

## AGENDA

ANC 6A Economic Development & Zoning Committee  
Wednesday March 17, 2010, 7-9:00 PM  
Sherwood Recreation Center (640 10<sup>th</sup> St, NE)  
2<sup>nd</sup> Floor Community Room

7:00 pm **Call to order**

7:01 **Community Comments**

7:05 **Ongoing Status Reports:**

1. H Street Connection Redevelopment (Drew Ronneberg) (2 min)
2. Zoning Code Rewrite (Cody Rice) (2 min)
3. Vacant Properties (Dan Golden/Phil Toomajian) (2 min)

7:11 **Old Business - None**

7:11 **New Business**

1. 1019 Florida Ave. NE – BZA #XXXXXX. The owner is proposing to build an attached deck on the rear of her house that will increase the lot occupancy to 100%, and hence, require a variance to lot occupancy, rear yard setback and the expansion of a non-conforming structure. (25 minutes)
2. 213 8<sup>th</sup> St NE. The owners of the property would like to construct a small addition to the rear of the property and would like to get a “sense of the committee” before submitting their plans to HPO. (15 minutes)
3. Potential Commercial Historic District Nomination for H Street NE. Continuation of October 2009 discussion of next steps now that the survey of buildings on H Street is complete. Please see minutes of previous discussion at:  
<http://anc6a.org/minutes/EDZM102809.pdf> (40 min)
4. Rezoning the area surrounding the eastern end of H Street NE to be consistent with the 2006 Comprehensive Plan. The 2006 Comprehensive Plan designated specific areas surrounding the eastern end of H Street as residential use, while they are currently zoned for commercial use. In addition, the eastern end of H Street is zoned for greater density than the central area, while the Future Land Use Map calls for the eastern end to be less dense than the central area. (10 min)
5. Problems of granting electrical permits for meters and air conditioners on public space without a public space permit. DCRA inspectors seem to be granting electrical permits for equipment on public space without the owners having secured a public space permit for electrical equipment. One option for addressing this issue is to write the DCRA Director to ask that her inspectors be properly trained in this issue. (5 min)
6. Request Response for Letter to City regarding the ordering of public space, historic preservation and zoning permits. This was discussed at the July 2008 ED&Z meeting

(<http://anc6a.org/minutes/EDZM0708.doc>) and a letter was sent to the City Administrator in Dec 2008 (<http://anc6a.org/PermitApprovalProcessRqstChanges.pdf>). To date, no response has been received. (5 min)

8:45      **Additional Community Comment (time permitting)**

Everyone is welcome! Call Drew Ronneberg with questions at 202 431-4305.

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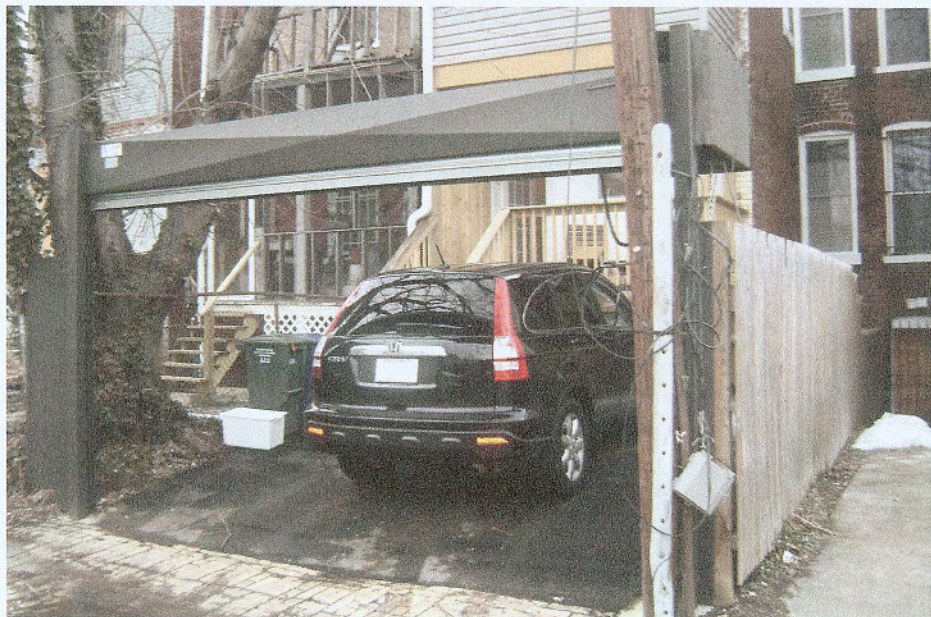
Visit our website at <http://www.anc6a.org/>



Front of house – 1019 Florida Ave, NE



Rear view from back door



Rear view from alley



Existing back deck



**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).
1019 Florida Ave, NE	956	39	R-4	Area Variance	403, 404, 2001.3

Present use(s) of Property: SFD

Proposed use(s) of Property: SFD

Owner of Property: Argie Truesdale

Telephone No: 202-257-9700

Address of Owner: 1019 Florida Ave NE, WDC 20002

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

Hearing Notice: The homeowners of 1019 Florida Ave, NE wish to be granted an area variance in order to build an exterior rear deck that would exceed the zoning regulations for lot occupancy, rear yard, and non conforming structure.

