

**District of Columbia Board of Education  
Announces a Special Community Meeting on  
The Educational Consolidation of Fletcher-Johnson Educational Center**

Monday, June 5, 2006  
6:00 p.m. – 8:00 p.m.

Fletcher-Johnson Educational Center  
4650 Benning Road SE  
Auditorium

The District of Columbia Board of Education will hold a special community meeting on the educational consolidation of Fletcher-Johnson Educational Center.

On May 15, 2006, the Superintendent recommended to the Board of Education proposed consolidation and rightsizing actions to eliminate a total of 1,007,713 square feet and realize \$8.2 million in operational savings. The District of Columbia Board of Education is considering the Superintendent's recommended educational consolidation of Fletcher-Johnson Educational Center into Nalle Elementary School and Ron Brown Middle School. The purpose of the special community meeting is to solicit public comments on the recommendation.

A complete list of the Superintendent's proposed consolidations and rightsizing actions can be found online at <http://www.k12.dc.us/dcps/frontpagepdfs/DCPS-Small-Book.pdf>.

The District of Columbia Board of Education extends an invitation to the public to testify at the special community meeting. Those who wish to testify should contact Ms. Heather Reynolds at (202) 442-4289 by the close of business, Thursday, June 1, 2006. Witnesses should bring 13 copies of their written testimony to the community meeting. Public testimony will be limited to three (3) minutes for oral presentations.

If you are unable to testify at the special community meeting, written statements are encouraged and will be part of the official record. Copies of written statements should be submitted to Ms. Peggy Cooper Cafritz, President of the District of Columbia Board of Education, 825 North Capitol Street, N.E., Washington, DC 20002.

**District of Columbia Board of Education  
Announces a Special Community Meeting on  
The Educational Consolidation of Merritt Educational Center**

Tuesday, June 6, 2006  
6:00 p.m. – 8:00 p.m.

Merritt Educational Center  
5002 Hayes Street NE

The District of Columbia Board of Education will hold a special community meeting on the educational consolidation of Merritt Educational Center.

On May 15, 2006, the Superintendent recommended to the Board of Education proposed consolidation and rightsizing actions to eliminate a total of 1,007,713 square feet and realize \$8.2 million in operational savings. The District of Columbia Board of Education is considering the Superintendent's recommended educational consolidation of Merritt Educational Center into Burville Elementary School, Houston Elementary School, and Ron Brown Middle School. The purpose of the special community meeting is to solicit public comments on the recommendation.

A complete list of the Superintendent's proposed consolidations and rightsizing actions can be found online at <http://www.k12.dc.us/dcps/frontpagepdfs/DCPS-Small-Book.pdf>.

The District of Columbia Board of Education extends an invitation to the public to testify at the special community meeting. Those who wish to testify should contact Ms. Heather Reynolds at (202) 442-4289 by the close of business, Friday, June 2, 2006. Witnesses should bring 13 copies of their written testimony to the community meeting. Public testimony will be limited to three (3) minutes for oral presentations.

If you are unable to testify at the special community meeting, written statements are encouraged and will be part of the official record. Copies of written statements should be submitted to Ms. Peggy Cooper Cafritz, President of the District of Columbia Board of Education, 825 North Capitol Street, N.E., Washington, DC 20002.

**District of Columbia Board of Education  
Announces a Special Community Meeting on  
The Educational Consolidation of M. C. Terrell Elementary School**

Friday, June 9, 2006  
6:00 p.m. – 8:00 p.m.

M.C. Terrell Elementary School  
3301 Wheeler Road SE

The District of Columbia Board of Education will hold a special community meeting on the educational consolidation of M.C. Terrell Elementary School.

On May 15, 2006, the Superintendent recommended to the Board of Education proposed consolidation and rightsizing actions to eliminate a total of 1,007,713 square feet and realize \$8.2 million in operational savings. The District of Columbia Board of Education is considering the Superintendent's recommended educational consolidation of M.C. Terrell Elementary School into McGogney Elementary School. The purpose of the special community meeting is to solicit public comments on the recommendation.

A complete list of the Superintendent's proposed consolidations and rightsizing actions can be found online at <http://www.k12.dc.us/dcps/frontpagepdfs/DCPS-Small-Book.pdf>.

The District of Columbia Board of Education extends an invitation to the public to testify at the special community meeting. Those who wish to testify should contact Ms. Heather Reynolds at (202) 442-4289 by the close of business, Wednesday, June 7, 2006. Witnesses should bring 13 copies of their written testimony to the community meeting. Public testimony will be limited to three (3) minutes for oral presentations.

If you are unable to testify at the special community meeting, written statements are encouraged and will be part of the official record. Copies of written statements should be submitted to Ms. Peggy Cooper Cafritz, President of the District of Columbia Board of Education, 825 North Capitol Street, N.E., Washington, DC 20002.

