Government of the District of Columbia
Advisory Neighborhood Commission 6C

June 1, 2004

Board of Zoning Adjustment
District of Columbia Government
441 4th Street, NW, Suite 210-S
Washington, DC 20001

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Re: BZA Case No. 17124 -- 601 Massachusetts Ave. NE

To the Board:

Advisory Neighborhood Commission 6C's regular monthly meeting was held on Wednesday, May 12, 2004, with proper notice given and six commissioners present with five commissioners necessary for a quorum.

At the Board's request the Commission once again revisited this case. This is the fourth month in a row that ANC 6C has considered this project.

Mr. Hue's representative presented a modified proposal that still showed a lot occupancy of somewhere around 80% but with a lowered height of 17 feet for the portion of the building extending beyond the rear of the neighbor's back porch.

After considerable debate with stated opposition from neighbors and the Capitol Hill Restoration Society's representative, the Commission voted 4 to 2 to reaffirm the position stated in our March 12, 2004 letter.

ANC 6C supports the applicant's request for a variance from the provisions of Sec 2100.1 to allow zero parking spaces where one is required in the R-4 zone.

Because of the unique shape of the property there is an exceptional practical difficulty in providing an on-site parking space.

The Commission is concerned about parking demands in this neighborhood (see ANC 6C testimony in BZA Case No. 17043). However, because of this property's location and particularly uncharacteristic appearance of the existing structure, redevelopment with an appropriately historic design compatible with the character of the neighborhood would be beneficial. Such redevelopment cannot occur without relief from Sec 2100.1, because additional curb cuts are incompatible with the historic nature of the neighborhood. In addition, the Commission feels that a curb cut would remove a public on street parking space for a private

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space (assuming the lot was big enough, which it is not). It is seldom equitable or just to take away a public space for a private space.

ANC 6C supports the applicant's request for an area variance from the lot occupancy provisions of Sec 403.2 to allow lot occupancy of approximately 67-70% according to information from the District Office of Planning. The Commission's motion of support does not contain this number since we do not have confidence that it is necessarily the correct figure. The commission's motion states that lot occupancy of the proposed addition should not extend south of the northern most point of the two parallel side yard lines – approximately even with the adjoining property's (603 Massachusetts Ave. NE) outside corner of the back porch. The motion includes the following limitations and conditions:

1. The lot occupancy (the existing building and all additions including any porches or balconies) shall not extend south of the northern most point where the two side yards are parallel – approximately at the outside edge of the neighboring back porch;
2. The applicant shall remove the existing concrete block shed at the rear of the premises;
3. The applicant shall replace the existing concrete block wall parallel to 6th St. with an appropriately designed fence approved by the Historic Preservation Review Board (HPRB);
4. No windows are allowed on the east wall (adjoining 603 Mass. Ave. NE) of the building;
5. The ANC and HPRB approve the design of the addition.

The majority of the Commissioners present and voting are of the position that support of this lot occupancy amount provides reasonable development of the property. The applicant seeks additional lot occupancy to provide an additional rental unit supplementing the existing retail dry cleaning pick-up and drop-off business and the new residential unit. This intensified use is not consistent with the intent of the zoning plan or the character of the R-4 zone (see March 5, 2004, Memorandum to the BZA from the District Office of Planning).

The applicant has not shown an exceptional situation or practical difficulty to allow additional relief than that supported by a majority of the Commission. There was testimony at the Commission meeting that real estate values in this neighborhood make the Commission's position very economically advantageous to the applicant. An additional rental unit is additional economic benefit accruing to the applicant and potentially detrimental to the neighbors and the character of the neighborhood. An additional residential unit would undoubtedly add additional on-street parking pressure in this neighborhood where parking scarcity is a public safety issue.

The majority of the Commission present and voting is very concerned about maintaining the rear yard open space for light and air to adjoining residential homes and in no way should any structure or any projections from that structure be allowed to extend pass the adjoining porch. Such openings as exist now for the adjoining properties are quite common in the neighborhood and in no way should the Board assume that completely built out corners are the norm in this neighborhood. Should this limit be strictly enforced and an appropriate design including building size and projections be approved by HPRB, the Commission believes there would be no harm to the public or the zoning plan.

We appreciate your consideration of this request in the interest of the public.

Commissioner Bill Crews is authorized by the ANC to present the report to the BZA. The premise is located in Commissioner Crews' single member district.

Best regards,

Rob Hall, Chair
ANC 6C

Cc: Bill Crews
Howard Hue.