Advisory Neighborhood Commission 4A

DISTRICT OF COLUMBIA GOVERNMENT
7600 GEORGIA AVENUE N.W., SUITE 404
WASHINGTON, DC 20012
(202) 291-9341 • FAX (202) 723-8175

June 15, 2001

FROM: **James H. Jones, Chairperson**
Advisory Neighborhood Commission 4A

TO: **Ms. Sheila Cross Reid, Chairperson**
Board of Zoning Adjustment
Office of Zoning
441 4th Street NW, Suite 210
Washington, DC 20001

01 JUN 22 PM 2:31
GOVERNMENT OF D.C.

SUBJECT: **ANC 4A REPORT RE: BZA APPLICATION NO. 16676**

(a) THE IDENTIFICATION OF THE APPLICATION:

BZA Application No. 16676

(b) WHEN THE PUBLIC MEETING OF THE ANC TO CONSIDER THE APPLICATION WAS HELD:

Three public meetings were held to consider BZA Application 16676. The most recent meeting was Tuesday, June 5, 2001, at 7:00 PM, which was preceded by meetings on Tuesday, March 6, 2001, at 7:00 PM and Tuesday, February 6, 2001, at 7:00 PM.

c) WHETHER PROPER NOTICE OF THAT MEETING WAS GIVEN BY THE ANC:

ANC 4A provided proper notice of the June 5, 2001, meeting to its residents. Notices were mailed to 1200 residents approximately 10 days prior to the meeting. Notices were published in an ANC 4A community newsletter and posted in market places, churches, recreational and other public space. Further, notices were hand delivered to residents living in the immediate impact area of this application. The information on all meeting notices include the date, time, location, agenda, Commissioners' names and the ANC 4A telephone number.

BZA
Case No. 16676
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16676
EXHIBIT NO.41

(d) **THE NUMBER OF MEMBERS OF THE ANC THAT CONSTITUTE A QUORUM AND THE NUMBER PRESENT AT THE MEETING:**

There are seven ANC 4A Commissioners. Four ANC members constitute a quorum. Six Commissioners were present at the ANC 4A meeting on Tuesday, June 5, 2001.

It is a matter of record that quorums were established at the previous meeting on this application.

(e) **THE ISSUES AND CONCERNS OF THE ANC ABOUT THE APPLICATION, AS RELATED TO THE STANDARDS AGAINST WHICH THE APPLICATION MUST BE JUDGED:**

The issues and concerns of the ANC about this application are presented in the ANC 4A report that was submitted to the BZA on March 9, 2001. (A copy of this report is attached.)

At the most recent meeting on June 5, 2001, the Applicant indicated that he had reduced the number of units to be built. However, he did not have drawings available at that time to present to the Commissioners. This caused great concern among most of the Commissioners who had no confidence that subsequent drawings would mirror the Applicant's verbal discussion.

(f) **THE RECOMMENDATIONS, IF ANY, OF THE ANC AS TO THE DISPOSITION OF THE APPLICATION:**

On March 6, 2001, ANC 4A voted to oppose this zoning application. On June 5, 2001, ANC 4A voted against a motion to recind its previous decision. Therefore, ANC 4A is opposed to Zoning Application No. 16676.

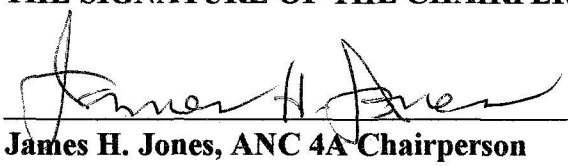
(g) **THE VOTE ON THE MOTION TO ADOPT THE REPORT TO THE BOARD:**

At the March 6, meeting, three Commissioners voted in opposition to the zoning application and one Commissioner abstained. At the June 5, 2001, meeting, the motion to recind failed by a vote of 3 to 2.

(h) THE NAME OF THE PERSON(S) AUTHORIZED BY THE ANC TO PRESENT THE REPORT:

ANC 4A Commissioners Vann and Jones.

(i) THE SIGNATURE OF THE CHAIRPERSON OF THE ANC:



James H. Jones, ANC 4A Chairperson

Attachment

ATTACHMENT

Advisory Neighborhood Commission 4A

DISTRICT OF COLUMBIA GOVERNMENT
7600 GEORGIA AVENUE N.W., SUITE 404
WASHINGTON, DC 20012
(202) 291-9341 • FAX (202) 723-8175

3/9/01

FROM: **James H. Jones, Chairman**
Advisory Neighborhood Commission 4A

TO: **Mr. Robert Sockwell, Chairman**
Board of Zoning Adjustment
Office of Zoning
441 4th Street NW, Suite 210
Washington, DC 20001

SUBJECT: PUBLIC HEARINGS ON ZONING APPLICATION

(a) THE IDENTIFICATION OF THE APPLICATION:

BZA Application No. 16676

(b) WHEN THE PUBLIC MEETING OF THE ANC TO CONSIDER THE APPLICATION WAS HELD:

Two public meetings were held to consider BZA Application 16676: the first, on Tuesday, February 6, 2001, at 7:00 PM, and the second, on Tuesday, March 6, 2001, at 7:00 PM.

c) WHETHER PROPER NOTICE OF THAT MEETING WAS GIVEN BY THE ANC:

ANC 4A provided proper notice of the meeting to its residents. To insure the broadest dissemination, notices of the meeting were mailed to 500 randomly selected residents in ANC 4A approximately 12 days prior to the meeting dates. Further, meeting notices were posted in market places, churches, recreational and other public spaces throughout the single member districts within ANC 4A area. Meeting announcements were also published in ANC 4A community newsletters. Further, the information on all ANC 4A meeting announcements include the date, time and location of the meeting, in addition to the meeting agenda. Also included are the names of each Commissioner in the ANC 4A and the ANC 4A telephone number where they are reached. Each announcement carries a reminder to the reader that ANC 4A meetings are held on the first Tuesday of each month at 7 PM at the 4th District Police Headquarters, 6001 Georgia Avenue NW, Washington, DC.

