

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40486
Palisades Station
Washington, D.C. 20016

November 12, 2013

Mr. Lloyd Jordan, Chairperson
Board of Zoning Adjustment (BZA)
441 4th Street NW
Suite 210S
Washington, DC 20001
Email: BZASubmissions@dc.gov

RECEIVED
D.C. OFFICE OF ZONING
2013 NOV 13 AM 9:12

RE: BZA Application No. 18659 – 4540 Lowell Street, NW

Dear Mr. Jordan,

At its properly-noticed public meeting on November 6, 2013, held at the American University, School of International Service, Founders Room, Washington, DC 20016, with a quorum present at all times, Advisory Neighborhood Commission (ANC) 3D voted 10-0-0 to deny approval of BZA Application No. 18659 for Special Exception relief pursuant to §223 for relief from the side yard setback requirements of §405.9 (8' to 3') and area variance relief from the front yard setback requirements of §1543.4 (13' to 2'4") to approve the construction of an addition to a new one-family dwelling.

The Commission's vote was based on the following:

1. Applicant's construction deviated from approved constructions plans.
2. Zoning Administrator determined the property was a raze, not a renovation/addition and noted that the applicant knowingly exceeded the scope of the construction permit violating Sections 2000.4, 2001.2 and 2001.3 of the Zoning Regulations.
3. Given the construction has been designated as new construction by the Zoning Administrator, the applicant should be seeking a variance under Section 3103.2 instead of a special exception for side yard relief under Section 223 of the Zoning Regulations. The applicant has advised the ANC that he plans to revise the application to seek a variance of the side yard requirement, instead of a special exception.
4. The applicant has not met the burden for variance relief (§3103.2) for either the front or side yard setback restrictions in that the applicant has not identified any undue hardship or exceptional difficulties that would justify variance relief.
5. The applicant has not met the burden for variance relief of the Wesley Heights Overlay District (WHOD) Sections 1541.1, 1541.3 and 1543.4, in that the new structure visually intrudes upon the harmonious design of houses falling within the Wesley Heights Overlay District, reduces the access to air and light of the neighboring

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EXHIBIT NO. 28

property, including their ability to add to their property within existing zoning rules; and the new structure is inconsistent with provisions of the Zoning Regulations for the Wesley Heights Overlay District.

Accordingly, ANC3D requests that the BZA deny this application, and asks that its request be afforded "Great Weight" in the consideration of this application. D.C. Code 1 309.10(d)(3)(A).

Sincerely,

A handwritten signature in black ink, reading "Penny Pagano". The signature is fluid and cursive, with the first name "Penny" and last name "Pagano" clearly distinguishable.

Penny Pagano
Chair, ANC3D