

**Report of the Economic Development and Zoning Committee of ANC 6A
April 17, 2013 Meeting**

Present: Members: Missy Boyette, Laura Gentile, Michael Hoenig, Bao Vuong
Commissioners: David Holmes

Laura Gentile chaired the meeting.

Call to Order

Community Comment

None

Status Reports

Resolution of Previously Heard BZA/HPRB Cases: None

Vacant Properties: No report.

H Street Business Liaison Report: No report.

Old Business

None.

New Business

Zoning Relief (1423-1425 North Carolina): The applicant is seeking zoning relief to allow the construction of a two-level, raised deck at the rear of an existing one-family row dwelling in the R-4 District as follows:

- a. Special exception from lot occupancy (section 403);
- b. Special exception from the rear yard requirements (section 404); and
- c. Special exception from the nonconforming structure provision (subsection 2001.3).

Jordan Honeyman, the architect, presented the case for the owner, Janet Katowitz. The existing structure has a rear yard setback of 8.42 feet (less than the 20 feet required) and 62% lot occupancy. The proposed project would increase the lot occupancy to 70% and would increase the setback to 11.58 feet. The top level of the deck, which is located adjacent to the applicant's home, would count toward lot occupancy. The lower level of the deck, located at the rear of the property, is low enough that it would not count towards lot occupancy.

In December 2012, the ANC voted to oppose a similar proposal submitted by the applicant that included a request for 90% lot occupancy. In response to the ANC's concerns, the applicant redesigned the proposal to reduce lot occupancy to 70%.

The applicant also provided letters of support from neighbors.

The Committee requested that the applicant also submit a BZA zoning worksheet to provide more details.

Recommendation: The Committee voted 4-0 to recommend that the ANC write a letter of support for the proposed project, on the condition that the applicant would submit the requested BZA worksheet. (Update: the applicant submitted the requested worksheet on April 20).

Historic Preservation Review (HPA #13-156) - 20 14th Street, NE: The applicant is proposing to raze an existing one-story garage structure, which includes seven covered parking spaces, and build a one-story garage structure with five covered parking spaces and several uncovered parking spaces. Charles Brazell, the architect, presented the case.

Based on photos shown by Mr. Brazell, the exterior of the existing wooden structure appears to be in poor condition, while the interior appears to be in fair condition. The new structure will be constructed of concrete masonry units (CMU) and will be parged on the exterior with cement/stucco. Mr. Brazell noted that the new fences would also be parged, although this information is not reflected in the architectural drawings. The Committee understands that DC's Historic Preservation Office had requested that the applicant reduce the angle of the slope of the roof to be more consistent with neighboring buildings. The Committee noted that the designs have been revised to address HPO's concern.

At the Committee's suggestion, the applicant agreed to seek letters of support from neighbors.

Recommendation: The Committee voted 4-0 to recommend that the ANC write a letter to recommend support for the proposed project on the condition that the applicant seeks to obtain letters of support from neighbors. This case will be heard by the HPRB on May 23.

Zoning Relief (1242 H Street, NE): The applicant (DaLuft Restaurant) is seeking a variance to change the zoning of the third floor from residential to commercial to allow for additional seating for the restaurant, which currently occupies the first and second floors of the building. The first and second floors are zoned for commercial use, while the third and fourth floors are zoned for residential use. The applicant claims that they have been unable to find tenants interested in renting the third/fourth floors, and therefore need the variance. The building owner, architect, legal counsel and tenant were present at the meeting. Murray Kivitz, legal counsel, presented the case to the Committee.

The applicant's design plans reflect additional restaurant seating on the third floor and storage on the fourth floor. The Committee posed numerous questions to Mr. Kivitz regarding the building design, layout, and stair locations. In addition, a community member asked about their liquor license, explaining that a license had been approved for the first and second floors, but not the third floor of the structure. Concerns were expressed that the plans were unclear.

Mr. Kivitz affirmed that the fourth floor would only be used for storage and not restaurant seating. He also affirmed that the owner or patrons would not use the outdoor deck area adjacent to the fourth floor.

Laura Gentile raised the fact that, in September 2009, the ANC voted to oppose the applicant's requested for a variance to build the original structure (BZA 17968). Among other concerns described in its letter, the ANC stated that it did not believe the project, as currently designed, was appropriate for H Street. Gentile shared a copy of the ANC's letter with Mr. Kivitz.

In response to concerns raised during the meeting about the appearance of the building, Mr. Kivitz agreed to parge the outside of the building and to incorporate other design changes / additions to make the building's look and feel more consistent with other buildings on H Street.

The Committee determined that the information provided by the applicant was not sufficient to allow a vote on the matter.

Recommendation: The Committee requested that the applicant submit a complete BZA package with the requested variances, a description of how the project meets the criteria for the burden of proof, appropriate supporting documentation, as well as a statement from the Zoning Administrator describing the specific relief that BZA would be willing to grant.

Additional Community Comment

None.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, May 17, 2013**

**Sherwood Recreation Center (640 10th St, NE)
2nd Floor Community Room**

7-9 PM