Estimated construction cost \$ 7500.00

Advisory Neighborhood Commission Single-Member District(s)

WAOI - Raphael Marshall

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: 3/14/2010

Signature: Truesdale 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:

Address:

Phone No.:

Fax No.:

E-Mail:

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

**Homeowner Statement – Angie & Scott Truesdale**  
**Application for Area Variance under sections 403, 404, 2001.3**  
**1019 Florida Avenue, NE, Washington, DC 20002**

When we purchased our home in November of 2009, we envisioned it, and the surrounding community, as *the* place to raise our family. We choose to live in a thriving and diverse community, within the confines of a bustling city, because this reflects our values and the type of environment that we wish to raise our children in.

Our home, on a very busy block of Florida Avenue, NE currently occupies 70 percent of the narrow, 16 foot-wide lot. The remaining portion of the lot is used as (snug) parking for one vehicle. The previous owner of the property installed an electric roll-up gate for vehicle and premises security. We believe this gate has made the difference for us as some of our neighbors' homes have recently been burglarized through the rear alley.

With our first child on the way, we desire to have some sort of small, outdoor recreation area from our family to gather and our kids to play. The only way we see to accommodate this desire, while maintaining effective security of our property, is to build an elevated deck over our parking space. Essentially, the deck would be connected to the existing rear structure of the house and serve almost as a car port over the remainder of the property. This would allow us to maximize the narrow lot space and enjoy full residential use of our home. We strongly believe that this is consistent the intent of the Zoning Regulations.

Granting our application would absolutely cause no detriment to the public good, our neighbors' privacy or enjoyment of their homes. This is why our immediate neighbors enthusiastically signed a letter of support for the project. We have already trimmed a neighbor's tree and plan to absorb additional expense to build the deck to accommodate current and future growth of the tree over our property line.

Our hope is that the addition of our deck will be a first step in turning our common alley into one that will eventually be a place where the neighbors gather and families grill out and enjoy the weather.

We sincerely appreciate your consideration of our application.

I am the immediate neighbor of Scott and Angie Truesdale (1019 Florida Avenue, NE). I have been informed of their wish to cover their entire backyard with a deck over the parking spot and **I support the project**. Such an addition would not interfere with my property and I believe it would enhance the value of the common alley.

1017 Florida Ave  
Address

Mary Tate  
Printed name of homeowner

Mary Tate  
Signature of homeowner

Estelina Martinez  
Address

Estelina Martinez  
Printed name of homeowner

Alfonso Martinez  
Signature of homeowner

1021 Florida Ave  
Address

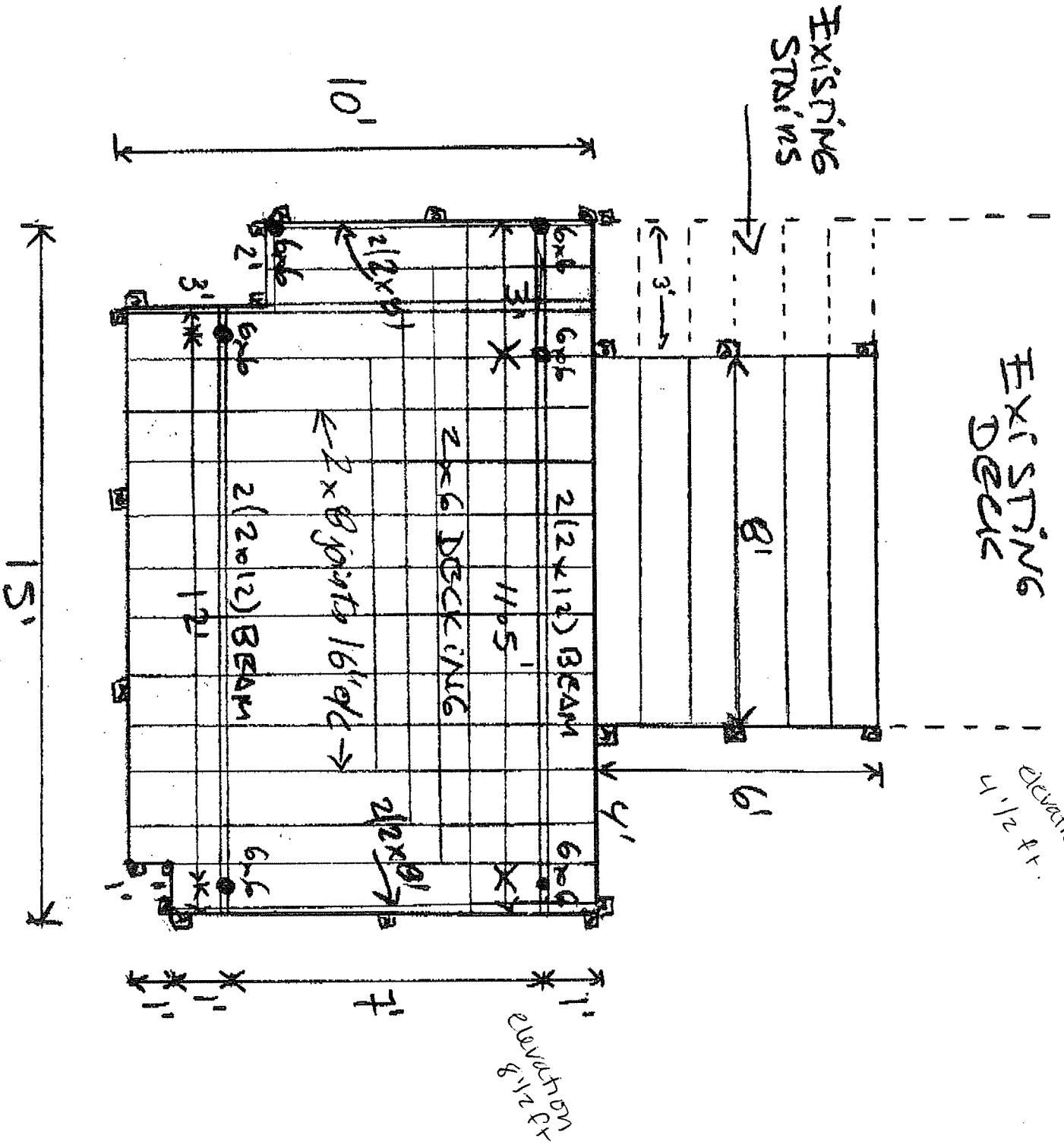
Alfonso Martinez  
Printed name of homeowner

