Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

July 9, 2004

D.C. OFFICE OF ZONING
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RECEIVED

Mr. Geoffrey Griffis
Chair
Board of Zoning Adjustment
441 4th Street, NW, Suite 210-S
Washington, DC 20001

RE: BZA Application 17193

Dear Chairman Griffis:

Advisory Neighborhood Commission 3D met July 7, 2004, with a quorum (4) present at all times and voted 4-3-0 to approve the request of Lavarock LLC for a variance from the rear yard set-back requirements at 4600 Lavarock Place.

Bogdan Builders (Lavarock LLC) was represented at the meeting by Robin Wertleib and John Casey, owners, developers and general contractors. They explained that their plans to place three houses on a recently subdivided lot could be built as a matter of right but they were seeking a variance to comply with a request from the Canal View Owners Association. Two site plans, one showing matter of right and one showing the requested variance, were presented. The property for which the variance is being requested, 4600 Lavarock Place (Lot 36), is to the rear of the property and abuts a development of single-family detached homes known as Canal View, and backs onto a property owned by Washington MacArthur Associates LP that is leased to Riverside Hospital, an adolescent psychiatric institution. Canal View Owners Association and Washington MacArthur Associates were not represented at the commission meeting but did furnish brief letters referencing the variance.

The relationship of 4600 Lavarock Place to surrounding properties and the storm water management plan for the development were of primary interest to members of the commission.

The variance from the required 20 foot rear yard set back is in response to a request by the Canal View Owners Association to bring the front of 4600 Lavarock into line with other homes in that development. (The association plans to incorporate the three new homes into their association once complete.) Moving 4600 Lavarock Place back from the front property line by 12.56' and 15.65 feet respectively, to provide a more pleasing aesthetic for surrounding residents, would place it 12" from the rear property line that abuts Riverside Hospital. The hospital's fence line separates 4600 Lavarock from an expansive side yard containing an unsightly "ropes course"

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composed of very tall polls, resembling telephone polls, that extend across a considerable area of the yard and are connected to each other by heavy rope. Bogdan informed the commission that if the hospital requested it to do so, it would remove the ropes course. Bogdan also stated it intends to install heavy buffering along both sides of the fence line separating the two properties.

The commission spent the majority of its discussion on the overall storm water management plan for the three properties. Bogdan failed to furnish any storm water management plans, but ensured the commission that they had received all the necessary approvals. While the commission recognized it was being asked to consider only 4600 Lavarock it could not consider this property in isolation when discussing the storm water management plan which is integral to all three properties. Serious concern was raised regarding the total amount of impermeable surface of these combined properties and whether or not the 40% lot occupancy allowed in R-5-A districts is being exceeded; but, Bogdan was also unable to give the commission the percentage of total lot occupancy for the combined properties. Bogdan stated that it would be using permeable driveway pavers for an expansive area of driveway surface, however, the use of permeable pavers would appear to contradict 11 DCMR § 2117.4. The natural decline of the total property is to the back on the hospital side of the lot which would have an objectionable and adverse effect on 4600 Lavarock, the hospital and properties beyond the hospital if there is storm water run off or flooding due to a power failure or mechanical malfunction. Bogdan was unable to offer a contingency for these possibilities.

Advisory Neighborhood Commission 3D requests the Board of Zoning Adjustment to give its 4–3-0 vote to support the variance for a rear yard setback at 4600 Lavarock Place the great weight to which it is entitled under District of Columbia law. The vote was based on the fact that 4600 Lavarock could be built as a matter of right but Bogdan Builders has respected the request of the Canal View Owners Assn. by requesting a variance to ensure proper positioning of the dwelling on the lot; Bogdan has expressed its willingness to remove the ropes course at Riverside Hospital if requested; and, has agreed to place heavy buffering along both sides of the fence separating the two properties. However, the commission did have concern regarding the percentage of total lot coverage and the effectiveness of the storm water management plan. The construction of three houses on the subdivided lot may be a matter of right but construction that results in the creation of objectionable conditions to adjacent and nearby property owners because of an untested storm water management plan is not a matter of right.

Sincerely,

Alma H. Gates

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Chair, ANC 3D