



**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 Subtitle Z § 406.2 and Subtitle Y § 406.2 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.:	20143	Case Name:	Grand Realty LLC
Address or Square/Lot(s) of Property:	1117 Morse Street NE / 4070 0136		
Relief Requested:	U-320.2; E-5201 (E-5003.1); U-301.1(e)(U-301.1(c)(1))		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	10 / 11 / 19	Was proper notice given?:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Description of how notice was given:	Please see attached ANC-5D report.		
Number of members that constitutes a quorum:	4	Number of members present at the meeting:	5

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*):

Please see attached ANC-5D report.

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*):

Please see attached ANC-5D report.

Text

AUTHORIZATION

ANC	5	D	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	5-0-2
Name of the person authorized by the ANC to present the report:		Cmmr. Clarence Lee, Cmmr. Jason Burkett, Cmmr. Keisha Shropshire, or Kevin Horgan		
Name of the Chairperson or Vice-Chairperson authorized to sign the report:		ANC Chair Clarence Lee, ANC Vice-Chair Sydelle Moore		
Signature of Chairperson/ Vice-Chairperson:			Date:	11/18/19

**ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR SUBTITLE Z § 406 AND SUBTITLE Y § 406.**



**DISTRICT OF COLUMBIA GOVERNMENT
ADVISORY NEIGHBORHOOD COMMISSION (ANC) 5D**

www.anc5d.org

November 18th, 2018

Mr. Frederick L. Hill
Chairperson
Board of Zoning Adjustment
441 4th Street, N.W. Suite 210S
Washington, D.C. 20001

Dear Chairperson Hill and Honorable Members of the Board,

ANC 5D resolves to **OPPOSE** BZA Case [20143](#), an application for zoning relief sought by Grand Realty LLC, owner of the property located at 1117 Morse Street, NE (Square 4070, Lot 136). The applicant is requesting zoning relief in order to build a third Permanent Dwelling Unit (PDU) in a new accessory building on their RF-1 zoned lot.

This BZA application was considered at a public meeting of ANC 5D on November 12, 2019. Proper notice of this meeting was given by posting notices on the Ward 5 Listserv, ANC 5D website www.anc5d.org, and the Nextdoor neighborhood social network. ANC 5D has seven Single Member Districts. A quorum of four ANC commissioners is required for action. At the November 12th 2019 meeting, five ANC commissioners were present. Following the Applicant's presentation and community feedback, the ANC voted unanimously 5-0-2 to OPPOSE this project.

ANC 5D appreciates that the primary building would contain two family-size units; however, we must oppose this project because the Applicant placed the **33-ft long** accessory building in the middle of the rear yard, where it fails to meet the requirements of Subtitle U § 320.2 (i) which requires that additions not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (1) The light and air available to neighboring properties shall not be unduly affected;
- (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

- (3) The conversion and any associated additions, 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 or alley;

At the time of writing this report, there are six letters-in-opposition filed by neighbors in the case record. The latest letter, Exhibit 44, was filed by the adjoining neighbors. At two community meetings where this project was presented, neighbors opposed this project because (paraphrasing many neighbors) “they’re trying to build an entire house in the middle of the back yard!”

ANC 5D recognizes that the District needs more housing units, and large lots such as 1117 Morse Street can feature increased development; however, ANC 5D believes that the proposed location of the accessory building would effectively treat this RF-1 zoned lot as a **Residential Apartment (RA)** zoned lot, where the majority of the lot is developed minus a small interior courtyard.

The Applicant’s states that their proposed project agrees with the character of other nearby carriage houses; however, every other nearby carriage house is built at the far rear of its respective lot. There is simply **ZERO** precedent for placing a new accessory building in the middle of the rear yard anywhere within Trinidad or elsewhere in ANC 5D.

