

**Report of the Economic Development and Zoning (ED&Z) Committee of the Advisory
Neighborhood Commission (ANC) 6A
Sherwood Recreation Center, 640 Tenth (10th) Street NE
December 17, 2014**

The meeting convened at 7:00 pm.

Present:

Members: Missy Boyette, Dan Golden, Brian Carlson
Commissioners: Chris Ward, Commissioner-Elect Stephanie Zimny
Dan Golden chaired the meeting.

Community Comment

There were no community comments at the beginning of the meeting.

Status Reports

Resolution of Previously Heard BZA/HPA Cases:

The ANC voted to write to the Bureau of Zoning Adjustment (BZA) in support the requested variances and special exceptions for 1401 Florida Avenue NE, provided that the FAR for the building does not exceed 5.2 and provided that the restrictions on RPP availability agreed to by the developer are included as a condition of the requested relief.

The ANC voted to write to BZA in support of the requested variance from the on-site parking requirements for 1251 F Street NE.

The ANC voted to write to the Zoning Commission (ZC) to provide the EDZ committee's comments on the proposed zoning code amendments addressing pop-ups and other building height and density issues.

The ANC voted to take no action on the requested extension of the variance previously granted for 257 Warren Street NE.

The ANC voted, on its own motion, to write to the Department of Consumer and Regulatory Affairs (DCRA) to request that DCRA postpone taking action on any applications for building permits that would be affected by the proposed rezoning of the northwest portion of square 1070.

New Business

BZA 18914 (240 Ninth (9th) Street NE): Applicant is seeking variances from the from the alley setback requirements under §2300.4, and the accessory building height requirements under § 2500.4, and a special exception from the lot occupancy requirements under §403.2 to construct a second story on an existing garage in the R-4 district. In addition, the applicant is seeking Historic Preservation Review Bureau (HPRB) approval for the design of the project.

The applicant indicated that the proposed addition would be used as an artist's studio space, while the lower floor would be used as a garage. The applicant argued that there were two unique circumstances with respect to the property that justified the grant of the requested variances: 1) There is a utility pole located behind the garage that necessitates vehicles being parked in the garage on an angle, thereby compromising the applicant's ability to use the lower floor of the garage for any purpose but parking; and 2) There is an existing upper story

to the garage on one of two neighboring lots and it would be more economically feasible for the addition to be constructed to a height that matches the height of the adjoining garage. The proposed height of the garage structure would be eighteen (18) feet. The garage would also align with the neighboring garage in terms of height and depth.

With respect to the special exception from the lot occupancy requirement of 60%, the applicant indicated that the proposed lot occupancy would be 64.8%. The applicant indicated that both adjoining properties supported the requested relief and that he was in the process of obtaining letters of support.

Mr. Golden made a motion to recommend that the ANC write a letter to the BZA in support of the requested variances and the requested special exception, provided that the applicant have obtained written letters of support from the two adjoining neighbors by the time of the full ANC meeting. Motion was seconded. Motion was approved in vote 5:0.

After discussion with the applicant regarding the proposed design and materials, Mr. Golden made a motion to recommend that the ANC write a letter to the HPRB in support of the proposed design of the structure. Motion was seconded. Motion was approved in vote 5:0.

BZA 18927 (815 Eighth (8th) Street NE): Applicant is seeking special exceptions under §223, for the construction of a two-story “rear addition” to an existing single-family dwelling not meeting the lot occupancy requirements under §403.2, the rear yard requirements under § 404.1, the open court requirements under §406.1, and the nonconforming structure requirements under §2001.3 in the R-4 District.

The applicant proposes to remove the existing garage and replace it with a two (2) story structure measuring 21 feet in height. The applicant indicated that there were other two-story garages in the same alley. The proposed new structure would consist of a garage partially occupying the first floor (and opening onto a pathway to the main residence covered by a trellis) and a two (2) bedroom unit occupying the second floor and the remainder of the first floor. The two (2) bedroom unit would be accessible through a second entrance and would be inaccessible through the garage. The applicant indicated that the unit would have a separate address. The applicant indicated that the neighboring property owners were in support of the requested relief.

The Committee inquired as to why additional zoning relief was not required based on the height of the proposed garage. By right, an accessory building may only be one story and no more than fifteen (15) feet in height. The applicant’s architect indicated that the BZA had ruled in previous cases that the existence of a trellis connecting one building to another on a single parcel of property resulted in the two buildings being considered a single “building” for purposes of the zoning code and, in those circumstances, the BZA had deemed the height limits on accessory buildings not to apply.

Mr. Golden made a motion to recommend that the ANC take no action on the requested zoning relief, in view of the Committee’s opinion that additional zoning relief from the accessory-building height requirements should be required. Motion was seconded. Motion was approved in vote 5:0.

Mr. Golden made a motion to write to the Zoning Administrator to take the position that additional zoning relief was necessary from the accessory-building height requirements. Motion was seconded. Motion was approved in vote 5:0.

BZA 18939 (915 C Street NE): Applicant seeks a special exception under §223, for the construction of a two (2) story rear porch addition to an existing single-family dwelling not meeting the lot occupancy requirements under §403.2, the minimum lot size requirements under §401.3, the open court requirements under §406.1, and the nonconforming structure requirements under §2001.3 in the R-4 District. In addition, the applicant is seeking HPRB approval for the design of the project.

The applicant provided signed letters from the two (2) neighboring property owners indicating support for the requested relief. The applicant also indicated that several other properties on the block have similar structures at their rear.

Mr. Golden made a motion to recommend that the ANC write a letter to the BZA in support of the requested special exceptions. Motion was seconded. Motion was approved in vote 5:0.

After discussion with the applicant regarding the proposed design and materials, Mr. Golden made a motion to recommend that the ANC write a letter to the HPRB in support of the proposed design of the structure, provided that the applicant take action to see that the downspout at the rear of the property not be visible from the facing rear porch. Motion was seconded. Motion was approved in vote 5:0.

BZA 18933 (1020 F Street NE): Applicant seeks a special exception under §223, for the construction of a third (3rd) floor addition to an existing single-family dwelling not meeting the minimum lot size requirements under §401.3, the lot occupancy requirements under §403.2, the rear yard requirements under §404.1, and the nonconforming structure requirements under §2001.3 in the R-4 District.

The existing lot occupancy is 74% and the rear-yard setback is fifteen (15) feet. The applicant indicated that, following the proposed addition, the lot occupancy will actually decrease to 69.6% because the rear deck size will be reduced. The front of the addition will be brick, but the cost of making the entire addition brick would be prohibitive, in the range of \$40,000.00. The applicant did agree to make efforts to keep the proposed addition as unobtrusive as possible. The applicant provided signed letters from the owners of the property across from their alley and on either side of their property in support of the proposed addition.

Mr. Golden made a motion to recommend that the ANC write a letter to the BZA in support of the requested special exceptions. Motion was seconded. Motion was approved in vote 5:0.

The meeting adjourned at 9:00 pm.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, January 21, 2014
7:00-9:00 pm
Sherwood Recreation Center
640 Tenth (10th Street) NE, Second (2nd) Floor**