

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.: 18711	Case Name: 3112 13th Street, LLC
Address or Square/Lot(s) of Property:	Square 2848, Lot 33
Relief Requested:	variance from the lot area requirements and a variance from the off-street parking requirements

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1 / 2 / 02 / 1 / 4	Was proper notice given?:	Yes ☒ No ☐
Description of how notice was given:	Listservs, twitter, ANC 1A Web site, etc.		
BOARD OF ZONING ADJUSTMENT District of Columbia CASE NO. <u>18711</u> EXHIBIT NO. <u>35</u>			
Number of members that constitutes a quorum:	7	Number of members present at the meeting:	9

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):

The Commission considered and rejected the variance from the off-street parking requirements. There was great concern and community opposition to the four mechanical parking spaces, and it was the Commission's understanding that the developer was agreeable to withdrawing this variance request. There was also concern about the density of the property, and some residents are opposed to subdividing this property into additional living units.

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):

After full consideration, the Commission recommends that the variance for off street parking be denied. The Commission does support the lot area variance, as it believes the conversion of this property from a Community Based Residential Facility into a Multiunit Residential (four living units) property is desirable and in keeping with similar conversions on the block that have previously been granted. Additionally, this conversion will not increase the number of residents at this building nor create any additional hardship to the community. Finally, the Fenton Group has agreed to provide amenities to the community (per attached sheet) as a gesture of good faith and to mitigate any possible impact on the community that may exist.

AUTHORIZATION

ANC	1	A	Recorded vote on the motion to adopt the report (I.e. 4-1-1):	6-0-3
Name of the person authorized by the ANC to present the report:			Patrick Flynn	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Kent Boese	
Signature of Chairperson/ Vice-Chairperson:				Date: 2/20/14

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

Board of Zoning Adjustment
District of Columbia
CASE NO. 18711
EXHIBIT NO. 35

By this Agreement made on February 20th, 2014 between The Fenton Group, LLC herein referred to as The Developer and Patrick Flynn regarding the property located at 3112 13th St, NW herein referred to as the Subject Property, the Developer agrees to make the following community contributions contingent upon receiving final building permit approval for the development of the subject property into three or more units.

If the the Developer receives zoning approval to construct three units, the Developer agrees to fund the purchase of 5 computers, valued at \$700 each, via a monetary donation of \$3,500, to the Harriet Tubman Elementary School Parent Teacher Association ("PTA") to be used in The District of Columbia's testing process. If the Developer receives zoning approval to construct four units the Developer agrees to fund the purchase of 10 computers via a monetary donation of \$7,000.

The Developer also agrees to fund the design and manufacture of a combination of thirty (30) free standing and mounted signs informing the community of the penalties associated with not cleaning up after your pet, to be installed by a third party not named in this agreement, in a 4-6 block radius around 3112 13th St NW. The financial value of this community contribution shall be approximately \$1,500, inclusive of design,

Finally, The Developer agrees that if a car sharing service is willing to offer reasonable terms, including coverage for any resulting liability, for use of a parking space located behind the subject property, the Developer will establish an agreement with said car sharing service and allow them to use one of the two parking spaces behind the subject property to park one of their fleet vehicles In the event that no car sharing service is willing to offer reasonable terms, or if for any other reason the community's first choice to have car sharing is not possible, the Developer agrees to instead fund 20 computers at Harriet Tubman Elementary, valued at \$14,000, in addition to the dog signs.

In the event that The Developer does not receive zoning approval and can only develop a by-right two unit development in the subject property, The Developer will still post signs informing the community of the penalties associated with not cleaning up after your pet as provided above. All other terms will be void.