



Commissioner Ed Solomon

Advisory Neighborhood Commission 2E, District 2E01

February 9, 2018

Mr. Frederick Hill
Chairperson
Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001
bzasubmissions@dc.gov

RE: Updated ANC 2E Response for the Board of Zoning Adjustment Application for 3608 S Street NW (BZA #19672)

Dear Chairperson Hill,

We wrote to you yesterday to oppose what appeared to us to be revised plans submitted by the applicant in this matter for the proposed addition at 3608 S Street NW. We are pleased that the applicant has now clarified to us that these plans, labeled "Matter of Right" "Plans" and "Axon" in its Updated Architectural Plans and Elevations (Exhibit 68, Pages 18 and 19) are not revised plans for the addition. Rather, the applicant states that the plans are offered as a scenario, along with the solar studies in Exhibit 68, to support the special exception requested for the proposed addition discussed at the January 24th hearing. Nevertheless, we believe that these new materials do not satisfy the applicant's burden to justify the granting of a special exception in this case. We continue to believe, as stated in our January 8th, 2018 letter to the BZA, that the proposed addition's inclusion of a balcony at the rear of the second floor and a deck at the rear of the third floor would unduly compromise the privacy of use and enjoyment of neighboring properties in violation of 5201.3(b) of the Zoning Regulations. We also continue to be concerned that the proposed addition might unduly affect the light available to neighboring properties in violation of 5201.3(a). We are not persuaded that these impacts of the proposed addition are negated by the matter of right claims that the applicant makes in Exhibit 68.

To begin with, second and third floor balconies built on an addition are a key element of the applicant's matter of right scenario. Neither the applicant nor the recent Office of Planning report addresses whether the Zoning Regulations allow for the construction of such balconies. However, even assuming that they would be permitted, such hypothetical designs seem irrelevant here. Section 5201.3 essentially requires the applicant to demonstrate the effects of "the proposed addition" on neighboring properties, including on the light and air available to such properties. It does not seem to contemplate that such impact would be determined by comparing the impact of the proposed addition to the impact of whatever conceivable matter of right design that the applicant puts forth. Furthermore, even if such a comparison is to some extent warranted, we have concerns about the solar studies that the applicant offers in an effort to show that the proposed addition would not have more impact on neighboring properties than what it could do as a matter of right. As we have previously stated, ANC 2E does not have the ability to confirm the adequacy of the solar studies offered by the applicant. However, residents

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of the community have made credible claims that some pairs of images in these studies contain differences in shadows that, in some cases, could not possibly occur, and in other cases do not make sense.

Finally, the Office of Planning report, presumably referring to drawings in Exhibit 68, states that "the additional axonometric drawings indicate that the proposed addition would not appear out of character for the area." We find it hard to comprehend the assertion that two-dimensional, schematic drawings of buildings could indicate the character of a residential area. Furthermore, the drawings here include at most three buildings and portions of two others. They do not show the character of the row of houses of which the proposed addition would be a part, let alone the larger area in which it is located.

For the reasons stated above, ANC 2E respectfully recommends that the Board of Zoning Adjustment should deny the pending application.

Respectfully submitted,

Ed Solomon
Commissioner, ANC 2E01