**District of Columbia Board of Education  
Announces a Special Community Meeting on  
The Educational Consolidation of Shadd/Wheatley Elementary School**

Monday, June 12, 2006

6:00 p.m. – 8:00 p.m.

Shadd Elementary School  
5601 East Capitol Street SE  
Auditorium

The District of Columbia Board of Education will hold a special community meeting on the educational consolidation of Shadd Elementary School.

On May 15, 2006, the Superintendent recommended to the Board of Education proposed consolidation and rightsizing actions to eliminate a total of 1,007,713 square feet and realize \$8.2 million in operational savings. The District of Columbia Board of Education is considering the Superintendent's recommended educational consolidation of Shadd Elementary School into Drew Elementary School. The Wheatley Elementary School students that are currently housed at Shadd Elementary School will be moved to Webb Elementary School until their school is modernized. The purpose of the special community meeting is to solicit public comments on the recommendation.

A complete list of the Superintendent's proposed consolidations and rightsizing actions can be found online at <http://www.k12.dc.us/dcps/frontpagepdfs/DCPS-Small-Book.pdf>.

The District of Columbia Board of Education extends an invitation to the public to testify at the special community meeting. Those who wish to testify should contact Ms. Heather Reynolds at (202) 442-4289 by the close of business, Thursday, June 8, 2006. Witnesses should bring 13 copies of their written testimony to the community meeting. Public testimony will be limited to three (3) minutes for oral presentations.

If you are unable to testify at the special community meeting, written statements are encouraged and will be part of the official record. Copies of written statements should be submitted to Ms. Peggy Cooper Cafritz, President of the District of Columbia Board of Education, 825 North Capitol Street, N.E., Washington, DC 20002.

**District of Columbia Board of Education  
Announces a Special Community Meeting on  
The Educational Consolidation of Walker-Jones Elementary School**

Thursday, June 15, 2006  
6:00 p.m. – 8:00 p.m.

Walker-Jones Elementary School  
100 L Street NW

The District of Columbia Board of Education will hold a special community meeting on the educational consolidation of Walker-Jones Elementary School.

On May 15, 2006, the Superintendent recommended to the Board of Education proposed consolidation and rightsizing actions to eliminate a total of 1,007,713 square feet and realize \$8.2 million in operational savings. The District of Columbia Board of Education is considering the Superintendent's recommended educational consolidation of Walker-Jones Elementary School into R.H. Terrell Junior High School. The purpose of the special community meeting is to solicit public comments on the recommendation.

A complete list of the Superintendent's proposed consolidations and rightsizing actions can be found online at <http://www.k12.dc.us/dcps/frontpagepdfs/DCPS-Small-Book.pdf>.

The District of Columbia Board of Education extends an invitation to the public to testify at the special community meeting. Those who wish to testify should contact Ms. Heather Reynolds at (202) 442-4289 by the close of business, Tuesday, June 13, 2006. Witnesses should bring 13 copies of their written testimony to the community meeting. Public testimony will be limited to three (3) minutes for oral presentations.

If you are unable to testify at the special community meeting, written statements are encouraged and will be part of the official record. Copies of written statements should be submitted to Ms. Peggy Cooper Cafritz, President of the District of Columbia Board of Education, 825 North Capitol Street, N.E., Washington, DC 20002.

**District of Columbia Board of Education  
Announces a Special Community Meeting on  
The Educational Consolidation of Van Ness Elementary School**

Friday, June 16, 2006

6:00 p.m. – 8:00 p.m.

Van Ness Elementary School  
1150 5<sup>th</sup> Street SE

The District of Columbia Board of Education will hold a special community meeting on the educational consolidation of Van Ness Elementary School.

On May 15, 2006, the Superintendent recommended to the Board of Education proposed consolidation and rightsizing actions to eliminate a total of 1,007,713 square feet and realize \$8.2 million in operational savings. The District of Columbia Board of Education is considering the Superintendent's recommended educational consolidation of Van Ness Elementary School into Prospect Learning Center. The purpose of the special community meeting is to solicit public comments on the recommendation.

A complete list of the Superintendent's proposed consolidations and rightsizing actions can be found online at <http://www.k12.dc.us/dcps/frontpagepdfs/DCPS-Small-Book.pdf>.

The District of Columbia Board of Education extends an invitation to the public to testify at the special community meeting. Those who wish to testify should contact Ms. Heather Reynolds at (202) 442-4289 by the close of business, Wednesday, June 14, 2006. Witnesses should bring 13 copies of their written testimony to the community meeting. Public testimony will be limited to three (3) minutes for oral presentations.

If you are unable to testify at the special community meeting, written statements are encouraged and will be part of the official record. Copies of written statements should be submitted to Ms. Peggy Cooper Cafritz, President of the District of Columbia Board of Education, 825 North Capitol Street, N.E., Washington, DC 20002.

