

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE HEIGHTS MCLEAN GARDENS • WOODLEY PARK
Single Member District Commissioners 01-Lee Brann Reba, 02-Gwendolyn Bole, 03-Jeff Kahel 04-Richard Steacy, 05-Margaret Siegel, 06-Carl Roller 07-Victor Silveira, 08-Catherine May, 09-Nancy MacWood	3601 Connecticut Avenue, NW Suite L-06 Washington, DC 20008 Email all@anc3c.org Website http://www.anc3c.org

ANC 3C Resolution 2013-017
 Regarding the Board of Zoning Administration Application
 for 2919 39th Street, NW

WHEREAS the Zoning Administrator has approved a waiver of minor deviations of the minimum lot size (see attachment A) for 2919 39th Street NW in order to facilitate the creation of an Accessory Dwelling Unit ("ADU"); and

WHEREAS the applicant is seeking a special exception from the Board of Zoning Administration ("BZA"), Application #18532 to waive the zoning regulations (§§ 202.10 and 602.1 of the Zoning Regulations of the District of Columbia) pertaining to the requirements that ADUs be located in detached houses and occupy no more than 25% of the house:

BE IT RESOLVED that ANC 3C has no objection to this special exception application at 2919 39th Street, NW in order to create a legal ADU; and

BE IT FURTHER RESOLVED that the Chair and Commissioner for SMD ANC3C-07 are authorized to represent the commission on this matter.

Attested by



Victor Silveira
 Chair, on April 15, 2013

RECEIVED
 DISTRICT OFFICE OF ZONING
 2013 APR 19 PM 12:31

BOARD OF ZONING ADJUSTMENT
 District of Columbia

CASE NO. 18532

EXHIBIT NO. 23

Board of Zoning Adjustment
 District of Columbia
 CASE NO. 18532
 EXHIBIT NO. 23

This resolution was approved by a roll-call vote of 9-0 on April 15, 2013 at a regularly scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.

Attachment A

The following is the email exchange between the applicant, Ms. Hassine, Ms. Thomas and Mr. LeGrant, which stipulates that the lot area requirement will be granted minor flexibility. The relevant portions are highlighted.

>
> ----- Forwarded Message -----
> From: "Thomas, Karen (OP)" <karen.thomas@dc.gov>
> To: "mhassine@yahoo.com" <mhassine@yahoo.com>
> Sent: Tuesday, April 2, 2013 10:24 AM
> Subject: FW: BZA 18532 - Request for ZA Flexibility
>
> Hi Ms. Hassine:
> The Zoning Administrator's response is below.
>
> karen
>
> -----Original Message-----
> From: LeGrant, Matt (DCRA)
> Sent: Tuesday, April 02, 2013 9:53 AM
> To: Thomas, Karen (OP)
> Cc: Lawson, Joel (OP)
> Subject: RE: BZA 18532 - Request for ZA Flexibility
>
> Karen- As we discussed, I will be able to grant minor flexibility under
Section 407.1 from the lot area requirement of Section 202.10 (a) (3), as
noted below. Please be sure to refer the applicant to me so I can issue her
a formal decision.
>
> Best Regards,
>
> Matthew Le Grant
> Zoning Administrator
> Dept of Consumer and Regulatory Affairs
> Government of the District of Columbia
> 1100 4th St SW - Room 3100
> Washington, DC 20024
> Phone: 202 442-4652

> FAX: 202 442-4871
 > Email matt.legrant@dc.gov
 > Web
<http://dcra.dc.gov/DC/DCRA/Permits/Certificates+of+Occupancy+and+Zoning>
 >
 >
 >
 >
 >
 > -----Original Message-----
 > From: Thomas, Karen (OP)
 > Sent: Monday, April 01, 2013 3:34 PM
 > To: LeGrant, Matt (DCRA)
 > Subject: BZA 18532 - Request for ZA Flexibility
 > Importance: High
 >
 > Hi Matt
 >
 > I am asking whether you would be able to grant an applicant flexibility from the lot area requirement of Section 202.10(a)(3) which states that
 >
 >
 > 202.10 An accessory apartment may be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the following provisions.
 >
 > (a) The lot shall have a minimum lot area for the following zone Districts
 >
 > (1) Seven thousand, five hundred square feet (7,500 ft²) for R-1-A,
 >
 > (2) Five thousand square feet (5,000 ft²) for R-1-B; and
 >
 > (3) Four thousand square feet (4,000 ft²) for R-2 and R-3,
 >
 >
 > The applicant would like an accessory apt in her basement unit (no addition contemplated). Only 2 requirements of Section 202.10 could be waived for her to qualify for a SE and not a use variance. She does not meet 3 - lot area = 3,885 sf, (c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house - she has 30%, and the provision that it should be a detached and she has a semi-detached sf residence.

>
> None of these can be changed So what I am asking is if you could agree to waive the lot area requirement (which Alan essentially says is the lot area requirement for the R-2 District) since she is just shy of 115 sf of meeting the minimum lot area requirement (Section 2522)
>
> If you can, then it would be a simple SE relief application I believe she received ANC approval Otherwise it would be a use variance per Section 210.10 (i) which would be an uphill climb
>
> We are meeting with her tomorrow at 10 00 am and would like to have your opinion prior to the meeting if possible
>
> Thanks for your help on short notice as usual
>
> Karen
>
> The DC Office of Tax and Revenue is offering free tax assistance in your community this month
> For more information, contact the OTR Customer Service Center at (202) 727-4TAX or visit [www taxpayerservicecenter com](http://www.taxpayerservicecenter.com)
>
>
>
>