\_\_\_\_\_  
Signature of homeowner

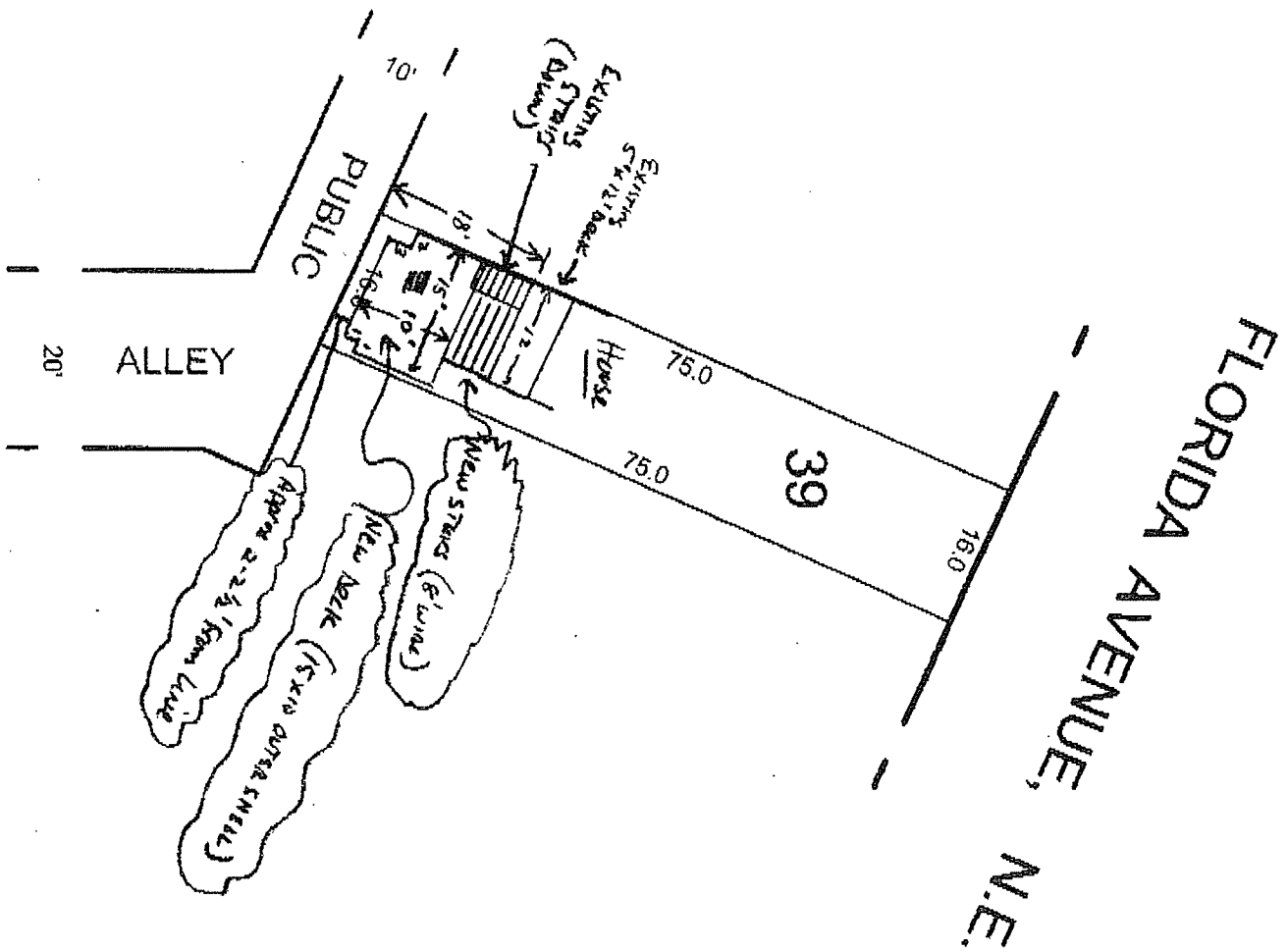
\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed name of homeowner

\_\_\_\_\_  
Signature of homeowner







DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR

Washington, D.C., November 18, 2009

Plat for Building Permit of SQUARE 956 LOT 39

Scale: 1 inch = 20 feet Recorded in Book 28 Page 31

Receipt No. 05606

Furnished to: ALAN POONER

*[Handwritten Signature]*  
\_\_\_\_\_  
Surveyor, D.C.

