Advisory Neighborhood Commission

6B

CAPITOL HILL — NEAR SOUTHEAST 921 PENNSYLVANIA AVENUE, S.E. — SUITE 108
PHONE: 543-3344 WASHINGTON, D.C. 20003

October 31, 2001

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Will Hill

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SMD 13 *Colleen Harris*

EXECUTIVE SECRETARY

Calvin Gilbert

Via fax – 727-6072
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20004

Re: BZA Case #16780
1360 East Capitol Street NE

Dear Board Members:

I am writing to clarify the ANC process concerning BZA Case #16780, 1360 East Capitol Street NE.

It is my understanding that at the BZA hearing, Mr. Woods stated that he was not informed of the ANC meetings concerning his application for a variance. This is incorrect. Both Commissioner Ann Black (chair of the Planning and Zoning Committee) and Commissioner Charles White (in whose SMD the property is located) attempted to contact Mr. Woods prior to the Planning and Zoning Committee meeting of October 2. Subsequently, Commissioner Black personally handed Mr. Woods a copy of a letter (attached) outlining the ANC's concerns and the process on October 4 – prior to our ANC meeting of October 9.

ANC 6B has made every effort to contact Mr. Woods and to discuss the matter with him. I am very surprised that Mr. Woods, after pointedly refusing to discuss the issue with Commissioner Black, would then complain of a lack of notice.

Very truly yours,

Kenan P. Jarboe
Chairperson

BZA
Case No. 16780
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16780
EXHIBIT NO.26

October 4, 2001

Mr. Lenard Woods
3745 Jay Street
Washington, DC

Re: 1360East Capitol Street
Washington, DC 20003

Dear Mr. Woods,

The full ANC meeting will meet Tuesday, October 9, 2001 at 7:00 PM at 921 Pennsylvania Ave. SE. (The Old Navy Hospital)

I called you at 5:00 PM as we had arranged, but received no answer. As I explained on the phone earlier, we reviewed your BZA application at our Planning & Zoning Committee meeting Tuesday, October 2, 2001. Mr. Charles White, your ANC Representative, and I visited the subject property Tuesday afternoon and left messages for you and neighbors advising you of our committee meeting. Several of your neighbors did attend the meeting, and we did review your application. On a committee level, we listen to those present, review documents we have and in executive session come to a decision on a recommendation, which we present to the full ANC as a motion at the full ANC meeting.

After reviewing your application with attention to applicable Zoning Regulations, and hearing from those present, the committee voted unanimously to oppose this application. We will have a complete recommendation at our full meeting, as there are some facts we are still trying to gather, and other concerns we need to address. When we make our motion at the meeting, you will have an opportunity to present your case and answer any questions the Commissioners may have. If others are present with any new information, they will be heard, and then we will have a vote by the full ANC. Our decision will then go to the BZA as a recommendation to be given "great weight" at their hearing with you on October 30, 2001. It would be helpful if you could provide us with the following information or documentation.

1) a survey or plat of your property
2) copy of building permits you had for porch enclosure & deck
3) any history of work stoppages and subsequent corrections
4) any documentation or information you think is pertinent to your case

I am enclosing a copy of the zoning regulations affected by your variance requests pursuant to 11 DCMR 3103.2

1) lot occupancy under section 403
2) open court under section 406
3) nonconforming structure under subsection 2001.3

It is important to remember that when you go before the BZA, you must address 3 main tests in order to make your case for a variance.

1) Hardship: Are there peculiar and exceptional, practical difficulties, such as the property is exceptionally narrow, shallow, oddly shaped, and/or has unusual topography, soil conditions or other special conditions.
   (What makes it difficult for the owner to build on the property in compliance with the Zoning Regulations?)
2) Granting the application will not be of substantial detriment to the public good
3) Granting the application will not be inconsistent with the general intent and purposes of the Zoning Regulations.

I hope this information is helpful to you. I realize this is a difficult situation, and I assure you, you will be given fair consideration by ANC6B. You may want to consider legal counsel when you appear before the BZA to address the concerns you expressed in your letter attached to the application.

If you have any questions before Tuesday, you are welcome to call our Chair, Commissioner Ken Jarboe at 547-7064 or Commissioner Charles White at 546-1840.

Commissioner Ann Black
Chair, Planning&Zoning Committee
ANC6B

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PHONE: 543-3344 WASHINGTON, D.C. 20003

October 30, 2001

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EXECUTIVE SECRETARY

Calvin Gilbert

Via fax – 727-6072
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20004

Re: BZA Case #16780
1360 East Capitol Street NE

Dear Board Members:

It is my understanding that you did not receive the attached report concerning BZA Case #16780. At its regularly scheduled and properly noticed meeting on October 9th, ANC 6B voted 7-0[1] to oppose the application by Lenard Woods for a variance for deck construction at 1360 East Capitol Street, NE. Because of the unusually circumstances we find ourselves at this time, I am requesting that you waive the 7-day rule and receive this report after the deadline. A hard copy of this letter will be sent via mail.

Very truly yours,

Kenan P. Jarboe
Chairperson

[1] Seven Commissioners constitute a quorum on our 13-member Commission.

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PHONE: 543-3344 WASHINGTON, D.C. 20003

Advisory Neighborhood Commission

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October 22, 2001

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EXECUTIVE SECRETARY

Calvin Gilbert

Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20004

Re: BZA Case #16780
1360 East Capitol Street NE

Dear Board Members:

At its regularly scheduled and properly noticed meeting on October 9th, ANC 6B voted 7-0[1] to oppose the application by Lenard Woods for a variance for deck construction at 1360 East Capitol Street, NE.

Because of various circumstances, including a transition in ANC staff, we were unable to submit this report sooner. I, therefore, am requesting that you waive the 7-day rule and receive this report after the deadline.

The ANC heard comments from numerous neighbors concerning the project. One neighbor testified in support, based on the view that the construction and repair of the house will help clean up the neighborhood. Others testified to the negative impact of the construction on their property.

During the testimony, a number issues surfaced, including the fact that:

- the construction of a 2 story deck in the rear of the property for which the variance is being requested as already been completed,
- the construction of the desk followed an earlier enclosure of the existing back porch,
- as a result, the deck extends well beyond the end of the back porches of the buildings on either side of the property, and
- enclosure of the earlier back porch and construction of the desk has left serious safety hazards at the adjoining property, including the removal of supporting structures.

Based on the testimony, the ANC concluded:

1. the construction does not meet the conditions for granting of a variance (based on hardship accruing from the nature of the property),

2. the construction seriously infringes on the air, light and privacy of the adjoining neighbor,

3. there are numerous questions about the safety of the construction, including concerns that the construction has created a safety problem for adjoining property owners, and

4. there are serious concerns over the credibility of the applicant, including issues as to the legality of the previous enclosure of the original porch and the apparent history of stop-work orders on the construction.

ANC voted unanimously to oppose this application and to recommend to the BZA that the deck be removed and all damage to adjoining property be repaired immediately.

Finally, ANC 6B Commissioner Ann Black and Executive Secretary Calvin Gilbert are authorized to represent the ANC in this matter.

Very truly yours,

Kenan P. Jarboe
Chairperson