ANC 5A dADVISORY NEIGHBORHOOD COMMISSION 5A

SLOWE SCHOOL DEMOUNTABLE
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May 10, 2004

ORIGINAL HAND CARRIED

Hon. Gerffrey Griffis, Chairperson
Board of Zoning Adjustment
441 – 4th Street N.W. , Suite 210
Washington, D.C. 20001

Re: BZA Application No. 17148. Application of Marshall Heights Community Center Development Organization Pursuant to 11DCMR 3103.2 for a variance from the side yard requirement under Section 405 to allow the construction of a single family detached dwelling in the R-1-B District at premise 3034 Clinton Street N.E. (4319 lot 72)

Dear Chairperson Griffis:

Pursuant to 11DCMR 3115, Advisory Neighborhood Commission 5A (ANC 5A) submits the following report on the above-referenced application for a variance from the side yard requirements under section 405 at 3034 Clinton Street N.E., located in a R-1-B District:

3115.1(a) – The application is identified above.

3115(b) - The application was considered at a public meeting of ANC 5A on Wednesday, March 24, 2004

3115.© - A regularly scheduled and properly noticed ANC5A Monthly Community Meeting was held at the Northeastern Presbyterian Church.

3115.(d) ANC 5A has twelve SMDs. However we have one vacancy only eleven are currently represented. A quorum of seven Commissioners is therefore required for any action. Nine (9) members were present at the meeting on March 24, 2004.

BZA
Case No. 17148
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO. 17148
EXHIBIT NO. 36

3115(e)ANC's concern relates to section 405.9 of the Zoning Regulations, which states: "Side yard shall be provided on lots in Residence Districts as set forth in the following table, R-1-B shows a minimum width of each side yard should equal eight (8) feet. :
The revised four (4) foot side yard on either side is therefore insufficient.
ANC5A does not believe the applicant has met the requirement for a side yard variance. The intent is to have a measurement in linear footage of land to assure privacy. What the applicant is proposing is air space between the houses (as stated in the Burden of Proof) to make up the difference for lack of land . This would be inconsistent with the general intent and purpose of the Zoning Regulations.
In directing our attention to the side yard variance the front footage was overlooked. In section 401.3 a lot in an R-1-B District shall have a minimum lot area of 5000 square feet and a minimum width of fifty (50) feet. Although the lot is within the Zoning requirements, the front footage of lot 72 square 4319 is only 30 feet; less than the 80% required. ANC5A respectfully calls to the attention of the Board of Zoning Adjustment as to whether a front foot variance is required.

3115 (f) A motion to OPPOSE the pending Application for a side yard variance was taken by ANC5A. Motion Passed.

3115 (g) The Nine (9) Commissioners voted unanimously to approve the motion

3115 (h) Commissioner Margaret Thompson of Single Member District 5A11 is designated to represent the Advisory Neighborhood Commission 5A before the Board of Zoning Adjustment on the above reference case.

3115 (I) The signature of the Chairperson Norma M. Broadnax (ANC5A) is present below.

If there are any questions, please do not hesitate to call.

Sincerely,

Norma M. Broadnax

Norma M. Broadnax