

**REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING
COMMITTEE OF ANC 6A
February 2, 2010**

Present: Members: Dan Golden, Charmaine Josiah, Phil Toomajian, Jeff Fletcher
Commissioners: Drew Ronneberg, David Holmes

Drew Ronneberg chaired the meeting.

Community Comments

Commissioner Holmes thanked the ED&Z committee members for their service and said the ANC would take the committee's recommendations as motions if a quorum of committee members were present.

Commissioner Ronneberg reported that Dan and Ben Miller, who recently purchased the AutoZone site at 12th and H St NE, would be guests at the February 16th ED&Z meeting.

Status Reports

Resolution of Previously heard BZA/HPA cases: Commissioner Holmes reported that the owner of 1245 G St had asked for a postponement in the BZA case to pursue a Fair Housing Act ruling on whether the addition was a necessary accommodation.

Vacant Properties: Phil Toomajian reported that DCRA is currently notifying vacant property owners that their property is listed as vacant and will be subject to the 5% tax rate. He also reported that it isn't clear whether vacant and occupied reported by ANC 6A are being reflected on the DCRA lists because it is only published every 6 months. Phil is working with Reuben Pemberton in the vacant property office to correctly designate vacant properties and with OTR to make sure that properties with large tax bills actually go to tax sale.

Rezoning of the Eastern End of H St NE: Drew Ronneberg reported that the Zoning Commission held its second hearing on the rezoning request and that all affected property owners were notified. The ANC is asking for additional properties to be included in the H St NE zoning overlay. The public meeting, where the ZC will decide the case, will take place on Monday Feb 7th.

H Street Business Liaison Report: No report.

BZA #18171 (809 D St NE)

The owner of the property wants to construct a 2nd story addition that will expand a non-conforming court (dogleg). The expansion of a non-conforming court requires a special exception. Patrick and Allison Cooke, the property owners, presented photos of the existing conditions and plans for the proposed addition. In addition, they presented letters of support from their immediate neighbors.

The committee agreed that the addition met the test for a special exception, namely that it did not unduly impact the light, air or privacy of the neighboring properties or visually intrude upon the character, scale and pattern of neighboring houses.

The committee voted 5-0-0 to adopt the following recommendation:

Motion: The ANC support the special exception request for 809 D St in BZA #18171.

BZA #18173 (906 Maryland Ave NE)

The owner wants to construct a detached garage at the rear of the property. Variances are required because the garage will be closer than 12 feet from the alley centerline and the lot occupancy will be greater than 70%.

Mr. Robert Weaver, the project's architect, explained that setback variance was being sought because, in order to comply with this regulation, it would require moving a brick retaining wall and losing a mature tree that shades the neighboring properties. The variance from lot occupancy was being sought because the neighboring structure actually occupied 2% of the lot. If the neighboring structure did not encroach on the lot, the lot occupancy would be less than 70% and only require a special exception. In addition, Mr. Weaver stated that the neighboring properties had non-conforming garages built to the alley property line, so the proposed garage would not extend past the neighboring structures.

Mr. Weaver also stated that the project might need variance relief from 401.1 and 401.3 (lot size and area requirements) and Section 2100.3. (nonconforming structures devoted to conforming uses). Drew Ronneberg said he didn't think it was necessary to ask for relief for these sections but would have to check. Mr. Weaver said he was just trying to cover all bases.

The committee thought that the project met the test of extraordinary conditions and wouldn't set a negative precedent for future cases. All but one member thought that the project demonstrated undue hardship if the relief was not granted.

The committee voted 4-0-1 to adopt the following recommendation:

Motion: The ANC support the variance requests for 906 Maryland Ave in BZA #18173.

BZA #18170 (617 16th St NE)

The owner wants to construct a garage with a roof deck at the rear of the property. Variances are required because it will exceed the 70% lot occupancy threshold and extend a non-conforming court.

Ms. Anna Fox, who owns the property, said that she and her husband wanted the garage for safety reasons because people had broken into her car 4 times after jumping the northern fence. She said that because the property was across the street from Miner Elementary School, there was no parking permitted on 16th St in front of her house. She also comes home late at night and doesn't feel safe parking on streets far from her house.

Ms. Fox presented letters of support from her southern neighbor (the northern neighbor is a church) and a non-abutting neighbor. She also said that it was common for structures on her block to have greater than 70% lot occupancy.

The committee was sympathetic to Ms. Fox's situation but was concerned about the precedent it would set for future cases. Drew Ronneberg explained that there was recently a case of a variance request to build a garage with a roof deck that the committee opposed because it didn't meet the

high standard for a variance. He also thought that the drawing showed that the percentage of lot occupancy for the proposal was closer to the 75-80% rather than the stated value of 94%. He encouraged Ms. Fox to recheck this calculation because it would help make the case for her variance request.

The committee recommended that 1) the plans be revised to eliminate the garage roof deck, 2) the lot occupancy be recalculated and 3) the burden of proof be strengthened to justify the variances. Ms. Fox said she understood the committee's concerns and would seek to delay the BZA hearing and come back with revised plans and a stronger justification.

The committee voted 4-0-1 to support the following recommendation:

Motion: Unless the applicant requests that BZA postpone the case by the February ANC meeting, the ANC should oppose the variance requests for 617 16th St NE in BZA #18170.

Adoption of 2011 ED&Z Goals

After correcting several typos, the Committee recommended adopting the Proposed 2011 ED&Z goals by unanimous vote.

Motion: The ANC adopt the proposed 2011 ED&Z goals.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, February 16, 2010
7-9 PM
640 10th St NE
Sherwood Recreation Center, 2nd Floor**