



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:		Case Name:	
Address or Square/Lot(s) of Property:			
Relief Requested:			

ANC MEETING INFORMATION

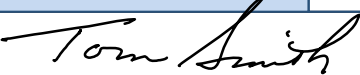
Date of ANC Public Meeting:	D	D	/	M	M	/	Y	Y	Was proper notice given?:	Yes	☐	No	☐
Description of how notice was given:													
Number of members that constitutes a quorum:								Number of members present at the meeting:					

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

AUTHORIZATION

ANC		Recorded vote on the motion to adopt the report (i.e. 4-1-1):											
Name of the person authorized by the ANC to present the report:													
Name of the Chairperson or Vice-Chairperson authorized to sign the report:													
Signature of Chairperson/ Vice-Chairperson:										Date:			

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.

Board of Zoning Adjustment
CASE NO.19205
EXHIBIT NO.23

INSTRUCTIONS

Pursuant to 11 DCMR §§ 3012.6 and 3115.2, the Zoning Commission and Board of Zoning Adjustment shall give “*great weight*” to the written report of the affected Advisory Neighborhood Commission (ANC), as required by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000.

1. All ANC reports shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form.
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001.
3. Submission deadlines are as follows:

For Zoning Commission:

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing, if they wish to participate in a contested case under § 3022.
- b. ANCs may file this form as long as the case record is open, if they wish to participate in a rulemaking case under § 3021.

For Board of Zoning Adjustment:

- a. ANCs must file this form at least seven (7) calendar days in advance of the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete a Form 155 - Request for Reasonable Accommodation.

The applicants' property is an interior row house with adjoining row houses on either side. Applicant's property is located in an R-3 zone. The property is also located in the Foxhall Village Historic District.

The applicants plan to construct an addition that will extend across the entire back face of the row house and extend about 2.76 feet further back than the present row house's footprint. Applicants assert that this addition is "by right" asserting that part of the newly enlarged and expanded enclosed living space will be constructed entirely outside of the 20 foot setback. However, the applicants ignore that the lot fails to meet the requirements of 11 DCMR 401.3 (lot size and area discussed below), and so they have not requested relief from 11 DCMR 401.3 in this application even though such relief is needed.

In addition, applicants' project includes a deck off the back of the house which will be constructed within the 20 foot setback required in an R-3 zone. Applicants only seek relief from 11 DCMR 404 for construction of the deck within the 20 foot rear setback. Applicants do not seek relief from 11 DCMR 401.3 even though the lot is too narrow and too small for construction of a rear addition "by right." Finally, applicants have not secured letters from the adjacent properties supporting the proposed addition described in the present application.

ANC3D opposes the application for a special exception.

- I. The Application for special exception does not request relief from 11 DCMR 401 and 406, which is required.

The property owner asserts that the enlargement and extension of the rear of the house is "by right" and does not need a special exception. This is not correct. The proposed rear bump-out of the living space requires a special exception of its own. In particular, the rear bump out is not "of right" because:

- The property is too narrow for the bump out as a matter of right. In an R-3 district, the minimum lot width is 20 feet. 11 DCMR 401.3. The subject property is only a maximum of 18.29 feet wide. *See* BZA 19205 Ex. 6 (Form 135); BZA 19205 Ex. 4 (Plat).
- The property is not large enough for the bump out as a matter of right. In an R-3 district, the minimum lot area is to be 2000 square feet. 11 DCMR 401.3. The subject property has an area of only 1825 square feet. *See* BZA 19205 Ex. 6 (Form 135).
- As presently shown on the plat filed as Ex. 4 to BZA 19205, the addition will include an undersized closed court. In an R-3 district, a closed court must be 4" wide for each 1' in height, but not less than 15 feet wide. 11 DCMR 406.1. The proposed design will carry forward an existing enclosed court 2.76 feet from the back of the existing building. This enclosed court will only be 0.5 feet wide even though it will be about 8 feet high. At the ANC meeting, one of the applicants stated that this non-conforming court was going to be removed, but the plat filed with BZA 19205 presently does not show this change.

Furthermore, it is unclear how a fire-proof party wall would be constructed at the property line if the applicants were to construct its addition on the property line.

Furthermore, ANC 3D understands that based on the applicants' misconception that the proposed extension and expansion of the building is "of right," the property owners have applied for a building permit for the enlargement and extension of the sleeping porch. As of February 3, 2016, ANC 3D understands that this permit had not yet issued. *See* Building Permit Number B1510550. ANC 3D voted to appeal to the BZA if any building permits, such as pending building permit number B1510550, are issued absent a request for a special exception related to 11 DCMR 401 and/or 406.

II. The Applicants' proposed project may not meet the Foxhall Village Historic Design Guidelines.

Finally, the applicants' plans do not appear to meet the Foxhall Village Historic Design Guidelines, specifically that "[w]hile additions are a common means of adapting older buildings for modern use, they should be designed in a way that is compatible with the character of the original building and its context in terms of . . . form, and overall appearance." Foxhall Village Historic District Design Guidelines, at 5.

Foxhall Village is a neighborhood of single family row houses that were constructed in the 1920's. While several different builders constructed houses in the neighborhood, all of the row houses were built in a Tudor style.

The row house at issue, 1541 44th Street, NW, like all the row houses on the east side of 44th Street in Foxhall Village were constructed by Waverley Taylor. The rear of these homes is separated by an alley from Glover Archbold Park, which is a National Park.

Originally each of these Waverley Taylor row houses included a rear multi-story open porches. Viewing the rear of the house from the alley, the ground floor of the sleeping porch had an entrance for a one car garage. The second story of the porch was a porch for the first floor of the house. The third story of the porch served as a "sleeping porch," which was screened in and used for sleeping before air-conditioning was common.

Over time, almost all of these multi-story porches have been enclosed, including the porch at the subject property. While these porches have been enclosed, very few have been extended to cover the entire rear face of the house. Furthermore, no sleeping porch has been extended toward the rear of the property line in the manner the property owner proposes in this case. By extending the rear of the subject property out further than all other Waverley Taylor row houses, the applicant will block the air, light and views of the adjacent Glover Archbold Park for immediate neighbors, which would not be compatible with the character of the original building and its context in terms of form and overall appearance.