



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.:	19018	Case Name:	Application of North Capitol #2 Land Trust
Address or Square/Lot(s) of Property:	2026 North Capitol Street, NW (Sq. 3117, Lot 834).		
Relief Requested:	Zoning Variance		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	6	/	0	6	/	1	5	Was proper notice given?:	Yes	☒	No	☐
Description of how notice was given:	Seven calendar days prior to the ANC 5E meeting via e-mail, web and posting in the neighborhood.												

Number of members that constitutes a quorum:	6	Number of members present at the meeting:	9
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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 request for the variance at 2026 North Capitol Street, NW (Sq. 117, Lot 834) contains several statements and associated pieces of evidence that are highly misleading of not outright falsehoods. See attachment for additional detail.

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*):

ANC 5E unanimously recommends that the Board of Zoning Adjustment deny the applicant's request of relief (a zoning variance) from the requirements of 11 DCMR § 2001.3, to allow the enlargement of the existing second story deck and construct a third-story deck in the R-4 District.

AUTHORIZATION

ANC	5	E	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	8-0
Name of the person authorized by the ANC to present the report:			Teri Janine Quinn	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Teri Janine Quinn	
Signature of Chairperson/ Vice-Chairperson:			Date:	6/19/15

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
ANC 129-19018
EXHIBIT NO.28

Advisory Neighborhood Commission 5E Addendum

Case Number **BZA Application No. 19018**

Case Name **Application of North Capitol #2 Land Trust**

Address or square/lot of property **2026 North Capitol Street, NW (Sq. 3117, Lot 834).**

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 request for the variance at 2026 North Capitol Street NW (Sq. 117, Lot 834) contains several statements and associated pieces of evidence that are highly misleading of not outright falsehoods.

Rationale:

- (1) The Burden of Proof claims that "most" of the "surrounding" structures include garages and therefore safely exceed permitted lot occupancy of 60%:** 2026 North Capitol is at 78% lot occupancy, according to the Burden of Proof. While the homes immediately to the north of 2026 North Capitol Street NW may be over 60% lot occupancy, the four homes to the immediate south all occupy approximately 45% lot occupancy and do not have garages as is said in the document. Therefore, the Burden of Proof is misleading. Further, the Burden of Proof was submitted with photos taken from the deck of 2026 North Capitol Street NW to the north, thus emphasizing that the house at 2028 North Capitol Street NW occupies a similar lot occupancy to that of 2026 North Capitol Street NW. However, no equivalent photo was submitted showing the view in other direction towards 2024 North Capitol Street NW. Therefore, the Burden of Proof in tandem with the submitted photos is deeply misleading. Taken together, they can be interpreted as an attempt to deliberately deceive the Zoning Commission into believing both the surrounding homes occupy a similar lot occupancy.
- (2) The Burden of Proof claims the construction at 2026 North Capitol does not infringe upon the "light, air, or privacy" of the surrounding homes.** However, it then specifically highlights its lack of impact on the "light or air" of 2024 North Capitol Street NW. Thus, the subsequent statement very subtly omits discussion of the impact on the privacy of 2024 North Capitol Street NW. The Burden of Proof was submitted with photos taken to the North from the deck of 2026 North Capitol Street NW. They show that the privacy of 2028 North Capitol Street NW is un-impacted by the decks. Noticeably absent is a photo directed to the south showing the impact on

the privacy of 2024 North Capitol Street NW; the only property explicitly addressed in this section of the document. The Burden of Proof and photos are heavily misleading in this regard. One could interpret the document's omission of the word "privacy" with regards to 2024 North Capitol Street NW in fact, an implicit admission that its privacy is impacted.

- (3) **The owner would not encounter practical difficulties or undue hardship if the zoning regulations were strictly applied.** The owner of the unit with the decks in question stated publically that the developer has agreed to bear any costs of rebuilding the decks to conform with zoning regulations. The developer purchased the property for approximately \$650,000, and sold it as two separate units after renovation for approximately \$1,550,000 combined. Lastly, the owner of the unit with the decks in question also publically admitted to having closed on the property knowing it required a zoning variance.
- (4) **The variance will cause no substantial detriment to the public good and it will not substantially impair the intent, purpose and integrity of the zone:** The developer of 2026 North Capitol Street NW is currently working on at least two other properties in Bloomingdale—on the unit block of U Street NW and the unit block of Channing Street NW. ANC 5E believes it will cause substantial detriment to the public good and impair the intent, purpose and integrity of the zone if zoning relief is given in this case. This is because ANC 5E believes the developer knows the zoning code very well, and also made the decision to sell the units at 2026 North Capitol Street NW knowing it required zoning relief.

View from the yard of 2024 North Capitol Street NW (all three upper decks belong to top unit asking for variance relief)



Impact of 2026 North Capitol St NW decks on privacy of 2024 North St NW



Impact of 2026 North Capitol St NW decks on privacy of 2024 North St NW



Difference between lot occupancy of 2026 North Capitol St and next four homes to South (note 2024 N. Capitol Street NW in beige stucco; none of these homes have garages as is posited in burden of proof document).

