



GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3D
PO Box 40846, Palisades Station
Washington, DC 20016

***PALISADES – KENT – SPRING VALLEY – WESLEY HEIGHTS – NEW MEXICO/CATHEDRAL –
THE AMERICAN UNIVERSITY – FOXHALL VILLAGE – BERKELEY***

**RESOLUTION IN SUPPORT OF REVISED PLANS FOR
REAR ADDITION TO 1541 44TH STREET, NW,
BZA APPLICATION NUMBER 19205**

WHEREAS the Foxhall Village neighborhood is comprised of row homes built principally between 1925 and 1933 in an English Tudor style. See Foxhall Village Design Guidelines 1. The Foxhall Village Historic District was designated in July 2007 to acknowledge and preserve the special architectural and landscape character of this early 20th century planned neighborhood. See Foxhall Village Design Guidelines 1.

WHEREAS there are 46 row houses in the Foxhall Village Historic District on the eastern side of 44th Street. Each of these row houses was constructed at roughly the same time by Waverly Taylor, Inc. Each of these row houses have a walk-out basement that opens to a rear alley. On the other side of the alley is Glover Archbold Park, part of Rock Creek Park, which is a National Park. Each of these row houses originally included a two-story porch at the rear of the property that extended about 10 feet from the back of the property and extend generally two-thirds of the way across the rear of the row house.

WHEREAS over the years, almost all of these sleeping porches have been enclosed to provide additional living space. Furthermore, supplemental decks extending from the back of these enclosed sleeping porches are not uncommon.

WHEREAS several sleeping porches have been extended across the entirety of the back of the row house to which it is attached. In the case of one row house, the area under the supplemental deck has been enclosed to provide additional living space. None of the 46 sleeping porches have been extended beyond their original approximate 10-foot depth.

WHEREAS William Magrath and Susan Shen (the Applicants) own an interior row house in the Foxhall Village Historic District located at 1541 44th Street, NW, Washington, DC 20007. This property has an enclosed sleeping porch and a supplemental deck.

WHEREAS J.P. Szymkowicz owns an interior row house located at 1543 44th Street, NW, Washington, DC 20007, and is the immediate northern neighbor of the Applicants (the Northern Neighbor). This property has an enclosed sleeping porch and a supplemental deck.

WHEREAS Alexandra Schaumber owns an end row house located at 1539 44th Street, NW, Washington, DC 20007, and is the immediate southern neighbor of the Applicants (the Southern Neighbor). This

property has an enclosed sleeping porch and a supplemental deck. The area under the supplemental deck has been enclosed to provide additional living space.

WHEREAS prior to November 20, 2015, the Applicants filed with the D.C. Department of Consumer and Regulatory Affairs (DCRA) for a building permit (Permit Number B1510550) to construct an addition onto the back of their house extending 2.76 feet further back than the current structure and extending across the back of their house on both the first and second floors of the property (“the Originally Proposed Addition”).

WHEREAS on November 20, 2015 the Applicants filed with the Board of Zoning Adjustment (BZA) an application for a special exception from 11 DCMR §§ 223, 404 so as to construct a deck on the back of the Originally Proposed Addition (BZA Application Number 19205).

WHEREAS on February 3, 2016 ANC3D voted 8 to 0 to oppose BZA Application Number 19205 for the reasons stated in its resolution and explained in Exhibit 23 to BZA Application Number 19205, filed with the BZA on February 8, 2016. The resolution authorized ANC3D to file with the Zoning Administrator a challenge to any permit issued from the then-pending permit application which became Permit Number B1510550.

WHEREAS on April 27, 2016, Permit Number B1510550 issued covering the Originally Proposed Addition. ANC3D has 60 days from this date to challenge the issued permit.

WHEREAS BZA Application Number 19205 was scheduled to be considered by the BZA on April 19, 2016. At the hearing, the BZA granted the Southern Neighbor’s request to postpone consideration of BZA Application Number 19205. This postponement gave the Applicants, the Southern Neighbor, the Northern Neighbor, and the Commissioner for ANC 3D09 (collectively, “the Interested Parties”) an opportunity to meet in an attempt to reach a compromise.

WHEREAS the Interested Parties met on April 28, 2016, and again met on May 6, 2016 to discuss the Applicants’ project.

WHEREAS as a result of the two meetings of the Interested Parties, the Applicants agreed not to construct an addition that extended beyond the original 10-foot sleeping porch. The Applicants conditioned this concession on the Southern Neighbor and the Northern Neighbor agreeing that the Applicants could extend the existing sleeping porch on the first and second floors across the back of the house to the property line with the Southern Neighbor, and the Applicant could construct a bay window off the back of the second floor of the sleeping porch that extended 2.76 feet from the exterior wall of the existing sleeping porch.

WHEREAS the Applicants prepared revised drawings and circulated these drawings to the Interested Parties on May 20, 2016 for comment. (See Exhibit A hereto.) These drawings have also been provided to the commission at its meeting and are attached hereto as part of the resolution (the “Revised Plans”)

WHEREAS for the reasons stated in his e-mail, the Northern Neighbor has agreed to support Applicants’ Revised Plans. (See Exhibit B, hereto.)

WHEREAS for the reasons and with the conditions stated in his e-mail, the Southern Neighbor has agreed to support Applicants’ Revised Plans. (See Exhibit C, hereto.)

NOW THEREFORE, BE IT RESOLVED:

- (1) In view of the agreement between the Applicants, the Southern Neighbor and the Northern Neighbor, ANC 3D supports the Applicants' Revised Plans.
- (2) ANC 3D supports the amendment of Permit Number B1510550 to reflect the Revised Plans, if such action is deemed necessary by DCRA.
- (3) ANC 3D supports cancellation of Permit Number B1510550 in favor of a new permit application reflecting the Revised Plans, if such actions are deemed necessary by DCRA.
- (4) However, if neither condition (2) nor condition (3) are met, ANC 3D remains authorized under its February 8, 2016 resolution to file with the Zoning Administrator a timely challenge to Permit Number B1510550 covering only the Originally Proposed Addition.

Adopted by ANC 3D at its regularly scheduled meeting on June 1, 2016 by a vote of 6-0-1