

ANC 6A Economic Development & Zoning Committee

7:00-9:00 pm, Wednesday, February 21, 2024

Virtual Meeting via Zoom

Public Meeting - All are welcome

In Attendance:

- Commissioners: Gove and Wethington
- Committee Members: Mendonsa, Cushman and Demian

7:01 pm Community Comments - None

1. Resolution of previously heard BZA/HPRB cases (Michael Cushman)
There were no previously heard cases with results to report.

Old Business

2. None

New Business

3. **1432 F Street, NE (BZA #21071): To construct a two-story rear addition to an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 zone.**

Jennifer Fowler, architect for the applicant

The proposal is to reconstruct a rear porch. Currently they have a 2-story deck that they wish to rebuild. A permit search was undertaken, which did not find previous permits for the porch.

The lot is non-conforming with lot occupancy at 73.3% (above matter of right 60% and "special exception" limit of 70%.)

Plans call for reducing the size of the deck to 70% lot coverage in order to avoid seeking a variance. The request includes rear yard relief. The current rear yard is 14.7 feet and the proposal will be 14.4 2.

There are letters of support from neighbors on either side and the neighbor right behind across an alley. A committee member asked about a letter of support from the corner house on Tennessee Ave on a "best efforts" basis.

Co-Chair Joal Mendonsa made the motion to recommend approval for the special exception to ANC6A commissioner. Seconded by Cushman, Gove also votes to approve.

Motion passes unanimously and will be put on the consent agenda.

4. **257 Warren Street, NE (BZA #21085): To construct two new, attached, three-story with basements, principal dwelling units in the RF-1 zone.**

The relief requested is to subdivide three 10-foot wide (non-

conforming) lots into two new 15-foot wide (non-conforming) lots with permission to build on the resulting non-conforming lots.

The applicant was represented by architect Joel Heisy. The applicant also was on the call from Madrid, Spain where he currently resides.

The question before the Committee is whether the subdivision should be supported. However, the ANC can stipulate conditional support in a motion to support which motivated commissioners to ask about plans of what will be constructed.

If given approval for the subdivision the applicant proposes to construct two, two-unit townhomes with conformance to all by-right zoning features. Plans were presented to the committee showing two row-attached buildings each consisting of basement plus first floor and second floor plus third floor. These plans called for a total of 4 units with three parking places and total lot area coverage of 56%.*

The plans shown to the Committee had been revised prior to the meeting with changes not on the drawings presented (the third floor was shown in the plans with a setback from the front façade, the bay windows had 45-degree bays; the changes were to have a full third story and bays with right angles).

The applicant had received the requested relief in two prior cases taken to the BZA. The first time in 1989, a second time in 2010 (and in a 2012 BZA hearing was granted a one-year extension to 2013).

Questions from the Committee members concerned the outreach to neighbors, scale and integration with Warren Street architecture and why the property had not been developed following prior BZA approvals.

Outreach to neighbors: The only outreach by the applicant had been to the adjoining lot owner (and was given in relation to a need to underpin the foundation when constructing a basement). The BZA process mandates mailings to neighbors within a 200-foot radius, notifying them of the subdivision plans (but not detailing any further changes to the property). These letters were sent by the BZA on or before January 17th.

Architecture: Questions were about scale of building - the plans shown were 3 story plus basement. Almost all the houses on Warren Street are two stories. The houses fronting C St are 1 story.

The other houses on the block are predominantly single-family homes, not multi-unit structures. The standard Capitol Hill townhome is two story plus English basement (where the basement is often a one-story rental unit. These would be three story plus basement each of which has two two-story units which seemed “out of scale”. Because this is

not in the Historic District these questions are not applicable to a “by right” construction. However, they could be considered in the context of a conditional approval from the ANC.

The Owner answered the following questions:

- The owner stated that there was one multi-unit condominium building on the block but he was unsure whether that was a 4 unit or a 2-unit building. He could not build smaller houses (12 feet wide like the other houses on the block because the minimum width must be greater than 12 feet. 18 feet is the minimum for a conforming lot.
- The owner stated that a death in the architecture firm derailed the 2010 plans and a job transfer had derailed the extension granted in 2012. No reason was given for the failure to proceed in 1989.
- The owner is proceeding now because he will be returning to Washington and “wants to build and live in my house.”

One neighbor spoke in opposition because new construction to the lot boundary would make it difficult to enter her garage from the alley. This neighbor also spoke to the light, air, and enjoyment that would be impaired by the new buildings. The architect responded that construction cannot be closer than 7.5 feet from the centerline of the alley and that her garage is on the lot line, and that the applicant could not expect to use the empty lot to access her garage.

The architect stated that concerns about light, air and enjoyment of the neighboring property are properly considered in a special exception for a building but are not applicable to a subdivision request. Furthermore, the buildings would be constructed to “by right” zoning and not be subject to a special exception where these concerns would apply.

Demian noted that the Committee members “are using historic district standards and that is not the standard that this new development is subject to. This is not a historic district and the proposed development is entirely by right. The question before you is do you want to allow the subdivision to 2 lots that really become buildable lots? Or are you going to deny and leave it that they are really basically unbuildable lots? That is really the question that is before you here.”

Mendonsa: In basically every case that I have seen on this committee in the last year so we have set a precedent of delaying a vote if there if there was not outreach and letters of support. Not necessarily not approving a project without letters of support, but at least insisting that an attempt be made to get feedback from adjoining neighbors. And I think in this case that has not been done.”

Commissioner Weatherington noted that there are standard notifications from the BZA and this meeting was properly noticed and he had not heard from neighbors in opposition.

Motion was made to recommend approval with additional outreach to the neighbors.

Motion passed 4-1 (Cushman opposed so that the project would not be on the consent agenda but would instead be taken up by the full commission and neighbors could have a chance to weigh in.)

Following the vote Commissioner Gove volunteered to assist in getting information out to the neighbors via constituent email addresses.

- 5. 808 I Street, NE (BZA #21084): To construct a third story and rear addition to an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 zone.** John Oliver, attorney and Josh Hill, architect presenting on behalf of the property owner, Mr. Kenneth Jefferson.

The project includes expanding the footprint of the first and second floor and constructing new third floor deck space.

The applicant is seeking a special exception to lot occupancy: The structure as currently built has the lot occupancy of 43%, project will take it to 68.7% (Lot occupancy of 60% is permitted as a matter of right, up to 70% is permitted as a special exception.)

The second special exception requested is relief from the rear wall restrictions of Subtitle E § 207.4 to allow the extension of the properties rear wall by 20 feet and 10 inches. (This exceeds the by right of “10 feet past a neighboring property’s conditioned space”/beyond the furthest rear wall.) After project construction the property’s rear wall will be flush with the rear wall of the property to the east (810 I Street NE) but will extend beyond 10 feet past the property to the west (806 I Street NE).

The application enjoys letters of support of both property owners abutting the project property at 806 I Street and 810 I Street.

The project is a bump-up and bump-back. The new third story is stepped back in both front (7 feet) and back (13 feet) to reduce the perceived mass of the building from the street. The project architect said, “We are basically matching the house on the left. We have a deeper terrace here on the side about 13 feet back from that façade... the idea being that it really helps the addition to be in scale with what is happening on the back of the alley.”

The architect then showed the shadow study.

One question from the committee on whether there were windows

overlooking the neighbor's property on the property line. The architect clarified that the rendering showed the side deck opening along the property line, not windows.

Reiterated letters of support from both neighbors.

Motion to approve the project made by Mendonsa, seconded by Gove.
Passed unanimously to be put on consent agenda.

The meeting was adjourned at 8:20 pm.