



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 5C
 PO Box 26183 . Washington, DC 20001 . www.ANC5C.COM

July 17, 2012

Board of Zoning Adjustment
 441 4th Street, NW, Suite 200 South
 Washington, DC 20001

Re: BZA Application No. 18385

Dear Members of the Board:

On July 17, 2012 Advisory Neighborhood Commission (ANC) 5C voted unanimously to recommend support for approval of the variances required to allow the construction of a "pergola serving a one-family row dwelling the R-4 District at premises 2100 1st Street, N.W. (Square 3119, Lot 24).

According to the BZA Notice provided to ANC 5C, the applicants, Otis and Angela Ray, pursuant to 11 DCMR §3103, have requested a variance from the lot occupancy requirements under section 403, and a variance from the nonconforming structure provisions under subsection 2001.3, to allow for construction of the pergola.

It is our understanding that the pergola does not increase the lot usage; the Ray's only intention is to construct the pergola; and they are not adding a room to their house. Thus the zoning issue is due to the pergola being built in a sturdy fashion that has boards spaced 16 inches apart, rather than the required minimum of 24 inches, causing this pergola to fall under the definition of "structure". We also understand the following:

- 1) Section 403. Subsection 2001.3 States that "enlargements or additions may be made to the structure: provided that (a) the structure shall conform to percentage of lot occupancy requirements." Lot occupancy requirements state that one cannot have more than 60% of their property as living space.
- 2) Section 404. States that in the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard."
- 3) Section (b) states that "the addition or enlargement itself shall:
 - (1) Conform to use and structure requirements..."

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 Commissioners

SC01 Bradley Thomas
Vice Chairman
 SC01@anc.dc.gov
 202.670.0151

SC02 Sylvia Pinkney
 SC02@anc.dc.gov
 202.269.4180

SC03 Hugh Youngblood
 SC03@anc.dc.gov
 240.925.1079

SC04 Mark Mueller
 SC04@gmail.com
 202.200.3191

SC05 Tim Clark
 SC05@anc.dc.gov
 202.277.6386

SC06 Mary Farmer-Allen
Treasurer
 SC06@anc.dc.gov
 202.635.1401

SC07 James Fournier
 SC07@anc.dc.gov
 202.316.6316

SC08 Marshall Phillip
 SC08@anc.dc.gov
 202.529.1831

SC09 Silas Grant
 SC09@anc.dc.gov
 202.498.4196

SC10 Charita Brent
Recording Secretary
 SC10@anc.dc.gov
 202.387.3929

SC11 Ronnte Edwards
Chairman
 SC11@anc.dc.gov
 202.450.1449

SC12 Gigi Ransom
Financial Secretary
Corresponding Secretary
 SC12@anc.dc.gov
 202.529.0508

ANC5C meets on 3rd
 Tuesday of the month.

Next Meeting:
 September 18, 2012
 7:00 PM
 TBD

BOARD OF ZONING ADJUSTMENT
 District of Columbia
 CASE NO. 18385
 EXHIBIT NO. 28

Board of Zoning Adjustment
 District of Columbia
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 EXHIBIT NO.28

The Ray's pergola does not conform to use and structure requirements because lateral boards are spaced less than 24" On Center (OC) (24 inches apart). Their boards are spaced 16" OC which, provide for a more secure structure that one could build atop, causing this pergola to be defined as a "structure" and thereby nullifies the waiver of lot occupancy ruling in Section 404.

Simply stated, if lateral boards were removed in order to make them more than 24"OC, and thus less stable, the Rays could keep the pergola because it would not be defined by the statutes as a "structure" and the waiver of lot occupancy would still apply.

The Rays have opted to not remove the boards because:

- It would necessitate a level of de-construction that could make the structure less stable and potentially create a safety issue. The pergola survived an earthquake, hurricane and major storms without structural damage.
- The Rays are a couple that live alone in a four-story structure, with no renters, and who have absolutely no intention of putting a room on top of their flower trellis.

In support of their application, the Rays have provided letters of support from three neighbors: Charlene Jordan, 2036 First Street, NW; Ada Babino, 115 V Street, NW; and Snorre Wik and Julie Jarvis at 2106 First St, NW. (See attached). The Rays also have a petition of support signed by approximately fifty (50) neighbors. There are no known registered complaints at the time of writing this letter. Accordingly, many neighbors have indicated support, including the Single Member District Commissioner for the area, Commissioner Mark Mueller, who has this pergola as a prominent view from his home. All of these individuals believe this trellis adds aesthetic value to their community.

Based on this level of support and no known opposition to this application, ANC 5C fully supports the pergola as constructed and calls upon the BZA to recognize the "great weight" consideration afforded ANC's under law.

ANC 5C is comprised of twelve Commissioners, and therefore seven (7) Commissioners constitutes a quorum. On July 17, 2012, at a duly noticed public meeting of ANC 5C, there were 7 Commissioners present and voting. The ANC 5C voted unanimously to recommend support for the relief requested in BZA Application No. 18385. (18385)

Thank you for your consideration.

