

**MINUTES**  
**ANC 6A Economic Development & Zoning Space Committee Meeting**  
**Virtual Meeting via Zoom**  
**Wednesday, October 20, 2021 at 7:00 pm**

Present:

Members: Brad Greenfield (Chair), Sam DeLuca, Roberta Shapiro, Jake Joyce  
Commissioners: Laura Gentile, Mike Soderman

Brad Greenfield chaired the meeting.

**Community Comment**

None

**Previously Heard Cases**

Mr. Greenfield summarized previously heard cases.

**Old Business**

None

**New Business**

1. 327 Tennessee Avenue, NE (BZA Case#20607): Request pursuant to Subtitle E § 206.4, Subtitle E § 5207, and Subtitle X § 902.1 for a special exception from The rooftop and upper floor requirements of Subtitle E § 206.1 to construct a third story addition to an existing, attached, two-story with cellar, principal dwelling unit. Hearing scheduled for 02/02/2022.

Martin Sullivan presented the project, along with Warren Wick, the architect. Max and Adel Pappas, the owners, were also present. Mrs. Pappas stated they are requesting the relief so that they can continue to stay in Washington, and have enough room for their family. They have lived in DC for 20 years, and have lived in their house for ten years.

Mr. Sullivan noted that they already have letters of support from neighbors, including 329 and 343 Tennessee Avenue NE. Mr. Pappas added that they have signed letters from both adjoining neighbors, as well as from three other neighbors on the block.

Mr. Sullivan summarized the criteria for the special exception.

Mr. Wick spoke about how they developed a design that tried to fit into the neighborhood. Elements of their design that mirror the neighborhood include the mansard roof, the dormer with a pediment top, a cornice at the base of the mansard roof, and the covered porch. Mr. Wick said that the neighborhood has begun to evolve slightly, with some of the dormer windows in the neighborhood boarded up. Mr. Wick noted in his presentation that two other houses in the neighborhood already have third floor additions. Mr. Wick reviewed the floor plans and the proposed rooftop deck.

Mr. Wick noted that the dormer window is larger than the neighbors. He stated that this was because this window was going into a living space, rather than an attic. Mr. Wick said

that the back of the addition had simple siding, and a non-ornamental approach to the back.

Mr. Wick said that they worked to not overpower their neighbors. Even though they are going up, the new mansard would only be about four feet higher than their neighbors. Mr. Greenfield asked if the bottom of the dormer would be aligned with the bottom of the neighbors. Mr. Wick stated that they may not be exactly aligned, but they would be largely aligned.

Mr. Greenfield noted that the neighbors in this row have identical houses, presumably built at the same time. Mr. Greenfield noted that the houses on that block seemed to have three panel windows, and the design included four windows, and he asked if they had looked at using three windows to match their neighbors. Mr. Pappas said that several of the neighbors have plywood over the windows, and that theirs is one of the few houses on the block with functional windows. Mr. DeLuca noted that he had walked by the neighborhood, and that the houses in that row are very similar.

Mr. Greenfield asked how high the parapet wall on the roof deck is, and if the deck would be visible from the street. Mr. Wick said that the deck would not be visible from the street. Mr. Greenfield asked how far the deck was set back from the edge. Mr. Wick said that the deck was four feet back from the mansard, and about six or seven feet from the front façade. He said that the parapet wall is forty-two inches.

Mr. Greenfield asked if there was a bay projection in the rear. Mr. Wick confirmed that there is a bay projection. Mr. Greenfield asked if there was a public alley in the back, and if the rear addition is visible from the alley. Mr. Wick confirmed that it is visible from the alley. Commissioner Soderman noted that this is a “walking” alley, and is very small. Commissioner Soderman asked if a car would be able to get into the alley. The Pappas said that most of the alley is inaccessible to cars.

Mr. Greenfield asked if there were other houses in the neighborhood that had roof decks. Mrs. Pappas said that there were several houses in the neighborhood with roof decks, including one at 203 Tennessee Avenue has a roof deck, and there are several on C and D Streets.

Mr. Greenfield noted that the roof deck went all the way to the back. Mr. Greenfield asked if the rear of the deck goes all the way to the rear of the house. Mr. Wick replied that it went all the way to the rear.

Mr. Greenfield asked if the height of the project would be under thirty-five feet (and by right). Mr. Wick confirmed that it is under thirty-five feet. Commissioner Soderman asked the owners how people would get to the roof deck. Mr. Wick said that there is a roof hatch, and there are stairs from the third level up to the roof deck. Commissioner Soderman asked if there was a need for a railing or safety features. Mr. Wick replied that there are safety features built into the hatch, and the hatch would act as a railing.

Mr. Greenfield asked how large the back yard was, and questioned whether there would be privacy concerns with the rear neighbors. Mrs. Pappas replied that there would not be any privacy concerns more than there are now; all of the houses behind their house are lower than theirs, and they can see into their yards from the second floor.

Ms. Shapiro asked about how the increased elevation of the building would impact sunlight in the adjacent buildings, and she noted that there was no shadow study included. Mr. Sullivan replied that no shadow study was produced because the relief being requested was for the architectural feature, and not the height. Mr. Pappas noted that the block of Tennessee Avenue that they live on has very large trees on it, and the back of the deck faces east, so that mitigates the impact of shadows.

Mr. Greenfield asked if the owners had any conversation with the rear neighbors, and if they had letters of support. Mrs. Pappas said that they had not had any conversations at this time, but they can reach out.

Commissioner Soderman asked how far the bump out in the back goes. Mr. Wick replied approximately four feet.