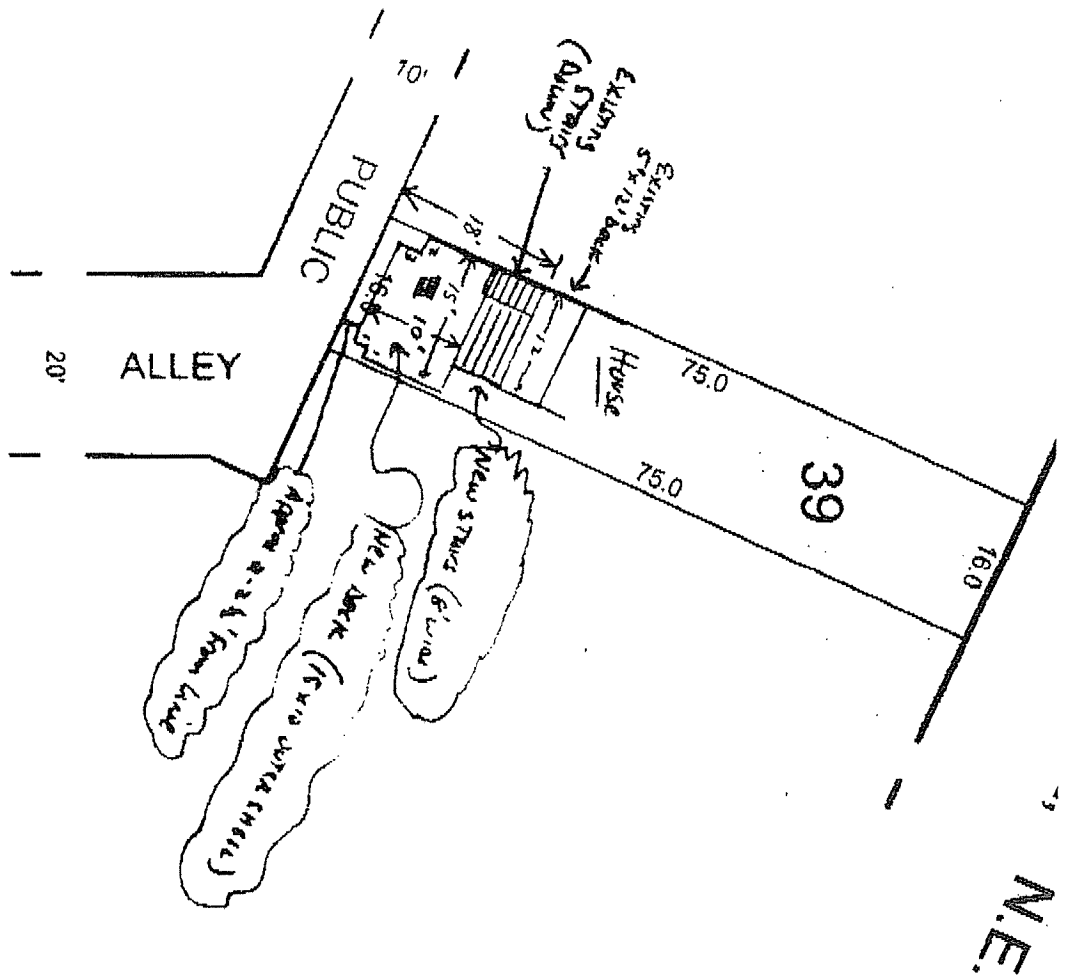
By: A.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: 3/14/2010  
*[Handwritten Signature]*  
\_\_\_\_\_  
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

