

**MINUTES**  
**ANC 6A Economic Development & Zoning Space Committee Meeting**  
**Virtual Meeting via WebEx**  
**Wednesday, November 19, 2020 at 7:00 pm**

Present:

Members: Brad Greenfield (Chair), Nick Alberti, Mike Cushman, Jake Joyce, Sam DeLuca  
Commissioners: Mike Soderman,

Brad Greenfield chaired the meeting.

**Community Comment**

None.

**Previously Heard Cases**

None.

**Old Business**

1. 903 11th Street, NE (BZA Case #20365): Application pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle § 304.1, to construct a two-story rear addition to an existing principal dwelling unit in the RF-1 Zone.

Lacy Brittingham represented the project. They are proposing 69.8% lot occupancy. They had signed letters of support from 1108 I Street, 901 11<sup>th</sup> Street, 905 11<sup>th</sup> Street and 907 11<sup>th</sup> Street. They are going four feet beyond the neighbor to the north. They will be shorter than the house at 909 11<sup>th</sup> Street NE. The rear yard will be 21 feet.

Mr. Greenfield asked if they had a shadow study; Ms. Brittingham said that they did not have a shadow study because they were not going 10 beyond a neighbor's wall. Mr. Greenfield asked if they had other discussions with neighbors, and if any neighbors expressed concerns. The owner said that they had gone over their project with all of their neighbors, and none had expressed concerns.

Mr. Cushman noted that there appeared to be windows in the elevations that would be overlooking neighbor's yards. Ms. Brittingham noted that there were windows that would be looking at a brick wall. Mr. Alberti asked about the scope of the project. Ms. Brittingham noted that the back of the house would be demolished, and the addition would extend the back of the house.

Mr. Greenfield moved and Commissioner Soderman seconded the motion that ANC 6A support the request for relief. The motion passed unanimously 6-0.

2. 114 12th Street, NE (BZA Case #20340): Application pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and under Subtitle E § 5007.1 from the accessory building rear yard setback requirements of Subtitle E § 5004.1, to construct a second-story addition to an existing accessory structure in the rear yard of an existing flat in the RF-1 Zone.

The project was represented by the owners, Mr. Arthur Melzer and his wife. Tenika Felder, the architect for the project, presented the plans. The project is to build a second story addition on the detached garage in the rear of the property. Ms. Felder noted that initially they thought they needed a special exception, but in discussions with the Office of Planning they found they needed a variance on lot occupancy and rear yard requirements. This is because the existing structures are over 70% (78%) lot occupancy and lot occupancy over 70% requires a variance. The addition does not add to the lot occupancy.

Mr. Greenfield asked why the Office of Planning (OP) did not consider this a non-conforming structure. Ms. Felder said that OP did consider this a non-conforming structure, but since it was so far over the lot occupancy limit, a variance was required rather than the special exception.

Ms. Felder reported that there was an existing neighbor who had two windows that would be 3 feet away from the wall of the addition. Ms. Felder presented briefly ran a video shadow study of the proposed addition which showed a post-construction "light and air". (This shadow study was not included in the package submitted to ED&Z and did not show the current "light and air" for comparison). Commissioner Soderman noted that the neighboring building was at 100% lot occupancy. Ms. Felder noted that many of the buildings in this neighborhood were above 70% lot occupancy.

Mr. Greenfield asked if there were signed letters of support from neighbors. Mr. Melzer said that they had made several efforts to make contact to neighbors. They do have a signed letter from the neighbor to the south. Commissioner Soderman helped the Melzers through a contact he had with the rental agent for the neighbor to the north. The Melzers determined that the owner lived in Seattle, and the Melzer's sent plans by e-mail to this neighbor. The Melzers had also dropped a printed copy of the plans through the mail slot of the neighbor to the north.

Mr. Cushman asked if the project was also going through Historic Preservation Office (HPO) review and why it was not processed by both HPO and Zoning at the same time. Ms. Felder said that it was going through historic preservation, and they had met with the HPO. HPO wanted the project to go through BZA approval first, but they were inclined to okay it.

Mr. Cushman noted that before the 2016 rewrite of the zoning regulations, second story garage development would not have been possible. Mr. Cushman noted that there were two windows on the second floor of the house to the north (with full sun due to a south facing exposure), and that it was inconceivable that "light and air" would not be affected by a wall constructed 3 feet away. Commissioner Soderman noted that the standard to use was the current zoning regulations, and the impact on the light for the neighbor to the north would not be an issue if they were not at 100% lot occupancy. Mr. Greenfield noted that the variance requirement was due to the existing building envelope, so this was something of a technicality. Mr. Cushman disagreed and noted that the burden of proof for a variance was much more stringent than for a special exception. Variances require are offered in cases of "hardship".

Mr. Greenfield said that the Melzers had done ample outreach to the neighbor to the north, and he felt that since the neighbor had not responded at all, they were implicitly okay with the project. Mr. Joyce asked if the windows were on a party wall. Ms. Felder confirmed that the windows were on a party wall. Commissioner Soderman noted that since it was a party wall, they could have built up to the party wall. The Melzers decided to set the addition back 3 feet so that there was some light and air coming into the neighbor.