**District of Columbia Board of Education  
Announces a Special Community Meeting on  
The Operational Efficiency/Right Sizing of Adams Elementary School and Oyster  
Elementary School**

Tuesday, June 13, 2006  
6:00 p.m. – 8:00 p.m.

Adams Elementary School  
2020 19<sup>th</sup> Street NW

The District of Columbia Board of Education will hold a special community meeting on the Operational Efficiency/Right Sizing of Adams Elementary School and Oyster Elementary School.

On May 15, 2006, the Superintendent recommended to the Board of Education proposed consolidation and rightsizing actions to eliminate a total of 1,007,713 square feet and realize \$8.2 million in operational savings. The District of Columbia Board of Education is considering the Superintendent's recommended operational efficiency/right sizing of Adams Elementary School and Oyster Elementary School. The purpose of the special community meeting is to solicit public comments on the recommendation.

A complete list of the Superintendent's proposed consolidations and rightsizing actions can be found online at <http://www.k12.dc.us/dcps/frontpagepdfs/DCPS-Small-Book.pdf>.

The District of Columbia Board of Education extends an invitation to the public to testify at the special community meeting. Those who wish to testify should contact Ms. Heather Reynolds at (202) 442-4289 by the close of business, Friday, June 9, 2006. Witnesses should bring 13 copies of their written testimony to the community meeting. Public testimony will be limited to three (3) minutes for oral presentations.

If you are unable to testify at the special community meeting, written statements are encouraged and will be part of the official record. Copies of written statements should be submitted to Ms. Peggy Cooper Cafritz, President of the District of Columbia Board of Education, 825 North Capitol Street, N.E., Washington, DC 20002.

**District of Columbia Board of Education  
Announces a Special Community Meeting on  
Program Co-Location and Operational Efficiency/Right Sizing**

Saturday, June 10, 2006  
11:00 a.m. – 2:00 p.m.

825 North Capitol Street NE  
5<sup>th</sup> Floor Board Room

The District of Columbia Board of Education will hold a special community meeting on program co-location and operational efficiency/right sizing.

On May 15, 2006, the Superintendent recommended to the Board of Education proposed consolidation and rightsizing actions to eliminate a total of 1,007,713 square feet and realize \$8.2 million in operational savings. The District of Columbia Board of Education is considering the Superintendent's recommended program co-location of Bunker Hill Elementary School, Eliot Junior High School, Evans Middle School, Old Miner Elementary School, and Sharpe Health Annex, and the operational efficiency/right sizing of Rudolph Elementary School and Montgomery Elementary School. The purpose of the special community meeting is to solicit public comments on the recommendation.

A complete list of the Superintendent's proposed consolidations and rightsizing actions can be found online at <http://www.k12.dc.us/dcps/frontpagepdfs/DCPS-Small-Book.pdf>.

The District of Columbia Board of Education extends an invitation to the public to testify at the special community meeting. Those who wish to testify should contact Ms. Heather Reynolds at (202) 442-4289 by the close of business, Thursday, June 8, 2006. Witnesses should bring 13 copies of their written testimony to the community meeting. Public testimony will be limited to three (3) minutes for oral presentations.

If you are unable to testify at the special community meeting, written statements are encouraged and will be part of the official record. Copies of written statements should be submitted to Ms. Peggy Cooper Cafritz, President of the District of Columbia Board of Education, 825 North Capitol Street, N.E., Washington, DC 20002.

**District of Columbia Board of Education  
Announces Notice of Proposed Action to  
Establish, Modify and /or Alter Attendance Zone Boundaries for  
District of Columbia Public Schools**

The District of Columbia Board of Education will consider the recommendations of Superintendent Clifford B. Janey on the maintenance or alteration of established attendance zone boundaries at its Special Board Meeting on:

**Wednesday, June 28, 2006  
6:30 pm  
825 North Capital Street, NW  
5<sup>th</sup> Floor  
Washington, D.C. 20002**

**The Superintendent of the  
District of Columbia Public Schools  
Invites Members of the Public to give Testimony on the  
Superintendent's Recommendations to Establish, Modify  
or Alter Attendance Zone Boundaries  
as required in Title 5 DCMR § 2001.6**

The Special Community Meetings will be held as follows:

<b>School Name</b>	<b>Date of Special Community Meeting</b>
<b>Educational Consolidation</b>	
Fletcher-Johnson Educational Center 4650 Benning Road, SE	Monday, June 5, 6:00- 8:00 pm
Merritt Educational Center 5002 Hayes Street, NE	Tuesday, June 6, 6:00 - 8:00 pm
Shadd/Wheatley Elementary School 5601 East Capitol St., SE	Monday, June 12, 6:00 - 8:00 pm
M.C. Terrell Elementary School 3301 Wheeler Rd, SE	Friday, June 9, 6:00 - 8:00 pm
Van Ness Elementary School 1150 5th Street, SE	Friday, June 16, 6:00 - 8:00 pm
Walker-Jones Elementary School 100 L Street, NW	Thursday, June 15, 6:00 - 8:00 pm
<b>Operational Efficiency/ Rightsizing</b>	
Adams/Oyster Elementary School 2020 19th Street, NW	Tuesday, June 13, 6:00 pm (At Adams)
<b>Co-Location</b>	
Bunker Hill ES; Eliot MS; Evans ES Harrison ES; Old Miner ES; Sharpe Health Annex; Rudolph ES; Montgomery ES	Saturday, June 10, 11 am - 2pm 825 N. Capitol St, NE, 5th FI Board Room

Those who wish to testify on the Superintendent's recommendations for the establishment, modification, or alteration of attendance zone boundaries should contact Ms. Heather Reynolds at (202) 442-4289 by the close of business, Thursday, June 1, 2006. Witnesses should bring 13 copies of their written testimony to the community meeting. Public testimony will be limited to three (3) minutes for oral presentations.

If you are unable to testify at the special community meeting, written statements are encouraged and will be part of the official record. Copies of written statements should be submitted to Ms. Peggy Cooper Cafritz, President of the District of Columbia Board of Education, 825 North Capitol Street, N.E., Washington, DC 20002.

MAY 26 2006

DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS

Certification of Filling a Vacancy  
In Advisory Neighborhood Commission

Pursuant to D.C. Official Code §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single-member district by the individual listed below:

Frederick D. Grant  
Single-Member District 4B03

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling a Vacancy  
In Advisory Neighborhood Commission**

Pursuant to D.C. Official Code §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single-member district by the individual listed below:

**David Garrison  
Single-Member District 6B01**

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Final Notice of Polling Place Relocation

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The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its May 17, 2006 meeting in relocating Precinct #107, Ward 7 Polling Place.

The public is advised that the voting area for Precinct #107 will be changed from:

**Sousa Middle School  
3650 Ely Place, S.E.  
Multi-Purpose Room**

and moved to:

**Our Lady Queen of Peace Church  
3740 Ely Place, S.E.  
Church Hall**

The precinct change will provide adequate space to accommodate voters on election day. Further, the precinct is accessible and will accommodate voters with disabilities. **This action will be effective beginning with the upcoming September 12, 2006, Primary Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

District of Columbia  
**BOARD OF ELECTIONS AND ETHICS**

*Monthly Report*  
*of*  
*Voter Registration Statistics*  
*for the period ending*

*April 30, 2006*

*Covering Citywide Totals by:*

**WARD, PRECINCT, and PARTY**

One Judiciary Square  
441 - 4<sup>th</sup> Street, NW, Suite 250N  
Washington, DC 20001  
(202) 727-2525  
<http://www.dchoee.org>

**4357**

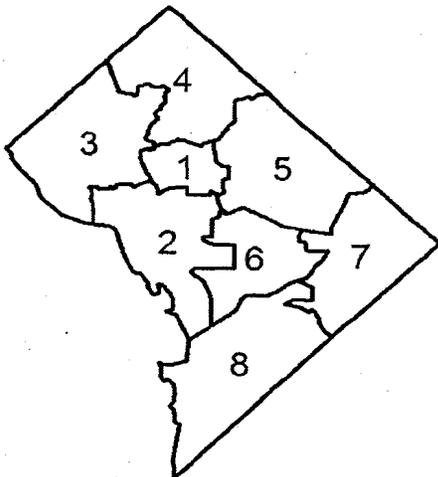
D.C. BOARD OF ELECTIONS AND ETHICS  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

**CITYWIDE SUMMARY**

*Party Totals and Percentages by Ward for the period ending April 30, 2006*

WARD	DEM	REP	STG	N-P	OTH	TOTALS
1	30,307	2,742	978	9,424	238	43,689
2	25,397	5,537	496	8,987	185	40,602
3	30,640	8,164	454	9,582	146	48,986
4	41,975	2,896	652	7,980	206	53,709
5	41,257	2,261	658	7,047	230	51,453
6	34,704	4,957	638	7,972	200	48,471
7	39,478	1,759	526	5,986	163	47,912
8	32,405	1,707	585	5,686	182	40,565
<b>TOTALS</b>	<b>276,163</b>	<b>30,023</b>	<b>4,987</b>	<b>62,664</b>	<b>1,550</b>	<b>375,387</b>
<i>TOTAL Percentage (by party)</i>	<b>73.6%</b>	<b>8.0%</b>	<b>1.3%</b>	<b>16.7%</b>	<b>0.4%</b>	<b>100.0%</b>

Wards















D.C. BOARD OF ELECTIONS AND ETHICS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