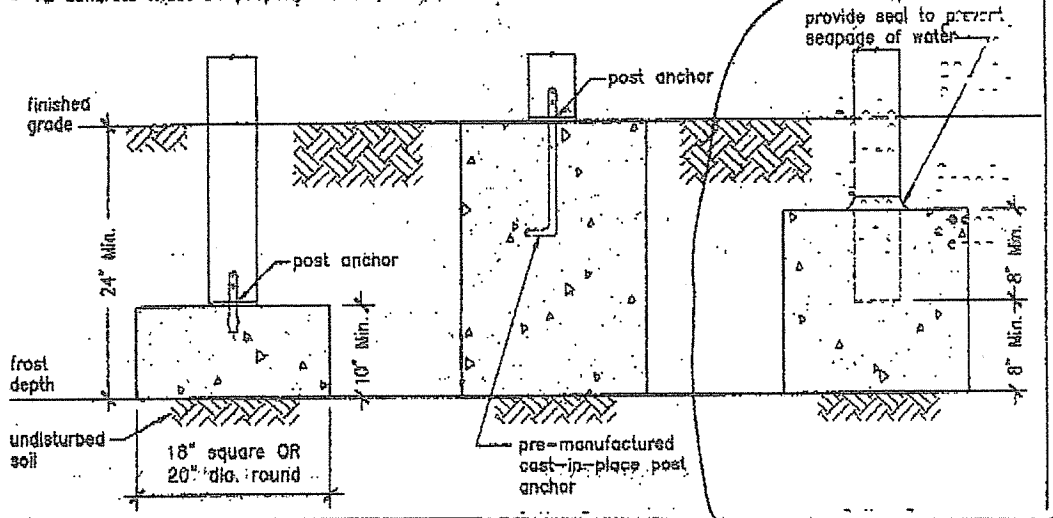
FLORIDA



# Footing Detail 1019 Florida Ave NE

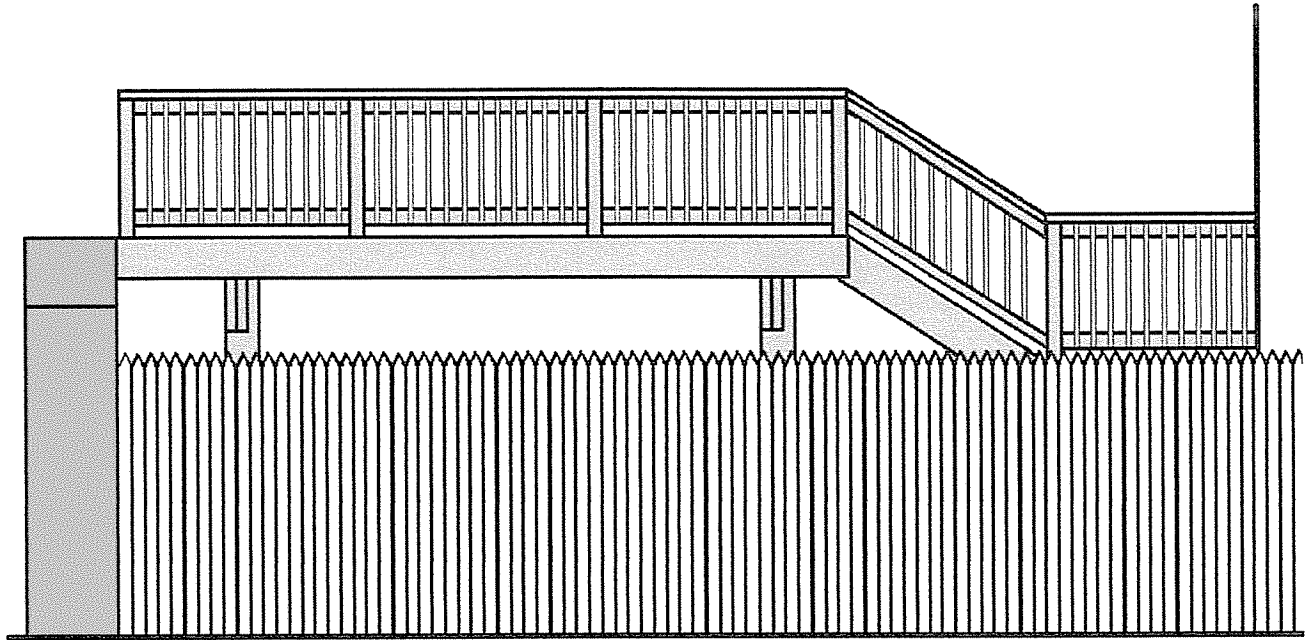
### FIGURE 8: FOOTING DETAILS

- All footings shall bear on solid ground; bearing conditions shall be verified in the field by an approved Third-Party Inspector or by County Inspectors prior to placement of concrete. The bottom of all footings closer than 5'-0" to the exterior wall of the existing house must be extended down to undisturbed soil.
- Pre-manufactured post anchors shall be galvanized with 1.85 oz/sf of zinc (G-185 coating) or shall be stainless steel.
- All concrete must be properly mixed per specifications.

