



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 5E
Washington DC 20001 - www.anc5e.com – twitter @anc5e

**CONTINUING RESOLUTION AND AUTHORITY FROM ADVISORY NEIGHBORHOOD
COMMISSION 5E AS APPELLANT OPPOSING PERMIT NOS. B1505056 AND B1510351 BY
DCRA/ZONING ADMINISTRATOR
IN THE MATTER OF BZA APPEAL 19106,
67 V STREET NW, WASHINGTON, DC 20001**

WHEREAS, pursuant to applicable District laws, each Advisory Neighborhood Commission ("Commission") may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia- including the Board of Zoning Adjustment (BZA) - with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning, streets, recreation, social services programs, education, health, safety, budget, and sanitation which affect that Commission area [D.C. Official Code §§ 1-309.10(a)];

WHEREAS, proposed District government actions include actions of the Council of the District of Columbia, the executive branch, or independent agencies, boards, and commissions. In addition to those notices required in D.C. Official Code §§ 1-309.10(a), each agency board and commission shall, before the award of any grant funds to a citizen organization or group, before the transmission to the Council of a proposed revenue bond issuance, or before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, and the opening of any proposed facility systems, provide to each affected Commission notice of the proposed action as required by D.C. Official Code §§ 1-309.10(b);

WHEREAS, the issues and concerns raised in the recommendations of the Commission shall be given great weight during deliberations by government entities, and great weight requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission's issues and concerns [D.C. Official Code §§ 1-309.10(c)(3)(A)];

WHEREAS, the Commissions are the bodies of government with the closest ties to the people and they are expected to advise the city on issues, including fees, taxes, zoning, social services programs, health, emergency preparedness, economic development, transportation and infrastructure issues;

WHEREAS, On June 19, 2015, the Department of Consumer and Regulatory Affairs, (DCRA), issued a building permit - Permit B1505056 - to WS HOMES 67 V ST LLC, for Lot 0076, Square 3118 - 67 V Street NW - authorizing the conversion of an existing single-family dwelling into three (3) dwelling units that included the removal of the interior partitions and rear

exterior walls, and the construction of a rear addition, as well as a third floor addition; extending to the property line on the lateral sides; unit one of the subject property would consist of two levels, two bedrooms and 2.5 bathrooms; unit two of the subject property would consist of one level, two bedrooms and 2.5 bathrooms; unit three of the subject property would consist of one level, two bedrooms and 2 bathrooms; in total, the subject property would consist of one cellar, three stories, nine toilets, thirteen sinks, seven bathtubs/showers and a roof deck; each unit would have a rear balcony and rear stairs for egress; two parking spaces would be provided at the rear of the lot; an existing basement would be excavated to raise the ceiling height;

WHEREAS, On July 21, 2015, DCRA, issued a building permit - Permit B1510351 - to WS HOMES 67 V ST LLC, for Lot 0076, Square 3118 - 67 V Street NW - "to correct plan anomalies on the previously issued permit, B1505056. Specifically included in the new permit is the addition of an open, overhead trellis over the chimney cutout in order to satisfy zoning requirements. . . The Building Official has determined that the overhead trellis meets the spirit and intent of the code regarding chimney clearance;"

WHEREAS, §§ 330.1 thru §§ 330.3 under Title 11 of the DC Municipal Regulations (DCMR) - R-4 Districts: General Provisions - § 330.1: ". . . is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families;" § 330.2 notes, ". . . its primary purpose shall be the stabilization of remaining one-family dwellings;" and § 330.3 states, " ... the R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement;"

WHEREAS, on May 14, 2015, zoning reviewer Shawn Gibbs did approve the owner's request, commenting, "(r-4 zoning district) – zoning approval to convert an existing two-family flat into n [sic] three story + cellar apartment house with three dwelling units. includes a rear three story addition. two parking spaces provided in the rear, accessible from a 20-foot rear alley. prior to issuance of a final certificate of occupancy, a zoning inspection will be required to 1. verify use, 2. verify number of parking spaces, and 3. verify that the roof deck closes the nonconforming open court;"

WHEREAS, on July 21, 2015, zoning reviewer Ademola Shittu did approve the owner's request, "revision to building permit b1505056 to move rear yard deck footings inside property line. to add trellis (24 inches o.c.) to third floor court next to neighbor chimney;"

WHEREAS, on June 19, 2015, according to DCRA's Building Permit Status Tracker, Building Permit B1505056 was issued to WS HOMES 67 V ST LLC;

WHEREAS, on July 21, 2015, according to DCRA's Building Permit Status Tracker, Building Permit B1510351 was issued to WS HOMES 67 V ST LLC;

WHEREAS, owners and residents, Ms. Katelijn van den Berg, 69 V Street NW, and Mrs. Susan T. Seutter, 65 V Street NW located in ANC 5E (SMD 5E08) first came and presented before the Commission on September 15, 2015, a narrative of the issues and their community - The

