

ADVISORY NEIGHBORHOOD COMMISSION 4C

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OPPOSITION TO BZA #19233

824 VARNUM STREET, NW

April 12, 2016

PREAMBLE

Each District government agency – DDOT, OP, ANC's and others – all have a role to play in helping BZA come to a final determination, but it is our responsibility, as ANC Commissioners, to advise the BZA on special exceptions and variances issues that they may not be aware of; and as a result, could have an impact on our neighbors and community.

In BZA matters, part of our responsibility is to include the number of conversions that have been done in the community, as BZA Commissioners don't know, as well as we do – some are *by right* and as such, not on the BZA's radar. We must also consider the city's infrastructure, as it relates to any project or the combination of projects, whether or not there will be any effects on parking, public transportation, light, air and privacy or any other issues the affected community may have. In turn, prior to making any decision, BZA, by law, is required to consider and give "great weight" to the determinations reported-out by an ANC; *great weight* being mutually defined as *guaranteed meaningful input*.

Upon notification by the BZA that an applicant is seeking a special exception or variance in any affected SMD, ANC Commissioners, (performing our responsibilities as charged), are required to:

- (1) Review the record;
- (2) Research the request;
- (3) Investigate and report back its findings to the larger body;
- (4) Deliberate any proposed actions in concert with the preparation of a report; then
- (5) Vote on the matter before us.

We can choose not to do any of these enumerated responsibilities, but be we also need to be prepared to suffer the consequences of our inactions – perhaps not for us – for generations to come, ultimate leading to the demise of our communities as we've come to know them and by extension, our ANC Commission as ineffective.

When it comes to these BZA matters, we have a great deal of latitude in our positions and arguments to either approve or deny a request – with suggested conditions – to support or reject a variance or special exception. The process allows for us to rely on certain information that the BZA is required to consider, especially as matters they are not familiar with that their decision will ultimately impact, one way or the other. But for the fact the BZA didn't know, because we, as an ANC didn't tell them, places the burden squarely on our shoulders, as Commissioners, to get it right.

OVERVIEW

Accepting that burden as a SMD Commissioner (4C01), the Applicant in this matter, pursuant to 11 DCMR § 3104.1, for a special exception from the use requirements under § 336, to convert an existing two-story dwelling into a three-unit apartment house in the R-4 District at premises 824 Varnum Street, NW -- Square 3024, Lot 50.

To my knowledge, there were never any ANC 4C community/neighborhood meetings with respect to the subject property; nor am I aware of a full ANC 4C Commission Report, required under DCMR/BZA rules, with the exception of BZA Form 129 having been uploaded to IZIS, April 14, 2016.

My objections to this application can largely be found in Office of Planning's (OP's) 04/11/16 report, which was initially uploaded, showing ANC 4C approval, before the Commission even took a vote; to my knowledge, it was never timely corrected, nor do I believe that it was an *innocent mistake*.

That said, it doesn't change the contents of the report offered in OP's narrative that I am objecting too, but I am offering a report, which will address the issues the BZA is required to consider whenever anyone supports or objects to either a variance or special exception; and as such, I am opposed to the granting of a special exception to convert a single family dwelling into an apartment house at the above captioned property.

Additionally, I am objecting to certain misrepresented information – address and structure – found in the 01/22/2016 Statement of the Applicant – Exhibit A, Page 1, **Section II – Scope of Property and Vicinity** – paragraph 1/Line 6:

“To the west and further east the subject block of Varnum St. and the 4200 block of 8th Street . . . several of which have been converted to 3 units including 843 Varnum.”

1. There is no 843 Varnum, as from the Southwest-side of Varnum down to its Southeast-side, the addresses end at 817, going down to 801; and
2. Any properties West of the subject property, starting at the corner of 9th & Varnum – 4239-9th St., 840 Varnum, 838 Varnum and 836 Varnum – **are all zoned C2-A; a commercial mix-use classification**, incomparable to the subject property and therefore a false narrative.

I would also call your attention to the photos uploaded by the applicant into IZIS; they are very old and therefore, misleading; the property does not look like that currently; and though in poor condition, it does not show as poorly as the uploaded photographs would have you envision. In fact, as a security measure, I understand there is a couple currently living on the premises, in an effort to deter vandalism, vagrancy or any other sort of criminal-type behavior.

Office of Planning's Report

Starting with **Page 1** of OP's Report: **II. LOCATION AND SITE DESCRIPTION**

OP notes: in a table chart marked: **Adjacent Properties**, the following narrative – *To the north, across Varnum Street, is an existing detached single-family dwelling. To the south, across the public alley, are single-story commercial establishments, including personal services, restaurants, and retail. To the east and west are existing semi-detached dwellings.*

However, **in opposition:** this narrative is woefully incomplete; as *“To the north, across Varnum Street . . .,” there is more than one existing detached single-family dwelling; there are several*, but more importantly, *there are several multi-unit buildings* – four (4) – with a possible 5th, as there appears to be a heavy-up service going into 801 Varnum.