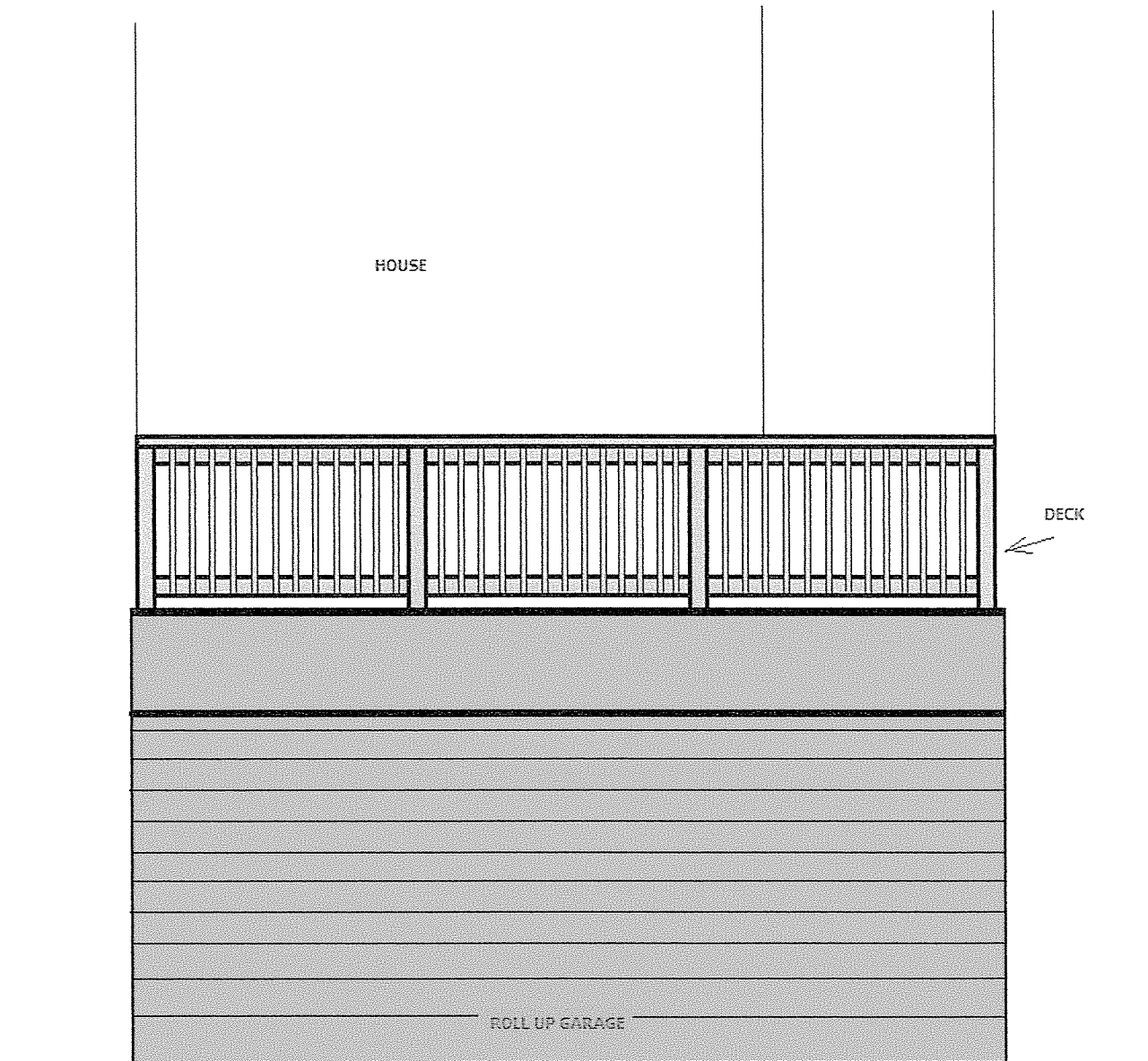


↑  
this one

SCOTT & ANGIE MONTES  
1019 FLORIDA AVENUE N.E.  
WASHINGTON, DC 20002  
202-257-9700



SCOTT & ARGIE MONTES  
1019 FLORIDA AVENUE N.E.  
WASHINGTON, DC 20002  
202-257-9700



April 8, 2010

Ms. Harriet Tregoning  
Director  
Office of Planning  
2000 14<sup>th</sup> Street, NW, 4<sup>th</sup> Floor  
Washington, DC 20009

**Re: Updating Zoning Map for Area surrounding Eastern H Street NE to be Consistent with the 2006 Comprehensive Plan**

Dear Ms. Tregoning:

The current zoning in the area surrounding the Eastern End of H Street NE is inconsistent with the Future Land Use Map in the 2006 Comprehensive Plan. For example the Maryland Ave facing lots in Squares 1027 and 1049, the 15<sup>th</sup> St, the western portion of Square 4509, all lots on Square 1050 and C-3-A zoned lots in Square 1026 are all commercially zoned (see Figure 1) but designated as moderate density residential land-use in the Future Land-Use map. In addition, future land use map shows that the density of the commercial lots on H Street between 12<sup>th</sup> and 15<sup>th</sup> should be *less* dense than the commercial area between 7<sup>th</sup> and 13<sup>th</sup> St. However, the current zoning is inconsistent with the future land-use map because many of the lots on H Street between 13<sup>th</sup> and 15<sup>th</sup> are zoned C-3-A while the lots between 10<sup>th</sup> and 13<sup>th</sup> are zoned at the less dense C-2-A zone.



Figure 1: Map current zones on at the Eastern End of H Street NE.



**Figure 2:** Excerpt from the 2006 Comprehensive Plan's Future Land Use Map. The color legend defines the light orange color as "Moderate Density Residential" the dark orange color as "Medium Density Residential" the light pink color as "Low Density Commercial" and the dark pink color as "Moderate Density Commercial".

Our ANC would like to meet with your office to discuss options for making the zoning in the eastern H Street NE area consistent with the 2006 Comprehensive Plan.

Please be advised that Drew Ronneberg is authorized to act on behalf of ANC 6A for this matter. Mr. Ronneberg can be reached at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

Kelvin Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Jennifer Steingasser, Office of Planning  
Joel Lawson, Office of Planning  
Melissa Bird, Office of Planning  
Tommy Wells, City Councilmember  
Karen Wirt, ANC 6C Chair  
David Garrison, ANC 5B Chair

-----DRAFT LETTER-----





**District of Columbia Government**  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



February 20, 2009

Ms. Linda Argo, Director  
Department of Consumer and Regulatory Affairs  
941 North Capitol Street NE, Room 9500  
Washington, DC 20002

RE: DCRA Issuance of Permits for Equipment Illegally Located on Public Space

Dear Ms. Argo,

At our November 13, 2008 meeting, our Commission voted unanimously to request that DCRA (1) train its permitting staff to recognize when electrical equipment (e.g., electric meter boxes and air conditioning units) is located on public space and (2) refrain from issuing permits for such equipment unless the owner has first obtained a public space permit from DDOT.

