ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS
MCLEAN GARDENS • WOODLEY PARK

Single Member District Commissioners
01-Dia Black; 02-Deborah Jane Lindeman; 03-Stephanie Zobay
04-Avram Fechter; 05-Bruce Beckner; 06-Trudy Reeves
07-Sheila Hogan; 08-Vacant 09-Nancy MacWood

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June 22, 2005

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

Re: Application #17344, 3324 Highland Place NW special exception

Dear Mr. Griffis,

At the regular public monthly meeting of Advisory Neighborhood Commission 3C on June 20, 2005, at which a quorum of 8 of 8 members was present, the Commission considered the special exception application of Anne Luzatto of 3324 Highland Place NW (#17344). The public meeting was advertised in the Northwest Current, the Cleveland Park listserv, and on ANC 3C's web site, and as required by law, the agenda was included in the notices. The commission voted unanimously (8-0) to support the application if amended. The basis for our support and the grounds for amendment are laid out in the attached resolution (2005-042).

Thank you for the opportunity to comment on this application and for giving the position of ANC 3C great weight in this matter. If you have any questions, please call me at 966-5333 or nmacwood@aol.com.

Sincerely,

Nancy J. MacWood
Chair, ANC 3C

cc: Anne Luzatto

BZA
Case No. 17344
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO. 17344
EXHIBIT NO. 21

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RESOLUTION 2005-042

Regarding BZA Application 17344 for 3324 Highland Place NW

WHEREAS Anne Luzzato, owner of 3324 Highland Place, N.W., has applied to the Board of Zoning Adjustment for a Special Exception Pursuant to Subsection 223 of 11 DCMR to permit an addition to the existing free-standing garage on the property, such application being numbered 17344;

WHEREAS the stated intent is to build the "addition to the dwelling" to the existing garage and to use it as a personal office/studio (and no longer be used as a garage as such);

WHEREAS Ms. Luzzato has previously applied for and, with the support of this Commission, received approval for such construction by the Historic Preservation Review Board;

WHEREAS the Advisory Neighborhood Commission 3-C, in the course of deciding whether or not to support that application, found that none of the affected neighbors had any objection to the proposed addition and having reviewed the drawings of same;

WHEREAS the overall premises for which the application is sought consists of two dwellings situated on a single record lot, the use therefore becomes that of a "flat" as defined in the Zoning Regulations

WHEREAS "flats" are first permitted in the R-4 zone district, and the site is located in the more restrictive R-1-B zone district;

WHEREAS Subsection 223 of 11 DCMR applies to only to additions to "one-family dwellings or **flats, in those Residence Districts** where a flat is permitted" and therefore the provisions of Subsection 223 do not appear to apply;

WHEREAS, the building for which an addition is proposed is three feet, two inches from the property line from the adjoining property and is therefore a non-

conforming structure, but that this addition would not further reduce the width of that side yard;

WHEREAS, the resulting building would eliminate the possible non-conforming placement of an accessory garage building in what is tantamount to a front yard;

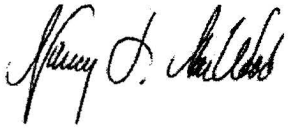
WHEREAS the Surveyor's plat on file with the Board depicts one parking space that does not exist within the "Highland" portion of the property and depicts two parking spaces in the adjacent "Newark" portion of the record lot whose lawful status as such is under review

WHEREAS the resulting building does not appear to create any need for additional zoning relief when viewed in the context of the "Highland" portion of the overall record lot.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission requests that Application No. 17344 be considered by the BZA as an application for an area variance pursuant to Section 3103.2 of 11 DCMR and not as an application for a Special Exception.
2. This Commission requests that the BZA permit Application No. 17344 to be amended by Ms. Luzzato, *nunc pro tunc,* to be an application for area variances pursuant to Section 3103.2 of 11 DCMR as to side yard and the restrictions of expanding non-conforming uses and structures of Chapter 20.
3. The Commission finds that, because this lot is a portion of what formerly was the rear yard of a residence that fronts on Newark Street, located on what had been a through lot, because this lot is unusually narrow and because the existing garage is too small to be used for the storage of most contemporary vehicles, that strict application of the zoning regulations, preventing any addition to this garage, would cause a hardship to the property owner in depriving her, as a practical matter, of the intended use of the garage or any other use and therefore supports the grant of variance relief to permit the construction described in Application No. 17344.
4. This Commission further finds that the grant of the requested relief would not cause injury or hardship to the adjoining property owners or to the public good and would not be inconsistent with the overall intent and purposes of the zone plan as embodied in the Zoning Regulations and Map.
5. That the applicant establish to the satisfaction of the BZA that, apart from the area of her portion of the lot (indicated on the drawings as the "Highland" portion of the lot) being less than that required, that no other limit of zoning including limits on the percentage of lot occupancy or occupancy of required side yards as defined in "yard" in the zoning regulations would be exceeded.

6. That the applicant disclaim any plan to develop additional parking at the side of the existing driveway and arrange fencing and gates of the existing driveway such that two vehicles may be parked on the driveway in a stacked arrangement between the front of the new addition and the street and not side-by-side.
7. The use of the expanded area of the garage as an "artist's studio" for business purposes will proceed only after proper application is made for a "home occupation" permit under the Zoning Regulations.
8. This Commission authorizes Commissioner Beckner, or the Chair to represent the Commission in all proceedings relating to this matter.

Attested by  Chair, on June 22, 2005

Nancy J. MacWood

This resolution was unanimously approved by a vote of 8-0 by ANC 3C at its regular monthly meeting on June 20, 2005, at which a quorum of 8 of 8 commissioners was present.