



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.:	18394	Case Name:	58 Rhode Island Avenue NW
Address or Square/Lot(s) of Property:	Square 3111, Lot 24		
Relief Requested:	Special Exception to allow a rear deck and trellis addition; not meeting lot occupancy (section 403); rear yard (section 404) and court (section 406) requirements in R-4 District		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	3	/	1	0	/	1	2	Was proper notice given?:	Yes	☒	No	☐
Description of how notice was given:	Original Notice was issued on September 17, 2012 for a Regular Meeting on September 25, 2012.												
On September 25, 2012 a Special Meeting was called for October 13, 2012 to continue review. All Notices were given via email and again at the September 25, 2012 Meeting. A reminder Notice was then sent out on October 6, 2012 to remind everyone about the Special Meeting. Notices were also posted online and on listservs.													
Number of members that constitutes a quorum:				Number of members present at the meeting:									

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 Letter and Petitions. Additionally, see ANC Letters and emails requesting extension of time to submit official response.

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):

See attached letter

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

EXHIBIT NO.

18394
34

AUTHORIZATION

ANC	5	C	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	4-3-2
Name of the person authorized by the ANC to present the report:			Ronnie L. Edwards/Hugh Youngblood	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Ronnie L. Edwards	
Signature of Chairperson/ Vice-Chairperson:				Date: 10/15/12

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

RECEIVED
D.C. OFFICE OF ZONING
2012 OCT 16 AM 9:21



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

October 15, 2012

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

Re: BZA Application No. 18394

Dear Members of the Board:

As a follow-up to my letter dated October 4, 2012, I am pleased to inform you that, as indicated, ANC held a Special Meeting on Saturday, October 13, 2012 to continue our discussion on the above referenced application. Our meeting on October 13, 2012 was attended by the applicant - Mr. Eric Schultz. During the initial discussion and review, the complainant was not present. As you recall, ANC 5C was unable to act on this application at our earlier September 25, 2012 meeting because of our inability to obtain a quorum.

However, during our meeting on Saturday, ANC 5C received a comprehensive report on the requested zoning exception from the applicant and Commissioner Hugh Youngblood, the Single Member District (SMD) Commissioner within whose area the exception is being requested. Commissioner Youngblood reported that he had requested the appearance of the complainant who indicated she would attend but for whatever reason she had not yet arrived. The Commission agreed that out of respect for the applicant who had attended both meetings we should proceed with reviewing the application and depending on the complainants late arrival possibly reconsider any earlier decision made.

It is the Commission's understanding that the applicant is seeking a Special Exception to allow a 1st Floor Deck addition with a Trellis Structure to the rear of an existing single-family row dwelling, which will not meet the Lot Occupancy requirement (Section 403), the Rear Yard requirement (Section 404), and the Open Court requirement (Section 406) as outlined for a row dwelling structure in an R-4 District consistent with the District of Columbia Zoning Regulations. The concerns appears to be that construction of the Deck will negatively affect light for the complainant's adjoining house, decrease rental value, and may impose certain security risks. To minimize this impact, the applicant indicates that he has consulted with his Architect and developed a design to construct the deck as far from the complainant's property as reasonable with open railings (cable railings) and an open pergola so that there is no lattice work to block the complainant's view. He also indicated that the complainant had expressed agreement to withdraw objection if the deck is placed 7' from her property line. The applicant argues that in the face of no other objections from other residents, this compromise is greater than required by the code and would result in a smaller deck than authorized by the code.

Commissioners

5C01 Bradley Thomas
Vice Chairman
5C01@anc.dc.gov
202.670.0151

5C02 Sylvia Pinkney
5C02@anc.dc.gov
202.269.4180

5C03 Hugh Youngblood
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5C04 Mark Mueller
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5C05 Tim Clark
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202.277.6386

5C06 Mary Farmer-Allen
Treasurer
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5C12 Gigi Ransom
Financial Secretary
Corresponding Secretary
5C12@anc.dc.gov
202.529.0508

ANCSC meets on 3rd
Tuesday of the month.

Next Meeting:
October 16, 2012
12:00 Noon
The Summit
@ St Martins
116 "T" Street NE

In addition to the “open” design, the applicant also agrees to work with the complainant in an effort to address security concerns, including the possibility of assisting the complainant with the purchase of security bars for her window.

Because of the complainant’s concerns, the SMD Commissioner proposed that the Commission take no action on the application and allow the BZA to decide the issues. This recommendation was rejected by the Commission. The Commission argued that it was the responsibility of the complainant to appear before the Commission to represent her interest and to deny the applicant absent her representation was unfair.

Following a lengthy discussion a substitute motion was made that after two (2) meetings, the applicant has appeared before the Commission, but the protester has not. Since the applicant has put forth a reasonable justification for building the deck and trellis and has agreed to work with the complainant to mitigate concerns, ANC 5C supports the building of the deck and trellis.

ANC 5C is comprised of 12 Commissioners and therefore seven (7) Commissioners constitutes a quorum. On October 13, 2012, at a duly noticed special-public meeting of ANC 5C, nine (9) Commissioners attended the meeting. At the time of voting on this application there were nine (9) Commissioners present and voting. The ANC 5C voted 4-3-2 that if it is within the purview of the BZA to approve the deck design, ANC 5C supports granting the Special-Exception to construct the proposed Deck.

Because the Complainant arrived towards the end of the meeting, it was discussed that in order for the complainant to be heard it would be necessary for a Commissioner on the prevailing side of the earlier decision to move for reconsideration. The motion was made and failed on a vote of 4-4-0. The vote required a 2/3 majority.