Our ANC has written numerous letters to DDOT to draw attention to large electrical equipment that is installed on public space without a public space permit. In most cases the electrical equipment is an eyesore and detracts from the green spaces and unobstructed sightlines that are the intent of the L'Enfant Plan, of which ANC 6A is a part.

While public space is within the jurisdiction of DDOT, ANC 6A has concluded that DCRA contributes to this problem by issuing permits to allow the installation of equipment illegally located on public space. We are asking that you help address the problem by first, requiring all DCRA inspectors be trained to recognize the division between public space and private land; second, *as part of the permit review process*, require plans that show where utility boxes, meters (gas and electrical) and equipment will be located (when such equipment is to be installed), require approval from DDOT before the issuance of a permit for such work, and refrain from issuing permits on equipment illegally located on public space; and third, *as part of the inspection and enforcement process*, issue citations and/or stop work orders when utility boxes, meters and mechanical equipment are located in public space (presumably as a material violation of the official approved plans previously filed with DCRA). Furthermore, we ask that DCRA permitting officials be held accountable in their job performance evaluations if they continue to erroneously issue permits for illegally sited equipment.

If you have any questions regarding this matter, please contact Drew Ronneberg, Chair of our Economic Development and Zoning Committee at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

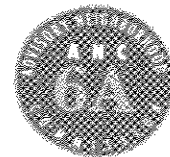
Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

cc. Dan Tangherlini, City Administrator  
Nicholas Majett, DCRA  
Connie Wheeler, DDOT

Matthew Marcou, DDOT  
Lennox Douglas, DCRA (BLRA)  
Marvin McFadden, DDOT



**District of Columbia Government**  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



December 15, 2008

Dan Tangherlini  
City Administrator  
1350 Pennsylvania Ave., NW  
Suite 521  
Washington, DC 20004

Mr. Tangherlini:

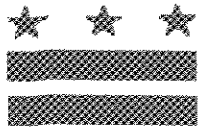
Over the past few years, ANC 6A has reviewed dozens of development proposals that require approval from two or more of the following entities: the Historic Preservation Office (HPO), the Zoning Administrator/Board of Zoning Adjustments (BZA/ZA), and DDOT's Office of Public Space (DDOT-OPS). In each of these instances, the city directed applicants to seek approvals in the following order: historic preservation, zoning, and public space.

Our ANC believes that the current order of approvals is deeply flawed because:

- 1) HPO often approves projects without knowledge or consideration of zoning or public space issues. Applicants often find out about these issues only after they have spent months seeking HPO approval. In addition, HPRB has frequently approved designs that cannot be built without zoning relief and public space permits.
- 2) Applicants request ZA/BZA approval for projects which rely on the use of public space, but for which the applicant had not received a public space permit.
- 3) DDOT-OPS approves public space applications that have no corresponding public benefit because the agency does not want to stop developments that have already received HPO and ZA/BZA approval.
- 4) A denial of an applicant's public space application after HPO and/or BZA/ZA approval can cause unexpected delays, cost increases and other additional burdens that would be avoided by requiring applicants to apply for public space permits before HPO and BZA/ZA review.

In order to solve these problems, we respectfully request the City Government alter the approval process to follow the following order: public space, zoning, and historic preservation. Although this would be the formal approval chain, the Applicant would be encouraged to have informal discussions with the ZA or Office of Zoning and HPO during the project's design and development.

Some of the many examples we have encountered are outlined below. These examples illustrate the problems with the current approval system and how the system we propose would alleviate these problems:



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Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



701 10<sup>th</sup> St NE. In this case, the applicant submitted plans to DCRA for a 2 unit flat on a corner lot without alley access that showed two parking spaces on private land with driveway/curbcut access from the street. However, the applicant had not obtained a public space permit for the curbcut and driveway from DDOT-OPS. DCRA issued building permits and the building was constructed before the applicant applied to DDOT-OPS for a driveway and curbcut. When DDOT-OPS received the public space application, they approved the curbcut and driveway over the unanimous opposition of the ANC. We believe that DDOT-OPS's approval of such a curbcut and driveway was not consistent with customary DDOT standards.

We further believe DDOT's decision to approve the applicants request was biased by the fact that a denial could have placed a heavy burden on the owner and at the very least, delayed use of the property. Denial of the request by DDOT would have necessitated that the owner apply retroactively for a zoning variance from parking requirements for a flat in an R-4 zone. Had the BZA then denied the variance, the owner would have had to retrofit the building as a single family home or demolish the structure. If one believes the owner acted in good faith, it would seem unfair to subject the owner to that risk.

Requiring the applicant to first obtain a public space permit would have allowed DDOT to appropriately evaluate the merits of the curbcut application before a structure had been constructed on the site.

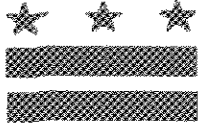
1137 C St NE. In this case, the applicant proposed expanding an existing 2-story 2-unit property in the historic district to a 3-story 5-unit structure with 100% lot occupancy. In addition, the applicant proposed integrating a 3-car garage that would require additional curb-cuts from 12<sup>th</sup> St NE.

