

Letter in Support of BZA Appeal No. 19106 to Board of Zoning Adjustment

Re: *Appeal of ANC 5E, pursuant to DCRA issuance of Building Permit Nos. B1505056 and B1510351 at 67 V Street N.W.*

Dear Members of the Board,

67 V street NW is currently being converted into a three-unit apartment building consisting of a lower level, first floor, second floor, third floor, and roof deck. There is a 45 foot-long rear addition and an additional story to the original structure. The footprint of the completed building will be double that of the original single-family home. I believe that the plans as approved, for Building Permit Nos. B1505056 on June 19, 2015 and B1510351 on July 21, 2015, conflict with several sections of the District's Zoning Regulations.

The Zoning Administrator erred in allowing a non-compliant Closed Court on the Third Story in the Original Permit (June). The Closed Court reveals a court area of 198.06 square feet which is less than the minimum requirement of 350 square feet for a Closed Court. The Zoning Administrator further erred in issuing an Ancillary Permit (July) with revisions to the Closed Court where a trellis was added. The Trellis that was added as part of the Ancillary Permit does not provide sufficient coverage of at least 51% to constitute a "roof" and therefore does not meet the definition of "Building" under the Zoning Regulations. The coverage of the Trellis cannot be increased as even the current coverage is in violation of the Construction Code which requires that the chimney of 65 V Street NW extend at least 2 feet higher than **any** portion of a building within a horizontal distance of 10 feet. A trellis is defined as a "structure" by the DC Zoning Glossary and therefore cannot be directly adjacent to a chimney per the building code for chimney clearance.

Moreover, it appears that DCRA prematurely issued the permit on June 19, 2015 to avoid reviewing the permit application under the new zoning regulations, Z.C. Order No. 14-11 passed on June 8, 2015 and published/effective on June 26, 2015. DCRA may not knowingly approve non-conforming plans in anticipation of their later improvement. By doing so, they have allowed substantial detriment to the public good and have substantially impaired the intent, purpose, and integrity of the Zoning Regulations regarding the R-4 Zone District. Pursuant to the Comprehensive Plan, neighborhood character must be protected in areas such as the R-4 zone consisting primarily of row house dwellings. The Zoning Commission voted to have the new Zoning Regulations become effective immediately with the intent of saving neighborhoods from the detrimental effects of the very type of construction at issue in this case.

I ask that you carefully review the claims and not allow any variance or interpretation of the Zoning Regulations to the detriment of the public. The conversion of the subject property is dramatically out of scale and character with the existing rowhomes in the neighborhood. The personal and property interests of the surrounding homeowners in ANC 5E has been, and will continue to be, adversely affected by the conversion of the subject property as approved by DCRA. The conversion of the subject property negatively impacts the air, light, privacy, and property values of the surrounding homes.

Sincerely,

JAMES MYERS
James Myers (name)

111 W ST NW (address)

*Please do not set a precedent
for being above the rule of law.
There is too much at stake
here!*

*Thank you very much for
your consideration to this
matter.*

Board of Zoning Adjustment
District of Columbia
CASE NO.19106
EXHIBIT NO.39