ADVISORY NEIGHBORHOOD COMMISSION 4A

DISTRICT OF COLUMBIA GOVERNMENT
7600 GEORGIA AVENUE NW, SUITE 404
WASHINGTON, DC 20012
(202) 291-9341

Date: November 10, 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 (Amended)

(a) **The Identification of the application:**
BZA Application No. 17059 (Amended). In a letter dated September 15, 2003, Attorney Craig Ellis, representing Sam Homes LLC, stated that BZA Application Number 17059 is amended. The Applicant now proposes to build two (2) single family detached homes at 1340 and 1342 Montague Street NW (Square 2796, Lot 46) instead of two (2) semi-detached dwellings and a row house as formerly indicated on the BZA Application Number 17059. Further, Mr. Ellis states that the only relief that is necessary under the new application will be an area variance since the lots will be forty (40) feet wide lots rather than the fifty (50) feet called for under the R-1 Zone Plan. A copy of the letter from Attorney Craig Ellis is attached to this report.

(b) **When the public meeting of the ANC to consider the application (as amended) was held:**
Tuesday, November 4, 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. Six members were present at the ANC 4A meeting on Tuesday, November 4, 2003. One member was absent.

BZA
Case No. 17059
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17059
EXHIBIT NO. 25

(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 3203.1: Variance from Section 401l.3, the minimum lot width and lot area requirements for single family dwellings in the SSH/R-1-B Zone;

2. 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;

3. 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 structure that currently exists on the subject property is a single family detached dwelling that is in a state of deferred maintenance and disrepair. It may be subject to condemnation procedures. Residents describe it as an eyesore and would like to see it replaced with new construction.

ANC 4A believes that the construction of two detached single family homes in the Sixteenth Street Heights R-1-B District would not cause a more intense use than prior use in the R-1-B Zoned District. Therefore, it appears compatible with the Sixteenth Street Heights Zoning Overlay and would be consistent with the general intent and purpose of the zoning regulations.

Further, 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 support of the application as amended to build two (2) single family detached homes at 1340 and 1342 Montague Street NW (Square 2796, Lot 46) instead of two (2) semi-detached dwellings and a row house as formerly indicated on the BZA Application Number 17059.

In a previous report to the BZA dated September 22, 2003, the ANC 4A Commission indicated that the Commission was 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. The Application as amended meets the Commission's approval.

(f) <u>The recommendations, if any, of the ANC as to the disposition of the Application</u>:

ANC 4A voted to support the BZA Application No. 17059 as amended in the letter from Attorney Craig Ellis referred to above. The Commission recommends that the BZA approve the amended application.

(g) <u>The vote on the motion to adopt the report to the Board</u>:

5 Commissioners voted to approve the application as amended.
1 Commissioner was absent and cast no vote.

(h) <u>The name of the person who is authorized by the ANC to present the report</u>:

Commissioner Dianne Floyd Sutton

(i) Signature of the Chairperson of the ANC:

James H. Jones 11/10/03

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

Attachment