



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



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BOARD OF ZONING ADJUSTMENT

November 12, 2011

Mr. Clifford Moy
Secretary, Board of Zoning Adjustment
Office of Zoning
441 Fourth Street NW, Suite 210S
Washington, DC 20001

Re: BZA Case 18314 (701 Tenth Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on November 10, 2011, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to support the applicant's request for a variance from the minimum on-site parking requirement of §2101.1 to permit a two-unit flat without off-street parking.

This case is of great interest to ANC 6A, which has been appealing the improperly permitted curb cut since it was constructed at the site in 2006. The previous owner exploited communication breakdowns between DCRA and DDoT to construct the curb cut and driveway after the flat was constructed. This occurred because DCRA issued permits to construct a two-unit flat based on the previous owner's false representations which showed a curb cut and driveway in the site plans when none in fact existed. As a result, a flat without on-site parking was constructed at 701 Tenth Street, NE, without obtaining the necessary variance from §2101.1. The original previous owner later applied to DDoT for a public space permit based on the fact that they could not get a Certificate of Occupancy without on-site parking.

Our ANC strongly opposed DDoT's decision to issue a public space permit for a curb cut and driveway because it violated many of DDoT's own guidelines, which require curb cuts be in the public interest and comply with the technical requirements of the DDoT Design and Engineering Manual. The ANC has requested that the case be heard by DDoT's Public Space Committee – a request that has twice been verbally granted by different DDoT Directors, but has yet to be placed on the PSC's agenda.

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com listserv; the ANC 6A

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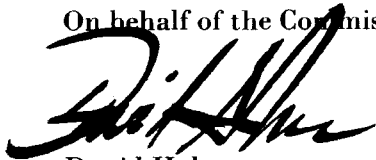
In addition, our ANC has advocated, through the Zoning Regulations Rewrite, for language that requires proof of public space permits for all curb cuts and driveways be provided to the Zoning Administrator prior to the issuance of any building permit.

The Commission believes that a variance is justified in this case because of the project meets the three tests specified in §3103.2. First, the site has unusual circumstances because it lacks alley access. Second, the owners faces economic hardship if the DDoT revokes its public space permit for the curb cut because the owner would need to convert the building to a single family dwelling in order to comply with the parking requirements of §2101.1. Finally, the intent of §2101.1 is to reduce demand for on-street parking by requiring dwellings to provide off-street parking. However, in this case, the curb cut eliminates three legal on-street parking spaces while the development is providing only two off-street parking spaces. Providing a parking variance in this circumstance will not impair the intent of the Zoning Regulations and will further the 2006 Comprehensive Plan's goal to "...minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas." (Policy T-1.2.3) In this case the variance, if granted, will eliminate the requirement for a curb cut, and the owner has agreed to remove it.

Finally, the ANC would like to acknowledge RedShift, LLC's efforts to fix the problems created by the previous owner by submitting this BZA application.

Please be advised that David Holmes and Drew Ronneberg are authorized to act on behalf of ANC 6A for the purposes of this case. Commissioner Ronneberg can be reached by phone at 202-431-4305 or by email at ronneberg6a02@gmail.com.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read 'David Holmes', written over a horizontal line.

David Holmes
Chair