The case was first reviewed by the Historic Preservation Office, where the staff did not advise the applicant that variances would be required for the lot occupancy and creation of a multi-unit building or that public space permits would be required for the curb-cuts. The case went through several months of review by HPO and our ANC before the applicant understood the difficulty in obtaining the variances and abandoned the project.

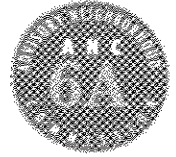
In the approval system proposed by ANC 6A, the applicant would be aware that variances and public space permits would be required at the beginning of the project and could have made a more informed decision about whether he should pursue the necessary approvals.

1101 D St. NE. The applicant in this case owns a corner lot and wanted to construct a 6-foot high fence to enclose public space for use as a private side yard. HPO was the first body to consider this case and approved the design of the fence but did not address the public space issues in their report. In its application to DDOT's Public Space Committee (PSC), the applicant emphasized HPO's approval of the fence and the PSC later approved the use of public space largely based on the HPO's approval.

In the approval system proposed by ANC 6A, the PSC would be the first to consider the application and would be more apt to deny the request because of the lack of public benefits or at



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least require a shorter, open fence as specified in the public space regulations. In this system, HPO would have the opportunity to further refine the design of the fence after PSC approval.

140 14<sup>th</sup> St NE. Brown Memorial A.M.E proposes to expand their church, which is located in the Capitol Hill Historic District. In this case, the HPRB recommended and approved a design that necessitates building on public parkland. Brown must now make requests to DDOT-OPS and the National Park Service. If use of land is denied, as is recommended by ANC 6A, the design approved by HPRB will be voided. Brown AME will then have to apply once again to HPRB for approval of an amended design.

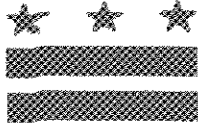
Our ANC fears that the DDOT and the NPS will find it difficult to deny a public space request for a project that has received HPO approval of the burden it places on the applicant - It will take addition time to get approval for the project and necessitate redesigning the building expansion plans.

In the approval system proposed by our ANC, the public space component would be considered first. The steps of the process required for approval would be known to the applicant before hand, without the threat of a delay due to a second HPRB review if the use of public space is denied. The DDOT and the NPS could fairly review the public space permit without being biased the prior HPRB approval or considerations of the burden a negative decision places on the applicant.

1400 Maryland Ave. NE. In this case, the applicant proposes to construct a gas station on a corner lot and incorporate an area of public space into their business that is almost equal to the size of the lot owned by the applicant. The applicant originally requested the BZA approve site plans for a proposal that included signage, curbcuts, driveways, and extensive pavement of public space for which no public space permit had been granted. ANC 6A opposes proposed uses of public space and requested a delay in the BZA case, so that the DDOT-OPS can first rule on the use of public space.

In this case, had BZA considered the case first, as was initially planned, it would have been asked to make a ruling that relied on the assumed availability of public space whose use had not yet been granted by the DDOT-OPS. In that event, if DDOT-OPS decided to deny the request for a public space permit, the BZA's decision would have been made mute. That would have cause unexpected delays for the applicant. Additionally, ANC 6A fears that if BZA had approved the proposed use, the DDOT-OPS would be biased by a positive BZA ruling and thus would be unable to fairly rule on the request for a public space permit.

In the approval system proposed by our ANC, the PSC hearing for public space would have automatically come before the BZA hearing. It would guarantee that BZA made its decision on a set of facts, not on hypothetical conditions unresolved at the time of BZA's decision. It would potentially shorten the time required to resolve the case and lessen the risk of placing additional, yet avoidable, burdens on the applicant.



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When formulating this recommendation, our ANC investigated how other similar cities handled the approval process. We found that Baltimore, Boston and Philadelphia all required zoning approval be obtained before their equivalents to the Historic Preservation Office can consider the case.

The cases outlined in this letter clearly show the problems associated with the current process of receiving approvals from historic preservation, zoning and public space. Our ANC strongly urges the District Government to require public space approval before zoning or historic issues are addressed, and to also require zoning approval before historic preservation issues addressed. This system would benefit the applicant because the zoning and public space issues would be evident earlier in the process. It would also benefit District residents because it would be more likely that public space applications would be granted only when there was a compelling public benefit and HPO would only consider projects that had received zoning approval.

In close, as this challenge crosses three city entities, we are seeking your assistance to implement a change to the administrative process that requires applicants to seek approvals in the following order: public space, zoning, and historic preservation. As this proposed administrative direction requires no change in law or regulation, we look forward to timely review of our request by the end of March 2009.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

cc. Linda Argo, DCRA, Director  
David Maloney, Historic Preservation Office, Director  
Frank Seals, Jr., DDOT, Interim Director  
Tommy Wells, Ward 6 Councilmember  
Jim Graham, Ward 1 Councilmember  
Kawme Brown, At-Large Councilmember  
David Catania, At-Large Councilmember  
Karen Wirt, ANC 6C, Chair  
Ken Jarboe, ANC 6B, Commissioner  
Monte Edwards, Stanton Park Neighborhood Association