GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

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September 8, 2005

Mr. Geoffrey Griffis, Chair
Board of Zoning Adjustment
441 Fourth Street, NW, Suite 210
Washington, DC 20001

RE: BZA Appeal No. 17310 (1812—35th Street, NW)

Dear Mr. Chairman and Members of the Board:

On August 30 2005, ANC 2E held its regularly scheduled public meeting which was duly noticed and attended by five out of seven commissioners, constituting a quorum. The above-referenced item was on the agenda. After discussion, ANC 2E passed the following resolution by a unanimous vote:

Whereas, there is now pending before the Board of Zoning Adjustment of the District of Columbia (BZA) the appeal of Deidre O. Stancioff which is docketed as Appeal No. 17310; and,

Whereas, Advisory Neighborhood Commission 2E (ANC) is a party to that appeal as a matter-of-right; and,

Whereas, according to presently available information, the owner of 1812—35th Street, N.W. obtained building permits to enlarge an existing semi-detached dwelling. The improvements caused the property to have a lot occupancy in excess for forty percent (40%). The addition also expanded a nonconforming side yard. Prior to construction, the owner of that property did not petition for special exception with the BZA or formally notify the ANC that the structure would be inconsistent with the lot occupancy and/or other zoning requirements for semi-detached dwellings in the R-3 district. Instead, the owner and/or the Department of Consumer and Regulatory Affairs (DCRA) added a trellis to the plans and, relying upon that trellis, treated the improved structure as a row dwelling. Ms. Stancioff's appeal challenges the issuance of the building permits by DCRA based on violations of the lot occupancy and side yard requirements for semi-detached dwellings in the R-3 districts. In part, Ms. Stancioff asserts that the addition of a trellis should not, as a matter-of-right, convert a semi-detached dwelling to a row dwelling; and,

Whereas, the ANC previously adopted a resolution in opposition to the special exception petition that was belatedly filed by the owner of 1812—35th Street, N.W.; and,

Whereas, at a public meeting held August 30, 2005, duly noticed, at which a quorum was present, the ANC considered this matter after providing an opportunity for the parties and the public to be heard.

Now, therefore, by Advisory Neighborhood Commission 2E, it is

BZA
Case No. 17310
Exhibit No. 31

COMMISSIONERS:

Ed Solomon, District 1 John Lever, District 2 Bill Skelsey, District 3 Brett Clements, District 4
Bill Starrels, District 5 Pam Moore, District 6 Charles Eason, District 7

Board of Zoning Adjustment
District of Columbia
CASE NO. 17310
EXHIBIT NO. 31

Resolved, that the ANC supports the appeal of Deidre O. Stancioff for the following reasons:

1. The ANC is particularly troubled by the apparent circumvention of the special exception process. That process is intended to provide the ANC with timely notice and party status. When the owner proceeded without a petition for special exception, the ANC was effectively deprived of an opportunity to object to the construction before it was largely completed.
2. The ANC opposes DCRA's apparent reliance upon a trellis to reclassify a semi-detached dwelling into a row dwelling. The ANC does not believe that homeowners should be allowed to unilaterally reclassify their properties to row dwellings merely by adding largely cosmetic trellises or fences, pergolas, arbors and other lightweight structures.
3. The ANC opposes the improved structure at 1812—35th Street, N.W. due to its adverse impact upon the neighbors, including Ms. Stancioff, and the community.

Further resolved, that the ANC recommends a finding by the BZA that the issued building permits violated the zoning laws and regulations of the District of Columbia. The owner should be directed to modify the structure so that it complies with the lot occupancy and side yard requirements for semi-detached dwellings in the R-3 District and otherwise complies with the BZA's denial of the owner's special exception petition.

Further resolved, that the ANC requests that the BZA give the "great weight" required by law to the views of the ANC.

Further resolved, that the Chair, and/or Commissioner Charles F. Eason, Jr., and/or any other Commissioner or individual authorized in writing by the Chair, are hereby authorized to present the report of the ANC and to generally represent and act for the ANC with respect to any and all matters related to this appeal.

Sincerely,

Ed Solomon
Chair, ANC 2E

Cc: Dr. Patrick Canavan, Director, DCRA
Julie Lee, General Counsel, DCRA
Carl Wilson, Deputy General Counsel. DCRA
Alan Bergstein, Corporation Counsel
Owner, 1835—35th Street, NW
Deidre O. Stancioff, Appellant