

**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 20, 2017**

Present:

Members: Brad Greenfield, Missy Boyette, Jake Joyce
Commissioners: None
Brad Greenfield chaired the meeting.

Community Comment

None.

Previously Heard Cases

None.

Old Business

None.

New Business

1226 North Carolina Ave, NE (BZA #19593): Applicant seeks a special exception under Subtitle E Section 5201 from the lot occupancy requirements of Subtitle E Section 304.1 and from the nonconforming structure requirements of Subtitle C Section 202.2 to enclose a rear, third floor deck in an existing one-family dwelling in the RF-1 zone.

Mr. Griffin presented the project. Mr. Griffin stated that the project is at the back of the house. The current house has a deck on the third (3rd) floor level, facing the alley. The proposed deck enclosure would be a special exception because the first (1st) floor and second (2nd) floor levels already exceed the lot occupancy which is around 62%. The third (3rd) floor would go up to 70% lot occupancy. He clarified that the only nonconformity is the lot occupancy.

Brad Greenfield asked the applicant for exterior elevations. Mr. Griffin explained that the existing deck is not covered and that he has letters of support from both immediate neighbors and at 1224 North Carolina Ave NE. He has met with the neighbors at 1228 North Carolina Ave NE. He said that he has also had discussions with the neighbors at 1228 1228 North Carolina Ave NE related to some water that appears to be coming through the parti-wall.

The neighbor, Ms. Patton, was present with Denise Pitts, her attorney. Ms. Patton is concerned about the impact on light and air on her property related to the proposed deck enclosure. Brad Greenfield asked if a shade study has been performed. Mr. Griffin stated that a shade study has not yet been provided but that his architect can prepare one in the next few weeks. Brad explained that the shade study would have to be completed before the January 11, 2018 ANC 6A meeting.

Ms. Pitts explained that, at the December 13, 2017 BZA hearing, Ms. Patton was unanimously granted party status, and she explained that the burden of proof remains with the applicant to show how he has addressed the criteria for a special exception. At this point, Ms. Pitts stated, nothing in the application yet addresses how Ms. Patton's property will be affected, but she is "certain" that there will be an impact.

Ms. Pitts stated that Ms. Patton has west-facing windows. She provided an aerial photo and photos of 1226 North Carolina Ave NE taken from Ms. Patton's back bedroom. She explained that Ms. Patton received notification about the proposed project via a letter that was placed through her mail slot.

Brad asked if there is anything that the applicant can do to make the proposed project more amenable to Ms. Patton. Ms. Pitts said that Ms. Patton is willing to discuss. Ms. Patton's concern is losing access to sunlight. Ms. Pitts explained that the existing deck is nonconforming, the existing railing appears to be about two and one half (2 ½) feet high, and the deck is in poor repair. She explained that Ms. Patton's understanding of light and air is different from the legal interpretation.

The applicant explained that the BZA hearing has been pushed back once or twice already, and the second time was due to Ms. Patton's concerns. Brad stated that, without the shade study and an understanding of impact, the Committee cannot make a recommendation. He suggested that the discussion be set aside and that the applicant come back to the Committee in January 2018. In the meantime, he suggested that Mr. Griffin sit down with Ms. Patton to see if there is room for compromise, and that Mr. Griffin provide letters of support.

Ms. Pitts asked to receive the shade study prior to the January 17, 2018 ED&Z Committee meeting so that she and Ms. Patton have 3-4 business days to review. Applicant will provide the study by January 12, 2018 and will let Mr. Greenfield know in advance if there is an issue with getting the study completed in time.

Mr. Greenfield tabled the proposed project to allow the applicant to provide sun/shadow studies as well as to allow the applicant to obtain signed letters of support.

128 17th Street, NE (BZA Case Number Pending): Applicant seeks a special exception from the requirement that a rear addition extend no more than ten feet (10') beyond a neighboring structure to construct a rear addition to an existing one-family dwelling in the RF-1 zone.

Mr. Greenfield explained that he and Commissioner Calvin Ward met with Mr. Amirian last week. Eman Amirian presented the project. The subject property is a corner lot at Constitution Avenue and Seventeenth (17th) Street NE. The proposed addition will be several levels, approximately fifteen feet eight inches (15'-8") into the back, but he explained that his property line goes beyond the alley. On the side, a four-foot (4') balcony will project into public space. Mr. Amirian explained that the projection is necessary to provide a fire exit. He prepared a zoning analysis and has made an attempt to contact all of the "visually-affected" neighbors, including dropping off letters and copies of drawings/photos. He has not yet personally reached anyone. One neighbor, "Miss Veronica" (1627 Constitution Avenue NE), has verbally approved the project but stated that she does not like to sign documents. He also has a letter of support from 120 Seventeenth (17th) Street NE.

Mr. Amirian explained that the existing deck extends all the way to the alley. The house to the south is flush with the back of his house; the next house down to the south has a rear addition. He explained that he is an architect and has done a material study, looked at the materials of the existing neighborhood. He notes that the existing neighborhood uses a lot of brick, stucco/cement board (additions) and wood. In the proposed addition, stucco will be the primary finish material, with some composite wood and iron railings. He proposes to

remove all the existing chain link fence and to put in black iron posts with wood infill for a new fence. The proposed addition will extend the existing building height. The existing deck will be taken down, and the remaining space beyond the addition will be used as a parking space.

Committee member Missy Boyette asked whether the basement level will be expanded. Mr. Amirian stated that it will be extended. Ms. Boyette asked about where the outdoor mechanical equipment will be located; Mr. Amirian said that the project will include equipment; there will be a ductless system in the basement, condensers in the basement area. Ms. Boyette also asked about the roof; the applicant stated that the roof will be flat, with hidden gutters at the edge and downspouts on the back wall.

Mr. Greenfield asked for the addresses of the visually-impacted neighbors and for best efforts by the applicant to get letters of support from the remaining neighbors. He asked that Mr. Amirian also reach out to the apartment rowhouses across Constitution Avenue NE.

Mr. Greenfield made a motion to recommend that the ANC write a letter to the BZA in support of the requested relief on the condition that the applicant gets letters of support from the neighbors and from inhabitants of the apartments. Motion was seconded by Jake Joyce. Motion was approved 3:0.

Closing

Brian Alcorn, a parent of a Maury Elementary School (Maury ES) student, explained that the school is moving to Eliot-Hine Middle School during the renovation of Maury ES. Construction plans at the current school (medium-to-large school) will require the school to provide increased on-site parking which will impact the amount of open/green space. Interested parties are looking for options and considering what zoning variances might be available. Mr. Alcorn explained that Ward 6 Councilmember Charles Allen introduced a measure in June 2017 whereby parking spaces could be provided for teachers on nearby streets, but that this measure is not currently supported by the Mayor or by ANC 6C. He inquired as to whether there is a place for ANC 6A to partner with the Department of General Services (DGS) and the District of Columbia Public Schools (DCPS) to address this. Mr. Greenfield agreed that this could be discussed further and in greater detail at the next ED&Z Committee meeting.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, January 17, 2018
7:00 -9:00 pm
640 10th Street NE
Sherwood Recreation Center, Second (2nd) Floor**