Mr. DeLuca voiced his opinion that this project seemed pretty straight forward, and he liked that the design kept with the same architectural style of the neighborhood. Mr. Greenfield said he felt similarly, but that he had some concerns since the block of houses were identical.

Mr. Greenfield stated that he was inclined to support the request for relief, but that ANC 6A may ask for best efforts to get letter of support from the neighbors to the rear. Commissioner Gentile stated that she supported asked for letters of support, but that she felt that it was a good design. Mrs. Pappas noted that one of the properties to their rear appears to be vacant.

Mr. Greenfield moved that ANC 6A support the request for relief, with the caveat that the owners make best efforts to get letters of support from the neighbors at 324, 326 and 328 14<sup>th</sup> Street. Commissioner Gentile seconded the motion. The motion passed unanimously 6-0.

2. 905 L Street, NE (BZA Case#20606): Request pursuant to Subtitle E § 5201 and Subtitle X § 901.2 for a special exception from the rear yard requirements of Subtitle E § 306.1, and pursuant to Subtitle X § 1002 for an area variance from the lot occupancy requirements of Subtitle E § 304.1 to construct a rear deck to an existing, attached, two-story with cellar, principal dwelling unit. Hearing scheduled for 02/02/2022.

Christopher Brown, the property owner, represented the project. He is seeking the relief to add a rear addition and deck to his house. He stated that his current lot occupancy is at 53%, and he wants to go to 77% lot occupancy, which would require an area variance. He is also asking for relief to have a fifteen foot rear yard setback, with the standard being twenty feet.

Mr. Brown stated that the relief is needed so he can add space to his existing house, including increasing the size of the kitchen. Currently, there is a rear porch attached to the house, which will be torn down. He stated that one adjacent neighbor already has a two story addition. His addition will be slightly larger his neighbors because he is also including a deck.

Mr. Brown stated that his house is set further back than his surrounding neighbors, so his lot size is smaller than his neighbors, which is why he is seeking a variance. Mr. Brown argued that he is disadvantaged compared to his neighbors because of his small lot size.

Mr. Greenfield asked what the impact to his project would be if he went to 70% of lot occupancy, rather than 77%. Mr. Brown said that he would not be able to have a covered deck.

Mr. Greenfield noted that the project would require extending more than ten feet beyond the rear wall of the neighbor to the right. Mr. DeLuca noted that he would expect if that were true that an additional special exception would be required for that. Mr. Joyce noted that a special exception may not be required because the project is not extending ten feet beyond the rear wall of the neighbor to the left. Mr. Greenfield expressed that he thought the rule applied if a project extended ten feet beyond a neighboring wall on either side. Commissioner Soderman said that the ten foot rule applied to extending ten feet past the rear wall of a neighbor on either side. Mr. Greenfield speculated that it could be that the rear wall is less than ten feet beyond the neighbor, but the end of the deck appears to be more than ten feet, and that could be why a special exception is not required.

Mr. Brown stated that the rear yard changes will still be in harmony with the neighborhood, and will not adversely impact his neighbors. Mr. Brown said that his application includes a sun study, showing that his project will not impact the light and air of his neighbors.

Mr. DeLuca noted that it was the covered porch that forced the variance, asking if it was removed then the project would be less than 70%. Mr. Brown confirmed this. Mr. Greenfield asked what the lot occupancy would be without the porch. Mr. Brown said that he did not have an answer for that question.

Mr. Greenfield noted that the standard for granting a variance requires that the applicant justify why the zoning rules can not apply, and he does not believe that Mr. Brown has made that argument successfully. Mr. Greenfield noted that he had several questions that needed to be answered, including:

- How much does the rear deck impact lot occupancy?
- What would happen to lot occupancy and the project if the rear deck was removed?
- Are there ways to configure the project to use 70% lot occupancy and still provide a deck that can be used?
- Could the project include an uncovered deck, and only require a special exception?
- Confirm that no relief is required for the project extending more than ten feet beyond the neighbors' rear wall.
- How far is the end of the roof on the addition from the rear wall of the adjacent neighbor?

Mr. Joyce asked if the front of the property building was even with his neighbor's buildings. Mr. Brown said that it was. Mr. Joyce asked where the property's lot line was in relation to the rear stairs. Mr. Joyce was referring to stairs that were at the rear of the yard, and connected to the alley. Mr. Brown said that the stairs were part of his property, and counted towards his lot occupancy.

Ms. Shapiro asked what communication Mr. Brown has had with his neighbors about the project. Mr. Brown replied that both of the neighbors to the east and west were aware of the project; he had sent them the plans, and he planned to get letters of endorsement from them, but he did not have those letters yet.

Commissioner Soderman asked if the deck was not covered permanently, would it still be considered part of lot occupancy. Mr. Brown reported that according to his architect, if the deck was uncovered than it would not count towards lot occupancy. Mr. Greenfield asked if covering the deck was done solely for shade. Mr. Brown replied that it was.

Mr. Greenfield noted that Mr. Brown's case was not being heard until February 2022, so the EDZ did not need to make a decision immediately. Mr. Greenfield stated that he would want more technical information before the EDZ voted on the case. Mr. Greenfield expressed his opinion that he was not as concerned about the rear yard requirements because it only is impacting the property itself, and not the neighborhood.

Mr. Greenfield expressed his feeling that he wanted to table consideration of this project and consider it again at the next EDZ meeting, looking to have more technical information. Mr. Joyce, Mr. DeLuca and Ms. Shapiro agreed with tabling the case.

Mr. Greenfield tabled the consideration of this project.

**Next Scheduled ED&Z Committee Meeting:  
Wednesday, October 20, 2021  
7:00-9:00 pm  
Zoom information will be posted on ANC6A Website**