either the common space or the free access requirement specified in B-309.1(d). The STFH and PSH have high security needs that have the potential to impact the safety needs of children utilizing the Rita Bright Center. Restrictions on common space or free access between the two strikes one as sound public policy, and sensitivity to that issue was properly reflected in conditions attached to the Board's special exception approval of the Ward 3 shelter's combined parking facility with the Second District Metropolitan Police Station.[4]

[4] The matter involved a DGS request for a variance to co-locate two primary structures on the same residentially zoned (RA-1) record lot, i.e., relief from the two-primary-structures prohibition in C-302.2. DGS's 2/8/17 prehearing statement said that "Alternative remedies, such as connecting the Project to the MPD station, would be practically difficult and not in the best interest of both uses." In its Final Order for Case 19450, the Board agreed, stating that "the connection of two structures devoted to two very different uses would create operational difficulties for both the emergency shelter and, likely, the MPD facility. Accordingly, the Board concludes that the strict application of the Zoning Regulations, so as to preclude location of another primary structure on the subject property, would be unnecessarily burdensome to the Applicant." **Ex. 66**. Plainly, the Board was agreeing with DGS that the better course was to keep the structures separate. It is obviously the better course here as well, for similar reasons. But as Appellant has explained, even though no

4. DGS Has Conceded that the Emergency Shelter Parking and Loading Requirements Have Not Been Met

Appellant's Revised Prehearing Statement points out that the reported parking and loading requirements for the Project are based upon DGS's view that the Project is not a multiple-use project, with differing requirements for each use, but rather a single-use apartment building. DGS Statement 17. DGS does not dispute Appellant's determination of the emergency shelter parking and loading requirements if the 35 STFH units are deemed an emergency shelter; rather, DGS simply declares any such evaluation "moot." *Id.* But those requirements are anything but moot insofar as Appellant has correctly determined that there are multiple uses, not a single use of the Property. And since the shortfall in the emergency shelter parking and loading requirements detailed by Appellant is undisputed, the Board should regard the shortfalls detailed by Appellant as conceded if the Board finds, as Appellant has made clear it should, that the 35 STFH units constitute an "emergency shelter" as that term is defined in B-100.2 of the Zoning Regulations.

CONCLUSION

Appellant has repeatedly expressed its support for the Mayor's City-wide program of improving and dispersing temporary shelters for homeless persons is response to the problem of homelessness in the City, to include meaningfully sharing in that response by not opposing the construction of what the Zoning Regulations denote an "emergency shelter" right next door to their condominium. This has left Appellant very frustrated at DGS's response, which has been to present Appellant with arguments to justify bypassing a Board special exception hearing for the

---

second-primary-building variance relief would be needed here in the MU-5A zone, the buildings had to be joined as one in order to evade the 15' rear yard setback from Appellant's condominium building.

project, even though plainly required under the Zoning Regulations for an "emergency shelter" at this location. Those arguments are baseless and must be rejected.

In addition, the only reason DGS went to the considerable expense of designing and implementing into the Project a connection between two patently inconsistent uses—temporary and permanent housing for homeless persons and a youth-oriented community center—was in response to Appellant's concern about having the new building erected with no setback from Appellant's long-standing condominium. Long after settling on its building design, DGS added the connection solely to evade compliance with the otherwise required 15' setback from Appellant's residential use. The "connection" has no other rational explanation or function, and fails to comply with the requirements that would make it a genuine, meaningful connection transforming two buildings into one in any case. The connection effort should be ordered scrubbed and DGS should be required to site the shelter at the 15' foot setback.

Respectfully submitted,

David W. Brown
Knopf & Brown
401 E. Jefferson Street
Suite 206
Rockville, Maryland 20850
(301) 545-6100
(301) 545-6103 – fax
Email: brown@knopf-brown.com
Attorney for Appellant