When describing the need for the addition, Mr. Melzer said that he is an academic and his wife is a journalist, both working from home who are now confronted with a need to bring an aged parent to live with them. The guest bedroom in the house was being used as Mr. Melzer's office, so they wished to build the studio over the garage to house Mrs. Melzer's mother.

Mr. DeLuca asked if there was a comparison of the light impact from the current conditions to the addition. Ms. Felder said that the addition would block light somewhat, but there are other windows in the apartment so there would still be ample light in the apartment. Mr. Melzer noted that the apartment had 11 other windows, so he did not feel that the impact overall was significant.

Mr. Greenfield expressed his opinion that the two windows that are impacted by the addition are significantly impacted, but that the neighbor to the north had been contacted multiple times and had not expressed any concerns or reservations; silence equaled concurrence in this case. Mr. Alberti voiced that he shared Mr. Cushman's concerns about the project. Mr. Alberti noted that since he knew the previous owner, he knew that the garage had a heated floor.

Mr. Greenfield moved and Commissioner Soderman seconded the motion that ANC 6A support the request for relief. The motion failed on a vote of 3-3.

3. 1608 East Capitol Street, NE (BZA Case #20393): Application pursuant to Subtitle C § 703.2 and Subtitle X § 901.2 for a special exception from the minimum vehicle parking requirements of Subtitle C § 701.5 to convert an existing, detached, two-story, carriage house to a principal dwelling unit in the RF-1 Zone.

Jeffrey Keil of Keil Construction represented the project. This is an alley dwelling, and there is a requirement that it include a parking space. Mr. Greenfield said that normally with alley dwellings, the alley area adjacent to the property is allowed parking. Mr. Keil said that area is designated for 1610 East Capitol Street, and they use it regularly.

Mr. Keil noted that they reached out to the church nearby to see if they could get parking in their lot, but they were not amenable. Mr. Greenfield asked how many units would be in this development. Mr. Keil replied that it was a single two-bedroom apartment. Mr. Keil reported that there was another dwelling that shared the address, and that it was a four-bedroom dwelling.

Mr. Keil reported that this property had never been a dwelling before. Mr. Greenfield noted that it was zoned R-1. Mr. Keil said that they would be amenable to signing a covenant that no Residential Parking Permit (RPP) would be available for this property.

Mr. Greenfield asked if this was going to be a rental; Mr. Keil replied that it would be a rental.

Mr. Cushman asked Mr. Keil to go over the roof plans, and particularly where the HVAC system was going to be located. Mr. Keil reported that the compressor would be on the roof, and that it will not be visible from the alley. Mr. Keil said that this property is higher than most of the neighbors on 16<sup>th</sup> and East Capitol Streets, which is why the HVAC system will not be visible to them.

Mr. Alberti asked where garbage would be stored. Mr. Keil replied that there is a tiny alley directly to the west of the structure, and that there are already trash cans there. Mr. Cushman noted that there was a trash room in the drawings for the building.

Mr. Greenfield asked if there were signed letters of support from neighbors. Mr. Keil replied that they had not discussed the project with neighbors. Mr. Greenfield said that they would need to make best efforts to get letters of support from neighbors.

The neighbor at 1610 East Capitol Street asked about the impact on parking and access through the alley. Mr. Keil said that accommodations could be made. Mr. Cushman noted that there is no parking in the alley, so it would be low impact.

Mr. Cushman asked about the renaming and renumbering of the property so there is no confusion with the other property that shares the address. Mr. Keil reported that it is to be renamed and renumbered, but that is a separate process.

Mr. Cushman asked about the renaming and renumbering of the property so there is no confusion with the other property that shares the address. Mr. Keil reported that it is to be renamed and renumbered, but that is a separate process. A neighbor from the 17th Street side noted that there is normally a fair amount of parking on East Capitol Street.

Commissioner Soderman noted that this is a much smaller development than those for which ANC6A usually requires RPP restrictions. Mr. Greenfield agreed that normally RPP restrictions would not be imposed on a development this small. Mr. Cushman noted that there is a large church adjacent to the property, and that will impact parking. One of the neighbors indicated that they would prefer that the occupant have an RPP so that they can park on the street, and avoid parking illegally in the alley.

Mr. Greenfield moved and Mr. Alberti seconded that ANC 6A support the request for relief, with the caveat that the owner make best efforts to get letters of support from impacted neighbors. Mr. Joyce seconded that motion.

Mr. Cushman made a motion that the original motion be amended to include RPP restrictions. Mr. Alberti seconded the motion for an amendment. The amendment failed with a vote of 2 votes in support, 3 opposed and 1 abstaining.

On the main motion, there was a friendly motion by Mr. Joyce that additional neighbors be reached out to because it did impact parking. Mr. Greenfield accepted that amendment as a friendly amendment, and noted that he would determine the exact addresses and inform Mr. Keil later. The motion passed unanimously 6-0.

4. 240 11th Street, NE (HPA 21-055): Historic review for a third story roof addition and three-story rear addition.

No one representing the project was in attendance. Consideration of the project was tabled.

**Next Scheduled ED&Z Committee Meeting:  
Wednesday, December 16, 2020  
7:00-9:00 pm  
WebEx information to be posted on ANC6A Website**