ANC 5D wishes to clarify that we are not opposed to the construction of new PDUs in accessory buildings. Just last year (Dec 2018), ANC 5D voted unanimously to support the construction of a new carriage house only one block away on this **same** alley (BZA Case 19876). The key reason that project garnered community support was that Applicant proposed to build a carriage house in character with the scale and pattern of nearby carriage houses. The alley-facing façade of that future carriage house is shown in Figure 1:

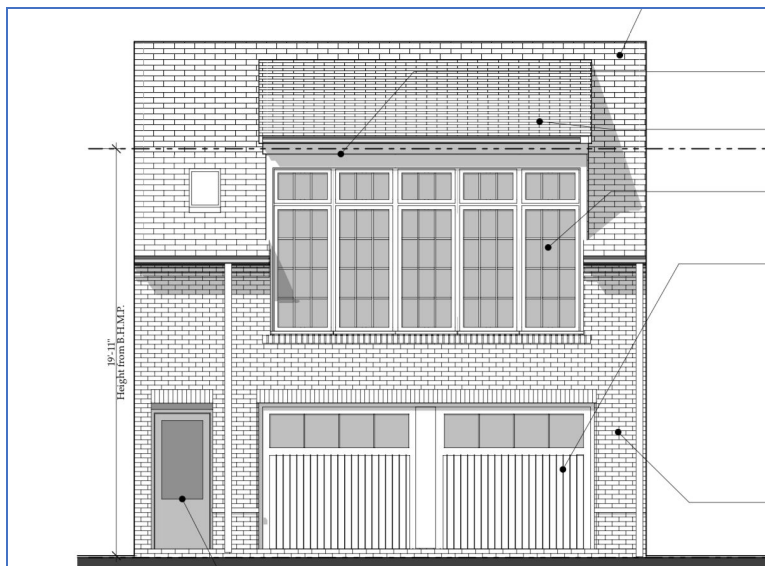


Figure 1: 1258 Florida Ave Carriage House (Construction Pending 2020)

That carriage house will be built near several existing carriage houses which host Trinidad’s biannual Art-in-the-Alley DC event, shown in Figure 2 and Figure 3:



Figure 2: Trinidad Carriage Houses Hosting Art in the Alley



Figure 3: Trinidad Carriage Houses Hosting Art in the Alley

Throughout the District, one can find many examples of alley units improving the character of neighborhoods:



Figure 4: Cady's Alley in Georgetown (Photo by Deane Madsen / DCist)



Figure 5: Linden Ct NE Alley Lot Houses (Atlas District)

ANC 5D believe that Alley lot PDUs and Accessory Building PDUs have enormous potential to **activate** the District's alleys, transforming them from neglected and unloved urban voids to pedestrian-friendly neighborhoods. Unfortunately, the proposed location for this project's accessory building is 19-feet **inside** their rear property line, behind a roll-up security gate, separating the dwelling unit from the community (Exhibit 35A, Page 15).

ANC 5D encourages the Applicant to reconsider the design for the third PDU, because so much of the rest of the project is positive. We recommend the Applicant review BZA Case 20138 (1436 S Street NW). Less than two weeks ago, the BZA approved that community-support project which featured a tiered design for an accessory building PDU. When viewed from the alley, that PDU features the character of a typical carriage house; however, when viewed from adjoining neighbors, the massing was minimized, reducing light, shading, and privacy impacts to neighbors. We believe a similar approach would garner more support from neighbors who oppose the current design.

While this report has focused on the accessory building, ANC 5D would like to call attention to a minor error in the Office of Planning's report (Exhibit 40). At the bottom of Page 4, OP writes "*The applicant has requested a waiver to remove an existing metal awning **and porch** from the front façade of the row building. As these structures are not original to the building, the waiver is not necessary.*" OP is incorrect when they include the porch in that statement. It is our understanding that the porch is original to the building and the Applicant requested a waiver solely to remove the non-original metal awnings. Removal of metal awnings is reasonable. Removal of the original porch would be unreasonable. We ask that the Applicant clarify their intent for the front porch during the November 20th hearing.

We thank for the BZA for their careful consideration in this case. While the BZA considers each case on its own merits, the outcome in this case will quickly be replicated elsewhere. The BZA's decision in this case will determine whether future developments in 5D's alleys engage and promote community, or whether we simply see more roll-up gates.

If you have any questions or need further information, please contact Commissioner Jason Burkett at 5D06@anc.dc.gov or myself at 5D07@anc.dc.gov.

Sincerely,



Clarence Lee
Chair, ANC 5D