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Resolution On 1739 And 1745 Harvard St NW Special Exception Requests

Resolved, that ANC 1D advises the District of Columbia Board of Zoning Adjustment to postpone the hearings for rear additions at 1739 Harvard St NW and 1745 Harvard St NW, and request updated burden of proof statements in both applications that directly address the concerns raised by residents within a 200 foot radius.

Why: ANC 1D advises that the Board of Zoning Adjustment (BZA) take the above actions because members of ANC 1D believe more information would be helpful in making an informed recommendation regarding these applications.

The Office of Planning (OP) cannot yet make a recommendation on the following requests for a special exception under Subtitle X § 901.2 from Subtitle E, § 205.4, pursuant to Subtitle E § 1205.4 and Subtitle D § 5201 to enable the construction of a rear addition that will extend more than ten feet beyond the farthest rear wall of the principal residential buildings to the east and west of the applicant's property. Absent more information from the applicants, ANC 1D has come to a similar conclusion.

The BZA has requested that ANC 1D provide advice on applications for rear additions because of new zoning regulations that became effective in September 2016. Under these new regulations (11-E DCMR § 5201), homeowners in rowhouse areas (RF-1 zones) seeking a rear addition of greater than 10 feet in length must show that their addition will not have an undue adverse effect on neighboring properties. The homeowners show that their addition will not have an undue adverse effect through an application to the Board of Zoning Adjustment. The BZA requests input from the ANC during review of these applications.

ANCs have an opportunity to provide advice against the approval standards set forth in the regulation. The regulation reads as follows:

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;
- (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and
- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot

up to a maximum of seventy percent (70%).

In reviewing the applications for these rear additions, ANC 1D has determined that the applicants' burden of proof statements do not provide enough information for the ANC to make a determination on the requirements in sections (a) and (b). Specifically, the applications do not directly address the concerns of neighbors in opposition to this project. Additionally, ANC 1D commissioners received the 1739 Harvard St shadow study only hours before this scheduled ANC meeting. Therefore, the ANC advises the BZA to postpone the hearings on 1739 Harvard St and 1745 Harvard St.

As everyday residents of Mount Pleasant in addition to our roles as ANC commissioners, we recognize the need of homeowners for increased living space. We understand that our fellow community members – like ourselves – hope to stay in Mount Pleasant for the foreseeable future. However, as commissioners, we also must abide by legal controls that prevent the possible undue adverse effects of additions on neighboring properties. We therefore encourage the applicants and those opposed to these projects to communicate openly about how these additions may be possible.

Passed by 4 to 0 vote, with one abstention, at the legally noticed, public meeting of ANC1D on September 26, 2017, with a quorum present. Voting "yes": Commissioners Stewart, Romero-Latin, Karrer, Karaffa.. Abstaining: Commissioner McKay. A quorum for this commission is three; five commissioners were present.