Respectfully Submitted,


RONNIE EDWARDS, CHAIRMAN


CHARITA BRENT, SECRETARY



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	18385	Case Name:	Variance From the Nonconforming Structure Provisions - Otis and Angela Ray
Address or Square/Lot(s) of Property:	2100 1st Street NW (Square 3119, Lot 24)		
Relief Requested:	Variance from Lot Occupancy Requirements; Variance from Nonconforming Structure Provisions		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	0	7	/	1	7	/	1	2	Was proper notice given?:	Yes	☒	No	☐
Description of how notice was given:	Notice was issued on July 10, 2012 at a public meeting and via e-mail to all Commissioners and the Public on 7/11, 12, 16 and 17.												

The Notice was also posted on ANC website, various listserves and in strategic locations in 5C Ward area within the respective SMDs

Number of members that constitutes a quorum:	7	Number of members present at the meeting:	7
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MATERIAL SUBSTANCE

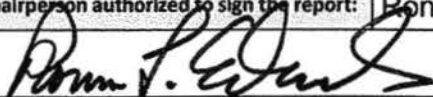
The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

SEE ATTACHED DOCUMENTS

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

Based on the support of the community demonstrated through letters and petition signatures, the ANC 5C voted unanimously to support the requested variances.

AUTHORIZATION

ANC	5	C	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	9-0-0
Name of the person authorized by the ANC to present the report:			Mark Mueller and/or Chairman Ronnie Edwards	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Bonnie L. Edwards	
Signature of Chairperson/ Vice-Chairperson:				Date: 7/18/12

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.

To whom it may concern:

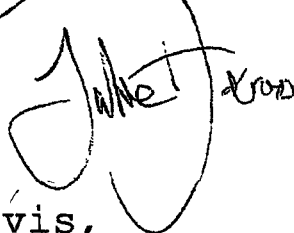
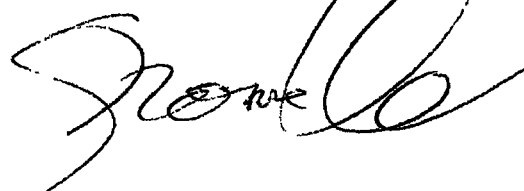
This letter is in response to a public hearing to be held on Tuesday July 31, 2012.

Case # 18385

We are neighbors of Otis and Angela Ray of 2100 First St NW, Washington DC 20001, in the R-4 District (Square 3119, Lot 24).

We understand the City has a concern about the pergola the Rays have built above their garage.

Since our house is only 3 lots north, we see this new structure every day and we love it. The Rays have clearly improved their property as well as their immediate neighborhood by completing this structure. Their back yard was an eyesore before this pergola was erected and we hope they're allowed to keep it.



Sincerely,

Snorre Wik and Julie Jarvis,
2106 First St NW, Washington DC 20001

November 11, 2011

To Whom It May Concern:

Re: Application for Permit for Pergola
Located at 2100 1st Street, NW
Washington, DC 20001

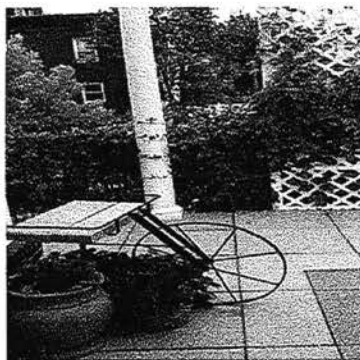
This letter is written in support of my neighbors, Otis and Angela Ray, regarding the pergola they recently constructed on their existing patio at 2100 1st Street, NW. My residence is located at 2036 1st Street, NW, which is directly across from the Ray's and I look directly at the pergola. My home is the red brick building in the background of the picture of the pergola below.

It is my position that the pergola adds aesthetic value to the neighborhood and I am in support of their efforts to have the permit approved.

If you have any questions, please do not hesitate to contact me at 703-929-3795.

Sincerely,

Ms Charlene Jordan
Owner
2036 1st Street, NW
Washington, DC 20001



*View from patio at 2100 1st Street
with my residence at 2036 1st Street
across the street in the backdrop*

November 11, 2011

To Whom It May Concern:

Re: Application for Permit for Pergola
· Located at 2100 1st Street, NW
Washington, DC 20001

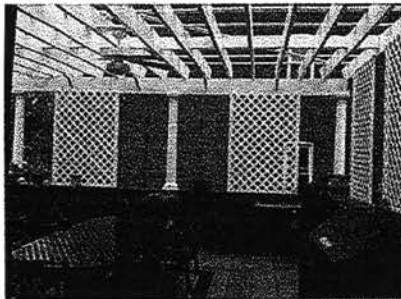
This letter is written in support of my neighbors, Otis and Angela Ray, regarding the pergola they recently constructed on their existing patio at 2100 1st Street, NW. My residence located at 115 V Street, NW is across an alley way that faces the Ray's patio. It is the residence that has the closest view of the Ray's pergola. The pictures below reflect a view to my home from the back of the Ray's pergola, as well as, my view from my residence to the back of their residence and the pergola.

I am of the opinion that the pergola is beautiful and adds value to the surrounding properties and the neighborhood, in general. I am therefore, in support of the Ray's efforts to have their request for permit approved.

If you have any questions, please do not hesitate to contact me at (202) 232-4729.

Sincerely,

Ada M. Babino
Resident
115 V Street, NW
Washington, DC 20001



*View from the Ray's patio
with my residence at 115 V Street
across the alley in the backdrop*



My view of the back of the Ray's Pergola