**PRECINCT STATISTICS**

**Ward 7**

For the Period Ending: April 30, 2006

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>N-P</b>	<b>OTH</b>	<b>TOTALS</b>
80	1,177	60	16	190	8	1,451
92	1,256	66	18	204	8	1,552
93	1,199	58	16	194	6	1,473
94	1,601	81	21	225	5	1,933
95	1,317	45	25	218	2	1,607
96	1,754	75	31	287	4	2,151
97	998	48	18	174	2	1,240
98	1,444	55	17	195	9	1,720
99	1,119	45	14	190	5	1,373
100	1,413	68	24	227	5	1,737
101	1,439	50	13	183	5	1,690
102	1,881	83	25	241	8	2,238
103	2,825	123	42	463	13	3,466
104	2,033	97	34	347	13	2,524
105	1,674	73	30	235	7	2,019
106	2,619	107	31	369	6	3,132
107	1,258	75	14	229	4	1,580
108	1,047	48	7	108	4	1,214
109	940	43	11	103	3	1,100
110	3,462	149	40	454	14	4,119
111	1,746	67	25	329	9	2,176
112	1,791	74	23	285	11	2,184
113	1,892	90	17	285	7	2,291
132	1,593	79	14	251	5	1,942
<b>TOTALS</b>	<b>39,478</b>	<b>1,759</b>	<b>526</b>	<b>5,986</b>	<b>163</b>	<b>47,912</b>



**Hyde Leadership Public Charter School**

**Invitation to Bid**

**Hyde Leadership Public Charter School is seeking interested IT companies to provide desktop support and IT management oversight. The school has over 200 computers, a Microsoft NT network, and staff of over 130. Additionally, the school enrolls over 780 students K-12. RFP can be obtained by email to [ihundley@hydedc.org](mailto:ihundley@hydedc.org). All bids must be in no later than June 9, 2006 by 4:00 pm.**

IDEA Public Charter High School  
1027 45<sup>TH</sup> street, NE  
Washington, DC 20019  
202-399-4750

**NOTICE FOR PROPOSALS TO CATER SCHOOL LUNCH PROGRAM**

The IDEA Public Charter School in accordance with section 2204(c)(1)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104-134), hereby solicits proposals to provide meals for lunch for 425 students. The meals must meet federal nutrition requirements and all compliance standards of the USDA National School Lunch Program (NSLP)

Interested providers will state their credentials, provide appropriate licenses and sample menus, made in accordance with federal nutritional and serving requirements. No proposal will be considered without an estimate cost.

IDEA will receive bids until **Friday, June 23, 2006 at 2:00 p.m.** Meal pattern requirements and all necessary forms may be obtained from the school by writing to IDEA Public Charter School at 1027 45<sup>th</sup> Street, NE, Washington, DC 20019; or you may call LTC (R) William Dexter at 202-399-4750, extension 200; or information is also available on the school web site: [www.ideapcs.org](http://www.ideapcs.org).

**Paul Public Charter School  
5800 Eighth Street, NW  
Washington, DC 20011  
Request for Proposals**

Paul Public Charter School will receive bids until June 5 at 3pm for the delivery of meals to children enrolled at the school for the 2006-2007 school year with a possible extension of (4) one year renewals. All meals must meet, but are not restricted to, minimum National School Lunch Program meal pattern requirements. Meal pattern requirements and all necessary forms may be obtained from Denise Taylor, Paul PCS, 5800 8<sup>th</sup> St, NW, WDC, 20011. 202-291-7499.

Office of the Secretary of the  
District of Columbia

May 18, 2006

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after June 15, 2006.

Bowman, Elaine King	Rpt	840 Burns St,SE 20019
Colquitt, Trivella M.	Rpt	901 N J Ave,NW#1001 20001
Henderson, Jeannette	Rpt	Legal Aid Society, D.C. 666 11 <sup>th</sup> St,NW#800 20001
Hypes, Hollis G.	Rpt	Internat'l Teamsters 25 LA Ave,NW 20001
Legg, Mary Jo	Rpt	L A D Reporting 1100 Conn Ave,NW#850 20036
MacMillan, Nancy J.	Rpt	Goodwin Procter 901 N Y Ave,NW 20001
Mercado, Carmen C.	Rpt	Northridge Capital 1000Potomac St,NW#150 20007
Posey, Thomas	Rpt	Bread for the World 50 F St,NW#500 20001
Rodriguez, Leonor	Rpt	Valdemar Travel 1010 Vt Ave,NW#100 20005
Sist, Lynda	Rpt	Internat'l Teamsters 25 LA Ave,NW 20001
Van Aken, P. Ann	Rpt	Nextpoint Partners 701 Pa Ave,NW#900 20004
Walker, Janet R.	Rpt	Spingarn High School 26 <sup>th</sup> & Benning Rd,NE 20002

Wieczorek, JoAnn E.