The other multi-unit buildings on Varnum – 2 to the North and 3 East/West are as follows:

- 834 Varnum – 3 units
- 822 Varnum – 2 units
- 817 Varnum – 3 units
- 807 Varnum – 6 units (possibly 7)

There are a number of semi-detached, single-family homes in between all the units mentioned above, along with a massive 4-unit apartment structure at the SE corner of 8th & Varnum that sports 2 large concrete lions on its front stoop, for a total of 18, possibly 21 apartment units in one block of heretofore single-family homes; the subject property would add three (3) more.

Under the same-tabled chart – **Page 2** – there is a section marked: **Surrounding Neighborhood Character**, which is also incomplete.

OP writes: “The south side of Varnum Street generally consists of semidetached dwellings; although, the neighborhood is primarily residential with a variety of housing types that include semidetached and detached dwellings, row dwellings, and multifamily buildings. **Upshur Street, located one block south of the project site, is the nearest commercial corridor.**”

In opposition, I note: While Upshur Street is parallel – abuts – the 800 block of Varnum, including a shared alley, there is no mention of the 4200-4300 blocks of Georgia Avenue – mix-use/residential – or the 4200-block of 9th Street – all commercial; both of which are one block or less away.

Staying on **Page 2**, into **Page 3: IV. OFFICE OF PLANNING ANALYSIS**

a. Special Exception Relief pursuant to § 336

OP writes: 336.9 – “Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:” – moving into **Page 4:**

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

OP writes: The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties. The west elevation of the addition would not include windows, contributing to the privacy of the neighboring semi-detached dwelling. Side yards provided between the subject property and the property to the east result in an approximately 9.5 foot separation between the dwellings, minimizing the impact the addition would have on the privacy of this neighbor. Finally, a large rear yard of 49 feet and a 15-foot wide public alley ensures the privacy of property owners to the south.

In opposing response: The side elevation shown by applicant – **Page 8** – there are, at a minimum, over 2-dozen windows, making it impossible to claim a “. . . 10-foot separation . . . (minimizes) the impact the addition would have on privacy of this neighbor. Where or how is that possible?

Additionally, the 15-foot wide alley mentioned, fails to recognize that its alley egress is severely limited, as there is only one access from Varnum and only one access from Upshur, but neither allows for straight egress, but requires a sharp 90° turn at either end.

In conclusion, neither the applicant nor OP gave any consideration to the cumulative effect of this conversion on the existing neighborhood, with current multi-family developments either existing on the same street or close-in. There are several single-family dwellings, all on the Southside of the block, as is the subject property and while the North-side enjoys, just the opposite, OP failed to note that properly or consistently throughout its report.

Also absent, is the potential number of residents, which could impact parking on a residential street. While the applicant correctly notes a conversion of a single-family dwelling to a 3-unit apartment building, it fails to note the potential for, (at minimum), 7 new residents; at least those who could potentially occupy one of the 7 bedrooms being offered.

There is a significant commercial impact on this residential community, being in close proximity to several bars and restaurants, but OP only notes Upshur Street and claims it's one-block away, when in fact, it's parallel to the subject property, with one restaurant and bar – Twisted Horn; 819-Upshur – backing right up to it; and they will be having outdoor seating in the rear.

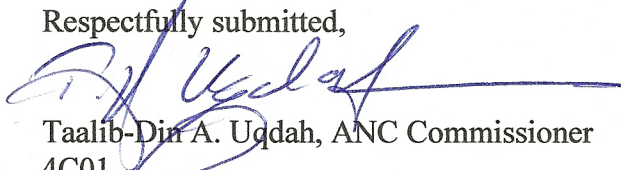
In my opinion, the privacy of the single-family dwelling, immediately East of the subject property, will be severely impacted, by the addition of anywhere from 6-8 more windows than is currently existing, making for over 2-dozen. I just can't see how such an increase wouldn't impact privacy, unless the occupants are blind.

Levity aside, I would urge this Commission to require OP to:

1. Not include falsified information in its report, by offering a vote of approval for any ANC, where the public meeting has not actually occurred;
2. Resubmit specific narratives noted above that are either false or incomplete in their explanations; and
3. Require the applicant to reduce the number of windows on the Eastside elevation, to protect the privacy of the adjacent neighbor.

Thank you for your consideration; I remain available to answer any questions or defend any positions I have articulated.

Respectfully submitted,


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