APPROVED: *This 13th Day of October 2012*

Ronnie Edwards

RONNIE EDWARDS, CHAIRMAN

Charita Brent

CHARITA BRENT, RECORDING SECRETARY



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

October 4, 2012

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

Re: BZA Application No. 18394

Dear Members of the Board:

This is to inform you that the above referenced application which is under consideration by your office was received and discussed at a meeting of ANC 5C which was held on September 25, 2012.

Unfortunately because of a concurrent public hearing that was also being conducted by the DC City Council, ANC 5C was unable to get a quorum for the meeting and thus unable to vote on the referenced matter. Additionally, during the meeting, it was brought to our attention that there was at least one (1) resident who because of an emergency was unable to attend the meeting but had nonetheless expressed concerns about possible obstruction, etc., related to the proposed addition of the rear deck and trellis. To be fair to the applicant and the complainant the Commission thought it important to conduct a comprehensive review of the matter, hear from both parties at the same time, and ensure that we would have a required quorum.

To accomplish this, the Commission agreed to schedule a follow-up special. The special meeting unfortunately was scheduled for Saturday, October 13, 2012. At the time we were unaware of the BZA's schedule for review for the application and have since learned that it is possibly tomorrow.

Accordingly, the Commission respectfully asks that the BZA grant the Commission additional time to review the application such that we will provide our response on October 15, 2012. Please accept our apology for this delay and we respectfully appreciate your consideration. In addition to me, Commissioner Youngblood, whose SMD this issue is located has been designated as the official representative of the ANC on this matter.

Thanks in advance for your cooperation and we look forward to your favorable response.

Respectfully Submitted,

Ronnie L. Edwards

Ronnie L. Edwards
Chairman

Commissioners

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Vice Chairman
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202.529.0508

ANC5C meets on 3rd
Tuesday of the month.

Next Meeting:
October 16, 2012
12:00 Noon
The Summit
@ St Martins
117 "T" Street NE

RE: ANC 5C Preliminary Report BZA Application No. 18394 - 58 Rhode Island Avenue NW

Nero, Richard (DCOZ)

Sent: Tuesday, October 09, 2012 7:58 AM

To: Edwards, Ronnie (ANC 5C11); DCOZ - BZA Submissions (DCOZ)

Cc: Youngblood, Hugh (ANC 5C03); ronnieedwards.5c11@gmail.com

Received

From: Edwards, Ronnie (ANC 5C11)

Sent: Monday, October 08, 2012 12:13 PM

To: Edwards, Ronnie (ANC 5C11); DCOZ - BZA Submissions (DCOZ)

Cc: Youngblood, Hugh (ANC 5C03); ronnieedwards.5c11@gmail.com

Subject: RE: ANC 5C Preliminary Report BZA Application No. 18394 - 58 Rhode Island Avenue NW

Importance: High

Members of the BZA,

It is also worth noting that the applicant was not prepared for the September 25th Meeting, in that when requested they were unable to provide any documentation, application, pictures, etc., to the Commission in support of their request for Special Exception. It was for this reason also that the Commission decided to delay consideration. Again, thanks for your consideration of our request.

--Original Letter Attached.

Ronnie Edwards, 5C11, Chairman
Advisory Neighborhood Commission 5C
(202) 413-2715

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From: Edwards, Ronnie (ANC 5C11)

Sent: Monday, October 08, 2012 12:06 PM

To: DCOZ - BZA Submissions (DCOZ)

Cc: Youngblood, Hugh (ANC 5C03); ronnieedwards.5c11@gmail.com

Subject: ANC 5C Preliminary Report BZA Application No. 18394 - 58 Rhode Island Avenue NW

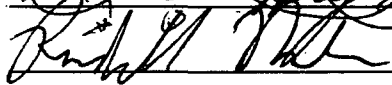
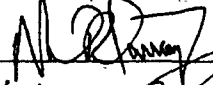
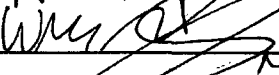
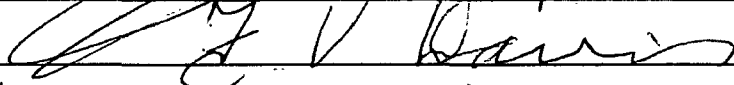
Member of the BZA,

Please find attached ANC 5C's Preliminary Report regarding the subject Application and Request for Additional Time to consider the merits of the Application. Your favorable consideration is greatly appreciated.

Ronnie Edwards, 5C11, Chairman
Advisory Neighborhood Commission 5C
(202) 413-2715

We the undersigned Washington, DC residents, support the 223 Special Exemption request for Mr. Eric Schultz who resides at 58 Rhode Island Ave., NW Washington, DC 20001.

Mr. Schultz is requesting a 223 Special Exemption from the city to build a deck on the rear of his property. The reason for the exception is because current zoning regulations require that when a deck is built on a property that has a court (a dog leg) the deck needs to be 6' from the property line. Approval of his exception will allow Mr. Schultz to build a deck that is closer than 6' to the property line.

Name	Address
	84 Rhode Isl. Ave NW
	35 Quincy Place NE
Mike Springs	117 Quincy Pl NE 20002
Pauline L. Gelling	60 R.I. Ave. NW
Carolyn More	54 Rhode Island Ave. 20001
Zach Sherr	26 T St 20001
 MICHAEL R. CARRAWAY	52 T ST NW 20001
 William McKelvey	52 Rhode Island Avenue NW 20001
	
Franceta V. Davis	
164 T St NW	Washington DC 20001
Julia Sanders	62 Rhode Island Ave NW

We the undersigned Washington, DC residents, support the 223 Special Exemption request for Mr. Eric Schultz who resides at 58 Rhode Island Ave., NW Washington, DC 20001.

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Name	Address
Peter Pawlowski	68 T St NW
Kyle Richardson	68 T St NW