Rpt Steptoe & Johnson  
1330 Conn Ave, NW 20036

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

**Application No. 17369 of Kenneth and Andrea Pogue**, pursuant to 11 DCMR § 3103.2, for a variance from the nonconforming structure provisions of §2001.3 to allow an addition to an existing nonconforming structure, a variance from the lot occupancy provision of § 403, and a variance from the minimum rear yard requirement of § 404, to allow an addition to a single-family dwelling in the R-4 District at premise 1029 4<sup>th</sup> Street, N.E. (Square 806, Lot 23).<sup>1</sup>

**HEARING DATE:** October 18, 2005  
**DECISION DATE:** November 1, 2005

**DECISION AND ORDER**

This application was submitted on May 13, 2005 by Kenneth and Andrea Pogue ("Applicants"), owners of the property that is the subject of the application ("subject property"). The Applicants originally requested several variances, including a use variance, to construct a second-story living quarters over their free-standing garage. After working with the District of Columbia Office of Planning ("OP") and before coming to the Board of Zoning Adjustment ("Board"), they changed the nature of their application and the relief requested. During the proceedings before the Board, they asked for three area variances to enable them to construct a rear addition to their existing single-family dwelling and a second floor over the free-standing garage, with a second-story connection between the two.

The Board held and concluded a public hearing on the application on October 18, 2005. After the hearing, the Board held the record open for further submissions from the Applicant, and set a decision date for November 1, 2005. On that date, at a public meeting, the Board voted 4-1-0 to deny the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memoranda dated May 23, 2005, the Office of Zoning ("OZ") gave notice of the application to OP, the District of Columbia Department of Transportation, Advisory Neighborhood Commission ("ANC") 6C, the ANC within which the subject property is located, Single Member District 6C04, and the Council Member for Ward 6. Pursuant to 11 DCMR § 3113.13, OZ published notice of

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<sup>1</sup>The caption has been changed from that advertised because the relief requested changed during the proceedings on the application. The original relief requested was three area variances (from §§ 2001.3, 2500.4, and 2500.6) and one use variance (from §2500.5). The Applicants revised their application and their requested relief to the three area variances recited here.

the hearing in the *D.C. Register* and mailed notice of the hearing to the Applicants, ANC 6C, and all owners of property within 200 feet of the subject property.

Requests for Party Status. There were no requests for party status.

Applicants' Case. The Applicant, Mr. Pogue, testified that his dwelling is in a terrible state of disrepair, that it is currently unlivable, and that he is seeking variance relief to construct a second-story living quarters over his existing garage to be occupied by him and his wife during the renovation work because they cannot afford both the renovations and the cost of living elsewhere.

Government Reports. The Office of Planning submitted a report to the Board dated October 11, 2005, recommending approval of the application. OP opined that the poor condition of the existing single-family dwelling on the subject property presented an exceptional situation of "unlivable conditions," which, in turn presented a practical difficulty in meeting the strict requirements of the Zoning Regulations.

ANC Report. ANC 6C submitted a July 13, 2005 report to the Board in support of the application, but did not elaborate or explain the reasons for its support.

Persons in Support or Opposition. The Capitol Hill Restoration Society filed a letter with the Board dated September 22, 2005, in opposition to the application. The Society opined that the application should be denied because it did not meet any of the prongs of the variance test and therefore failed to meet the burden of proof.

## **FINDINGS OF FACT**

1. The subject property is located at 1029 4<sup>th</sup> Street, N.E., Square 806, Lot 23, in an R-4 zone district. It is a corner property at the intersection of 4<sup>th</sup> and L Streets, N.E.
2. The lot on the subject property is a regularly-shaped rectangle with an area of 2,000 square feet and no slope or unusual topographical feature. It is improved with a 2-story plus basement 960-square foot single-family dwelling and a detached 290-square foot garage in the rear, which opens onto a 10-foot wide alley.
3. The subject dwelling is at the end of a row of row dwellings facing 4<sup>th</sup> Street, N.E.
4. The subject property is a substandard lot that predates the adoption of the Zoning Regulations in 1958.

