



ADVISORY NEIGHBORHOOD COMMISSION 4C

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January 13, 2016

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Resolution and Authorization to Represent in Opposition to Board of Zoning Adjustment Case #19177 – Application of Bailey Real Estate Holdings, LLC, for special exception pursuant to 11 DMCR 336 at 615 Upshur Street, NW

WHEREAS, an application from Bailey Real Estate Holdings, LLC (applicant) for a special exception pursuant to 11 District of Columbia Municipal Regulations (DCMR) 336, Conversion of a Residential Building Existing Prior to May 12, 1958, to Apartment Houses (R-4); and

WHEREAS, the DCMR allows the Board of Zoning Adjustment (BZA) to permit the construction of apartment buildings in residential areas by application for a special exception; and

WHEREAS, 615 Upshur Street, NW is within the boundaries of Advisory Neighborhood Commission (ANC) 4C; and

WHEREAS, ANC 4C has investigated the application, heard from residents and the applicant since October 2015; and

WHEREAS, in November 2015, ANC 4C07 Commissioner John-Paul Hayworth was alerted that construction had begun on the property prior to permits being issued, requested a stop work order be issued on the property, and the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) inspectors issued a stop work order; and

WHEREAS, the applicant later explained that the construction was for “test pits” required by the District of Columbia Department of Consumer and Regulatory Affairs; and

WHEREAS, Commissioner Hayworth urged the developer at that time and subsequently to work

Board of Zoning Adjustment
District of Columbia
CASE NO.19177
EXHIBIT NO.24

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with neighbors on their concerns about the development, but at the time of this resolution only had a single meeting with neighbors the day of the ANC meeting; and

WHEREAS, 11 DCMR 336.6 notes that *"any application....shall not block or impede the functioning of a chimney or other external vent on an adjacent property,"* but page one (1) and thirteen (13) of the document "615 Architectural Plans and Elevations" submitted to the BZA clearly shows that the new building will directly impact on adjacent chimneys on each side of the proposed building because of the addition of an additional story above neighboring properties; and

WHEREAS, 11 DCMR 336.8 notes: *"A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size,"* but pages one (1) and seven (7) of the document "615 Architectural Plans and Elevations" appears to indicate that the new building would modify or eliminate dormer structures at the front of the property to create a third story; and

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WHEREAS, 11 DMCR 336.9 states: *"Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property"* and specifically notes that "new construction cannot unduly affect the light, air, privacy, enjoyment or character of neighboring properties," but the "Shadow Studies" document submitted to the BZA clearly shows that throughout the year, neighboring properties, especially those to the west of the proposed building will be largely in shadow for significant parts of the day, preventing light, air and enjoyment of their property; and

FURTHER, the block of homes located between 603 to 621 Upshur Street, NW were designed and built in 1916 by noted architect C. Clark Jones and though a number of property owners have completed renovations, adding additional stories, each has been able to maintain the character of the existing roofline for almost a century; and

WHEREAS, the applicant has given no indication to neighbors of preventative measures to be taken to prevent collapse or structural compromise to neighboring properties, specifically 613 and 617 Upshur Street, NW, due to digging out the basement to create additional living space; and

WHEREAS, the applicant proposes to eliminate green space in the front and rear of the property and replace with pavement or other non-permeable surfaces, actions that are contrary to District environmental protection policies, specifically, Green Area Ratio, RiverSmart Homes and RiverSmart Communities; and

WHEREAS, the application, in the submitted document appears to intrude on public greenspace in the front of the property, further affecting the enjoyment and character of the neighborhood; and

WHEREAS, the application's increase in impermeable coverage, including parking in the rear of the building, is contrary to current District of Columbia Green Area Ratio.

THEREFORE, BE IT RESOLVED THAT, on Wednesday, January 13, 2016, at a properly noticed public meeting of Advisory Neighborhood Commission 4C, where six (6) Commissioners constitutes a quorum, the Commission voted 10 (#) yeas and 0 (#) nays, to oppose Board of Zoning Adjustment Case # 19177 – Application of Bailey Real Estate Holdings, LLC, for special exception pursuant to 11 DMCR 336 at 615 Upshur Street, NW.

AND BE IT FURTHER RESOLVED THAT; and, in a second vote, the Commission, concluded by a vote of 10 (#) yeas and 0 (#) nays, has designated Commissioner John-Paul Hayworth as its representative to the Board of Zoning Adjustment for Case #19177, or any member of the Executive Committee in his absence.

AND BE IT FURTHER RESOLVED THAT; if a Construction Management Agreement is signed and submitted to the Board of Zoning Adjustment between the applicant and a majority of the adjoining neighbors, this resolution of opposition shall be considered null and void.



Vann-Di M. Galloway
Chairman, ANC 4C



John-Paul C. Hayworth, ANC Commissioner
SMD 4C07