(d) **THE NUMBER OF MEMBERS OF THE ANC THAT CONSTITUTE A QUORUM AND THE NUMBER PRESENT AT THE MEETING:**

There are seven ANC 4A Commissioners. Four Commissioners constitute a quorum. Six Commissioners were present at the ANC 4A meeting on Tuesday, February 6, 2001, and five were present at the meeting on Tuesday, March 6, 2001.

(e) **THE ISSUES AND CONCERNS OF THE ANC ABOUT THE WHICH THE APPLICATION, AS RELATED TO THE STANDARDS OF THE ZONING REGULATIONS AGAINST WHICH THE APPLICATION MUST BE JUDGED:**

The issues and concerns of the ANC about this application are based on the following observations and events:

1. The standards of the Zoning Regulations against which this application must be judged are provided in Section 353.1, and more specifically in accordance with standards and requirements set forth in Section 410; and the conditions specified in Section 3108 of chapter 31 of this title.

Section 410.1 places emphasis on and restricts consideration to one family dwellings in the group of structures eligible for exceptions in an R-5 district. The applicant indicated at the ANC 4A meetings that one of the selling points for the proposed townhouses is the inclusion of English basements with separate entrances that would provide rental units for the owners which, in effect, establishes a ground floor apartment and more significantly establishes multi-family dwellings.

Therefore, this application does not qualify for consideration for exceptions in an R-5 district as specified in Section 410.1 of the Zoning Regulations. Further, even if the application passed the "one-family dwelling" test, which it does not, it would be hard pressed to meet all of the requirements specified in Section 410.3 through 410.11. Specifically, it is not apparent that this application meets the requirement that all front entrances shall abut a street, front yard, or front court as specified in Section 410.2, nor is it apparent that Section 410.3 is met which requires that no rear or service entrance shall abut a street, front yard or front court unless below the main floor.

2. Several hundred residents attended the two ANC meetings when this application was discussed. No residents voiced support for the application. The speakers from the community cited the following weaknesses in the proposed development as the basis for their opposition:

(a) Inadequate access for fire protection - the proposed entrance and parking area will not accommodate a large emergency vehicle; (b) Inadequate yard space; (c) Traffic congestion at Missouri Avenue - residents are restricted to right turn only when entering Missouri Avenue from the development (d) Inadequate parking in a densely populated area - the proposed 26 parking spaces for 13 townhouses does not allow for the parking requirements of tenants living in the English basement apartments and for guest parking; (e) Potential damage to and impact on an historic structure- a historic Victorian Mansion adjoins the property; (f) Potential damage to aesthetics and the environment; and (g) Questionable survey results.

In addition, the spokesman for the Military Road School Alumni Association with many members in attendance voiced opposition. The school is also located in the same block as the proposed development. The spokesman indicated that Military Road School started as a four room school built during the Reconstruction Period for Africans newly freed from slavery in America and is now a historic preservation property. He views the introduction of townhouses with rental units on this same site as an insult and an intrusion on black history.

On the basis of these observations and events, it is apparent that this application does not meet the requirements of the Zoning Regulations as specified in Section 410.1, which places emphasis on and restricts consideration to one-family dwellings in the group of structures eligible for exceptions in an R-5 district. The proposed development is for multi-family dwellings with rental units. The ANC 4A Commission opposes the application and requests that the BZA disallow it.

(f) THE RECOMMENDATIONS, IF ANY, OF THE ANC AS TO THE DISPOSITION OF THE APPLICATION:

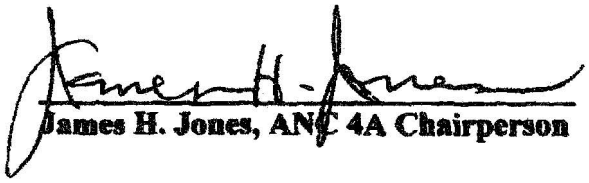
At the ANC 4A meeting on March 6, 2001, ANC 4A Commissioners voted to oppose the zoning application No. 16676.

(g) THE VOTE ON THE MOTION TO ADOPT THE REPORT TO THE BOARD:
Three Commissioners voted in opposition to the zoning application, one Commissioner voted in favor of the application and one Commissioner abstained.

(h) THE NAME(S) OF THE PERSON WHO IS AUTHORIZED BY THE ANC TO PRESENT THE REPORT:

ANC 4A Commissioners Sloan, Vann and Jones.

(i) THE SIGNATURE OF THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE ANC:



James H. Jones, ANC 4A Chairperson