5. The subject property is nonconforming for lot occupancy. The Applicants' dwelling occupies 79.5% of the lot, where 60% is permitted. 11 DCMR § 403.
6. The dwelling was built in 1890, but is not designated as a landmark nor is it located in an historic district.
7. The Applicants propose to remove a shed attached to the rear of the dwelling and to add a second story "au pair" suite over the existing one-story garage. They propose to construct a connecting structure between the second story of the existing dwelling and the above-garage dwelling unit.
8. The second story connector would enable the dwelling and the garage to be considered, for zoning purposes, a single building on the lot. *See*, 11 DCMR § 199.1, definition of "Building."
9. The rear yard of the dwelling is 50 feet long, but is partially occupied by the detached garage, leaving an open yard area of approximately the required 20 feet between the rear of the dwelling and the garage. 11 DCMR § 404.
10. The construction of the second story connector would eliminate any rear yard on the subject property because there would be no area "open to the sky." *See*, 11 DCMR § 199.1, definition of "Yard."
11. The Applicants' proposal would not increase the already nonconforming lot occupancy, and might actually reduce it slightly, while adding approximately a foot and a half to the open area behind the dwelling.
12. The Applicants also own and rent out the dwelling attached to the subject dwelling.
13. The Applicants have lived in the dwelling since 1992, and, as of the date of the hearing, had never done any renovations to it.
14. The subject dwelling is in poor condition and the Applicants refer to their need to renovate it as "exigent circumstances."
15. Underground water and rains have eroded the foundation of the subject dwelling, causing structural damage throughout the dwelling. Rain water bleeds through the exterior brick and the seals around the windows. Mold and mildew permeate the basement, resulting in odors and unhealthy air.

16. The Applicants will not be able to live in their house during its extensive renovations and propose to live in the second-story dwelling unit to be constructed over the garage.
17. The Applicants state that they cannot afford to simultaneously renovate their dwelling and pay to live elsewhere, and so need to construct the over-garage dwelling unit to occupy during the renovations.;<sup>2</sup>
18. Once the renovations are complete, the Applicants intend to move back into the dwelling; therefore, the Applicants' "exigent circumstances" are temporary in nature.

### CONCLUSIONS OF LAW

The Board is authorized to grant variances from the strict application of the Zoning Regulations in order to relieve difficulties or hardship where "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition" of the property, the strict application of any Zoning Regulation would "result in particular and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property...." D.C. Official Code § 6-641.07(g)(3), 11 DCMR § 3103.2. The "exceptional situation or condition" of a property can arise out of the structures existing on the property itself. *See, e.g., Clerics of St. Viator v. D.C. Board of Zoning Adjustment*, 320 A.2d 291, 293-294 (D.C. 1974). Relief can be granted only "without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map." D.C. Official Code § 6-641.07(g)(3), 11 DCMR § 3103.2.

An applicant for an area variance must make the lesser showing of "practical difficulties," as opposed to the more difficult showing of "undue hardship," which applies in use variance cases. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). The Applicant in this case, therefore, had to make three showings: exceptional condition of the property, that such exceptional condition results in "practical difficulties" to the Applicant, and that the granting of the variances will not impair the public good or the intent or integrity of the Zone Plan and Regulations.

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<sup>2</sup> Applicants did not provide a comparison of costs for living elsewhere during renovation and costs for construction of the over-garage dwelling unit.

The Applicants initially claimed that the exceptional condition of the property was that the dwelling was uninhabitable and that they needed to engage in extensive and expensive repairs and renovations in order to make it habitable again. They then argued that strict application of the zoning regulations would create practical difficulties for them because it would prevent them from constructing an alternative abode over their garage where they seek to live while the renovations are on-going. They testified that they could not afford both the necessary renovations and the cost of living elsewhere during the renovations period.

A poorly maintained dwelling, even so poorly maintained as the Applicants here claim, does not amount to an extraordinary situation as envisioned by the Zoning Act and Regulations. Such poor maintenance is not an extraordinary feature of the land or even of the building, but rather a temporary condition that any property may fall subject to and that may be remedied. Many dwellings are in need of maintenance, even serious maintenance, repair, and/or renovation. Accordingly, such a condition is not considered unique or exceptional under zoning law.

Applicants argued alternatively that their lot was exceptional because it was a substandard lot that predated the Zoning Regulations. However, they demonstrated no nexus between that condition and the practical difficulty they were alleging. In order for the Board to grant variance relief, it must find not merely that there is a unique or exceptional condition and that the Applicant is experiencing a practical difficulty in complying with the zoning regulations, but that the practical difficulty arises out of the unique or exceptional condition. "The Board is authorized to grant variances from the strict application of the Zoning Regulations in order to relieve difficulties or hardship where *by reason of exceptional situation or condition of the property*, the strict application of any Zoning Regulation would "result in particular and exceptional practical difficulties ...." D.C. Official Code § 6-641.07(g)(3), 11 DCMR § 3103.2.

In this case the Applicants allege a practical difficulty in affording to rent elsewhere while renovating their home. However, there is no evidence that this difficulty arises out of the exceptional condition that the property is a substandard lot predating the regulations. Nor does the exceptional condition even prevent them from renovating their home in accordance with the Zoning Regulations. Applicants' claim that "[t]he requested variance would permit us to save thousands of dollars and allow us to monitor the overall demolition and renovations while still being close by" are economic reasons unrelated to the exceptional condition of their property and therefore cannot justify variance relief.

The last prong of the variance test is no impairment of the public good or of the intent and integrity of the Zone Plan and Regulations. The Board need not reach this issue because if either of the previous tests has not been met, variance relief may not be

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granted. In this case, the practically difficulty test has not been met. Accordingly, variance relief may not be granted regardless of whether this last prong is met.

