



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



September 13, 2013

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No 18514 (1120 Park Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on September 12, 2013, our Commission voted 0-6-0 (with 5 Commissioners required for a quorum) to deny the applicant's request for a special exception from the lot-occupancy requirements set forth at § 223 1 and for a variance from the requirements for minimum parking space size set forth at § 2115 1 and from the requirements for garage setback set forth at § 2300 2(b). The Applicants seek the requested relief to permit the construction of a garage and garage-roof deck at the rear of the property. The ANC also adopted a subsequent resolution, by a vote of 6-0-0, to provide an explanation for our opposition in the absence of required proof of consultation with the immediate neighbors.

Throughout the following letter you will find statements that the ANC would have supported these requests for exception and variance. Unhappily the applicant did not provide copies of the letters we require from the adjoining neighbors, nor was a persuasive case made that the letter could not be obtained. Should the applicant provide those letters to the Board, we ask that you grant the exception and variances. We always require that the neighbors be consulted, especially the next-door neighbors where a deck is contemplated causing a potential loss of privacy. It may be that the applicant can convince the Board that sufficient efforts have been made to permit the neighbor to speak on this issue.

The Commission would have supported granting the requested variances because strict application of the above referenced zoning requirements would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan.

The Commission would have supported granting the requested special exception because it would be in harmony with the general purpose and intent of the zoning regulations and zoning

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC- 6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the *Hill Rag*.

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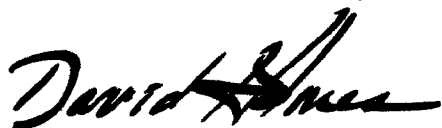
maps and will not tend to affect adversely, the use of neighboring property. The Commission recognizes that the proposed garage structure will be in keeping with the character of the alley, which contains other, similar structures. There can be no doubt that the applicant's yard has special difficulties because it had been impinged upon by the neighbor's fence, denying full use of the property.

The applicant has requested a variance, permitting the applicant to deviate from the definition of "yard" set forth at § 199 by replacing the existing steel deck at the rear of the property with a wooden deck that occupies more than 50% of the rear yard. The Commission would have supported granting the requested variance because strict application of the above referenced zoning requirement would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan.

The Commission believes that the variance would have been justified in light of the fact that the property in question has an extremely small rear yard that directly abuts an alley and the fact that many of the houses on that same alley have rear decks that also appear to occupy more than 50% of the yards in which they are located.

Please be advised that David Holmes, Andrew Hysell, and Daniel Golden are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at David.Holmes@anc.dc.gov.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "David Holmes", with a stylized flourish at the end.

David Holmes
Chair