ADVISORY NEIGHBORHOOD COMMISSION 4A

DISTRICT OF COLUMBIA GOVERNMENT
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2003 SEP 22 PM 3:45

Date: September 22, 2003

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

To: Board of Zoning Adjustment
441 4th Street NW, RM 210-S
Washington, DC 20001

THRU: Jerrily R. Kress, FAIA Director

SUBJECT: Board of Zoning Adjustment (BZA) Application No. 17059

(a) **The Identification of the application:**
BZA Application No. 17059. The Sam Homes LLC application is for the construction of 2 single family semi-detached and 1 single family row dwellings in the Sixteenth Street Heights R-1-B District at premises located at 1340, 1342, and 1342 ½ Montague Street NW (Square 2796, Lot 46).

(b) **When the public meeting of the ANC to consider the application was held:**

Tuesday, September 2, 2003, at 7:15 PM

(c) **Whether proper notice of that meeting was given by the ANC:**

Yes, ANC 4A provided proper notice of the meeting to its residents. Notices were provided to all residents of Montague Street NW that would be most affected by the impact of this application.

(d) **The number of members of the ANC that constitute a quorum and number present at the meeting:**

Four ANC members constitute a quorum at ANC 4A. Seven members were present at the ANC 4A meeting on Tuesday, September 2, 2003.

BZA
Case No. 17059
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17059
EXHIBIT NO. 22

(e) **The issues and concerns of the ANC about the application, as related to the standards of the Zoning Regulations against the application must be judged:**

The Zoning Regulations:

1. Section 3103.2: Variance from Section 201.1(a) to allow the construction of two semi-detached and one row single family dwelling in the SSH/R-1-B Zone;

2. Section 3203.1: Variance from Section 4011.3, the minimum lot width and lot area requirements for single family dwellings in the SSH/R-1-B Zone;

3. Section 3203.2: Variance from Section 405.9, the minimum side yard setback requirements for single family dwelling in the SSH/R-1-B Zone;

4. Sixteenth Street Heights Overlay District.

The Standards:

BZA would have to find that granting the request would not cause substantial detriment to the public good and would not be inconsistent with the general intent and purpose of the zoning regulations.

Commission Issues and Concerns:

Sixteenth Street Heights Overlay was established to help accomplish several goals and policies of the Comprehensive Plan, especially those land use objectives relating to housing supply, neighborhood quality and character and policies relating to human services and private institutions, as applied to 16th Street Heights neighborhood. Specifically, one of the stated goals of the Comprehensive Plan for Ward 4 is that land use planning for the ward must protect and enhance the low density character, open spaces and stable neighborhoods for which the ward is known.

The construction of two semi-detached and one row single dwelling in the Sixteenth Street Heights R-1-B District would cause a more intense use than prior use in the R-1-B Zoned District. Therefore, it lacks compatibility with the Sixteenth Street Heights Zoning Overlay and would be inconsistent with the general intent and purpose of the zoning regulations.

A spokesperson for residents in the impact area of Montague Street NW, and the Advisory Neighborhood Commissioner for the Single Member District (4A06) spoke in opposition to the application at the ANC 4A meeting on September 2, 2003. They found the density to be unacceptable and further argued that it would cause parking problems, impact negatively on property values of the detached single family dwellings and would be out of character with the architectural style of the existing homes. No residents in attendance spoke in support of the application.

Mr. Craig Ellis, who represented the Applicants at the ANC 4A meeting on 9/2/03, made the following statements in response to questions regarding compatibility of the proposed construction with the architectural styles of the existing homes:
(a) An attempt will be made to match the brick with the existing homes;
(b) No attempt will be made to blend in with the architectural styles of the existing homes in the block; and (c) The construction would have a contemporary look.

The Applicant's Burden of Proof statement signed by Mr. Craig Ellis indicates that the contiguous properties to the proposed construction are row houses. However, residents report that the properties adjacent to and across the street from the proposed construction consist of single family detached houses and that a duplex house exists on the right side of the subject property. The Commission recommends that the Board review these discrepancies.

The structure that exists on the subject property is a single family detached dwelling that is in a state of deferred maintenance and disrepair almost to the point of dilapidation. It may be subject to condemnation procedures. Residents describe it as an eyesore and would like to see it replaced with new construction, but not of the magnitude and scale that is proposed.

In view of the foregoing, the Commission agrees with the residents and the ANC Commissioner that the construction as proposed would cause substantial detriment to the public good and that it would be inconsistent with the general intent and purpose of the zoning regulations for the Sixteenth Street Heights Overlay District. However, the Commission is not opposed to new construction on the subject site that is of a lesser scale than that proposed but of a higher density than a single family detached dwelling.

(f) **The recommendations, if any, of the ANC as to the disposition of the Application:**

ANC 4A voted to oppose the BZA Application No. 17059 and recommends that the BZA not allow it. However, the Commission does not oppose a new construction on the subject site that is of a lesser scale than that proposed but of a higher density than a single family detached dwelling.

(g) **The vote on the motion to adopt the report to the Board:**

5 Commissioners voted to oppose the application;
1 Commissioner voted to approve the application;
1 Commissioner abstained.

(h) **The name of the person who is authorized by the ANC to present the report:**

Commissioner Dianne Floyd Sutton and Chairman James H. Jones

(i) **Signature of the Chairperson of the ANC:**

James H. Jones 9/23/03

James H. Jones, ANC 4A Chairman **Date**