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations made by the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive. The ANC did not explain why it supported the application, as set forth above, therefore there are no issues or concerns that the Board can address. OP also supported granting the application, but the Board finds OP's analysis unpersuasive. OP correctly points out that, due to the extent of the nonconforming lot occupancy of the subject dwelling, it is likely that any addition to the dwelling would require zoning relief. However, as explained fully above, there must be a nexus between that condition and the practical difficulty alleged, and that nexus is absent in this case.

For the reasons stated above, the Board concludes that the Applicant has failed to satisfy the burden of proof with respect to the application for a variance from the nonconforming structure provisions of § 2001.3, a variance from the lot occupancy provision of § 403, and a variance from the minimum rear yard requirement of § 404. Accordingly, it is therefore **ORDERED** that the application be **DENIED**.

**Vote:** 4-1-0 (Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann II and John G. Parsons to deny; Curtis L. Etherly, Jr. to grant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT.**

Each concurring Board member approved the issuance of this order.

**MAY 18 2006**

**FINAL DATE OF ORDER:** \_\_\_\_\_

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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

Application No. 17425-A of 14T, LLC, pursuant to 11 D.C.M.R. §§ 3104.1 and 3103.2, for variances from the floor area ratio requirements under Section 771, lot occupancy requirements under section 772, residential recreation space requirements under section 773, residential setback requirements under subsection 1902.1(b), nonconforming structure provisions under subsection 2001.3, and a special exception from the rear yard requirements under subsection 774.2, for renovation and construction of an addition allowing a mixed use (retail/residential) building in the Arts/C-3-A District at premises 1832-1840 14th Street, N.W. (Square 206, Lots 231 and 822).

**HEARING DATE:** February 14, 2006  
**DECISION DATE:** February 14, 2006 (Bench Decision)  
**DECISION DATE ON MODIFICATION:** May 2, 2006

**MODIFICATION OF APPROVED PLANS**  
**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 D.C.M.R. § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a letter in support of the application. The Office of Planning submitted a report in support of the application.

**REQUEST FOR MODIFICATION OF APPROVED PLANS**

The above-captioned application was approved by the Board of Zoning Adjustment (Board) by Order No. 17425, dated March 6, 2006. On March 31, 2006, the applicant filed a Request for Modification of Approved Plans. The modification involves the relocation of proposed parking from a basement level (which was to be excavated under the historic structures), to the ground floor level, accessible at street-grade. Several other portions of the basement and first floor plans were affected by the relocated parking, namely:

1. The reduction in parking spaces provided from thirty-one (31), approved by the Board, to thirty (30);

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2. The Reduction in the number of residential units from thirty-eight (38) approved by the Board, to thirty-seven (37);
3. Conversion of the units remaining on the ground-floor level from residential to live/work "Artist Housing" as permitted by Section 1901.1 and 1908.1(d) of the Zoning Regulations;
4. Reduction in the retail gross floor area from 6,000 square feet, approved by the Board, to 4,830 square feet; and
5. Elimination of the loading berth, shown on the original application approved by the Board, which, pursuant to 11 D.C.M.R. § 2200.5, is not required.
6. Relocated parking spaces from the P-1 level to the ground floor.

The applicant submitted revised plans shown as Exhibit 34 in the record. Further, the applicant submitted additional plans noting an elevation change on the ground floor level, shown as Exhibit 35 in the record.

A modification of approved plans is allowed with Board approval under the provisions of Section 3129 of the Zoning Regulations. By memorandum dated May 1, 2006, noted in the record as Exhibit 36, the Office of Planning stated that they had reviewed the proposed changes and stated that the "requested changes do not appear to have any effect on the requested variances or on the justification provided for support of the relief. As such, OP has no objection to the modification."

The Board concludes that the requested modification of plans was timely filed pursuant to subsection 3129.3, is minor in nature, and does not change the material facts the Board relied upon in approving the original application.

Pursuant to 11 D.C.M.R. §§ 3101.6 and 3129.1, the Board has determined to waive the requirement of 11 D.C.M.R. § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that the **MODIFICATION OF APPROVED PLANS** be **GRANTED** subject to the revised plans (Exhibits No. 34 and 35) in the record.

**VOTE:**        5-0-0        (Geoffrey H. Griffis, John A. Mann II, Ruthanne G. Miller, present and voting to approve, Curtis L. Etherly, Jr. and Gregory Jeffries voting to approve by absentee vote).

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**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring member approved the issuance of this order.

**FINAL DATE OF ORDER: MAY 05 2006**

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

**NOTICE OF SPECIAL PUBLIC MEETING**

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled a Special Meeting for Thursday, June 1, 2006, at 6:00 P.M., to consider various items.

For additional information, please contact Sharon Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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