Bloomingdale neighborhood is a quiet, established residential rowhouse neighborhood with mature trees, well-maintained front and back yards and quiet neighbors, some of whom have lived in their homes for decades. Properties in the immediate vicinity of the subject property primarily are one-family rowhouses with a basement, first floor and second floor. There is a consistent design and size to each rowhouse that fits with the character of the neighborhood. Each rowhouse generally occupies less than 50% of the lot size. The conversion of the subject property would be dramatically out of scale and character with existing rowhomes in the neighborhood. The personal and property interests of the surrounding homes and property owners in ANC 5E would be adversely affected by the conversion of the subject property as approved by DCRA. The conversion of the subject property as described would negatively impact the air, light, privacy and property values of the surrounding homes. In approving this permit, it does not appear that DCRA fully considered the additional stress the conversion would add to the aging infrastructure in the neighborhood;

WHEREAS, at a properly noticed September 15, 2015 ANC 5E public meeting, a majority of those duly elected and sworn-in ANC 5E Commissioners, with that quorum present, upon considering a motion of the foregoing appeal report for 67 V Street NW, associated with Permit Nos. B1505056 and B1510351 and Ms. Katelijn van den Berg, Mr. Richard Alan Seutter, Jr. and Mrs. Susan T. Seutter's request that ANC 5E join their appeal as co-appellant, further requesting of the Commission to intervene on their behalf, thereby seeking waiver of the \$1,040.00 required to appeal any decision of the Zoning Administrator in connection with DCRA's issuance of Building Permit Nos. B1505056 and B1510351 before the BZA, and to have Ms. Katelijn van den Berg, Mr. Richard Alan Seutter, Jr. and Mrs. Susan T. Seutter be the persons named and authorized by the ANC to present its report before the BZA, representing its interest, such request concluding by a vote of eight (8) yeas and zero (0) nays - to accept the report, join the appeal of Ms. Katelijn van den Berg, Mr. Richard Alan Seutter, Jr. and Mrs. Susan T. Seutter, and to have Ms. Katelijn van den Berg, Mr. Richard Alan Seutter, Jr. and Mrs. Susan T. Seutter be the persons named and authorized by the ANC to present its report before the BZA;

WHEREAS, DC Zoning Regulations offer waiver of appeals to residents, requesting of the BZA to review the final decision by DCRA to approve sign and issue building permits, in this matter Permit Nos. B1505056 and B1510351;

WHEREAS, DC Zoning Regulations offer waiver rights to ANCs, DC Government Agencies, National Capital Planning Commission, and not for profit Citizens' Associations, in requesting the BZA to review the final decision by DCRA to approve, sign and issue building permits, in this case Permit Nos. B1505056 and B1510351;

WHEREAS, procedurally, for this Resolution to be perfected, ANC 5E must establish a quorum for any official business, authorized under DCMR for any ANC, which requires that our meeting: (1) Be noticed; (2) Be held in a public forum; and (3) Include the presence of six (6) Single Member District Commissioners (SMD) in order to constitute that quorum;

NOW, THEREFORE, BE IT RESOLVED, at a properly noticed September 15, 2015 ANC 5E public meeting, a majority of those duly elected and sworn-in ANC 5E Commissioners, with that quorum present, upon considering a motion of the foregoing appeal report for 67 V Street

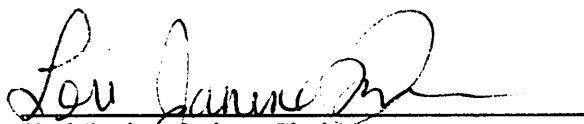
NW, associated with Permit Nos. B1505056 and B1510351, concluding by a vote of eight (8) yeas and zero (0) nays - to accept the report, join the appeal of Ms. Katelijn van den Berg, Mr. Richard Alan Seutter, Jr. and Mrs. Susan T. Seutter, and to have Ms. Katelijn van den Berg, Mr. Richard Alan Seutter, Jr. and Mrs. Susan T. Seutter be the persons named and authorized by the ANC to present its report before the BZA;

BE IT FURTHER RESOLVED, ANC 5E is appealing this matter after reviewing the project's permitted plans, in accordance with Permit Nos. B1505056 and B1510351 and have determined through its report that several chapters of the DC Zoning Regulations, as they pertain to Residential R-4 District rules, conflict with this project, including but not limited to: (i) interpretation and application as well as general provisions; (ii) the density of the proposed project; (iii) the pervious surface requirements; (iv) roof structures; and (v) overcrowding of the lot. Accordingly, ANC 5E requests review of the project against the following provisions from Title 11 of DCMR:

11-101	Interpretation and Application
11-199	Definitions
11-330	R-4 Districts General Provisions
11-403	Percentage of Lot Occupancy
11-404	Rear Yards
11-406	Courts
11-411	Roof Structures
11-412	Pervious Surface

ANC 5E respectfully requests that the Board consider this appeal and grant the appropriate relief. Thank you for your time and consideration.

Respectfully submitted,


Teri Janine Quinn, Chair
ANC 5E