

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D

P.O. Box 40846
Palisades Station
Washington, D.C. 20016

August 2, 2007

Ms. Ruthanne Miller
Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

7/10/07 11:00 AM
BZA 3-D
17645-19

Re: BZA Appeal No. 17645 – Appeal from the Administrative Decision of the Zoning Administrator for the District of Columbia, DCRA, of Permit No. B94022 for the Construction of a Single Family Home and Private Garage at 4840 Dexter Street, N.W. (Square 1397, Lot 6)

Dear Chairman Miller:

Advisory Neighborhood Commission 3D held its regularly scheduled meeting on July 11, 2007, at Sibley Memorial Hospital's Ernst Auditorium. A quorum (5) was present at all times. Notice of the meeting was posted in the *Northwest Current* for two weeks prior to the meeting, and on the ANC Website, the Palisades Listserv and in public places throughout the community.

ANC 3D heard from Kinley R. Dumas, attorney for appellant The Dexter Street Trust and Trustees, regarding BZA Appeal No. 17645. Appellants reside at 4848 Dexter Street, N.W., which is adjacent to the 4840 Dexter Street property owned by Michael and Allyson Banks.

The Dexter Street Trust contends the Zoning Administrator granted Building Permit B94022 in violation of Title 11 provisions on a) building height; b) side yard setbacks; and c) terms of the Wesley Heights Overlay District (WHOD). The Banks' were also issued a raze permit for the existing house that is valid through November 2007.

ANC Commissioners were already familiar with the property and permit which are the focus of the appeal, having earlier reviewed parts of the building plans in conjunction with a request from the Banks for a circular driveway (which the commission disapproved). In addition to concerns about any violation of the WHOD, several Commissioners noted that the two other elements of the appeal have been a source of conflict about building permits at other locations and thus are of longstanding interest to the commission.

Building height: As we know, single family dwellings in the R-1 zone are limited to 40 feet in height and three stories. When it comes to counting stories, cellars are not counted

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17645

EXHIBIT NO. 19

Board of Zoning Adjustment
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as stories but basements are, and Title 11 specifies how a determination must be reached about whether a lower-level floor in a house is a cellar or a basement. The Appellant contends no such determination was made and that the house is actually four stories. This is an issue that ANC 3D has encountered on multiple occasions and on which it has repeatedly sought clarification from the office of the Zoning Administrator.

Setbacks: The case also raises questions about the placement of garages and other accessory buildings within the side- and rear-yard setbacks. How these provisions are applied has also been the source of dispute at multiple locations within ANC 3D with permits for garages and pool houses.

Following the presentation by Ms. Dumas the commission voted 6-0-0 to add its formal support to BZA Appeal No. 17645. The Zoning Administrator was recently dismissed, so there was no presentation from that office. The owners of 4840 Dexter Terrace, N.W. are not named as a party in the appeal.

A separate vote was taken by the commission to authorize Commissioner Sandza, in whose district the property is located, to testify on behalf of the Commission before the BZA in the appeal joined by either Commissioners Thompson or Gates..

With its unanimous vote ANC 3D asks that its views be given "great weight" to which it is entitled under DC Law.

Sincerely



Rachel W. Thompson
Chair
(202) 364-1384
RachelWToo@aol.com

cc: ANC 3D Commissioners
Kinley R. Dumas, for The Dexter Street Trust
Richard Aguglia, Esq., for Michael and Allyson Banks

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P.O. Box 40846
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Washington, D.C. 20016

FAX

202 727 6072

Six pages including this cover

August 6, 2007

TO: Ms. Ruthanne Miller
Chair, BZA

FROM: ANC3D (Beverley Monroe, Administrator)
FAX: 202-363-4130

Attached please find the following copies of letters regarding zoning issues recently brought before ANC3D signed by Chair Rachel Thompson

1. Appeal of the Dexter Street Trust, BZA Appeal #17645 dated August 6, 2007 (one page)
2. Appeal of the Dexter Street Trust, BZA Appeal #17645 dated August 2, 2007 (two pages)
3. Re: Letter in support of Application of Chen's Gourmet Carryout BZA Application #17654. (two pages)

Thank you.

Please call 202-363-4130 (ANC Office phone)
Or
Chair Rachel Thompson
202-364-1384
If you have any questions.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17645

EXHIBIT NO. 19

FAX

P. 1

202-363-4130

Beverley Monroe

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202-363-4130
FAX

P.O. Box 40846
Palisades Station
Washington, D.C. 20016

August 2, 2007

Ms. Ruthanne Miller
Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

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p. 5

202-363-4130

Beverly Monroe

Aug 06 07 09:18a

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