



July 23, 2021

921 Pennsylvania Avenue SE
Washington, DC 20003-2141
6B@anc.dc.gov

Mr. Frederick Hill, Chairperson
Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street NW, Suite 200/210-S
Washington, DC 20001

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SMD 09 Alison Horn

SMD 10 Denise Krepp

VIA: Interactive Zoning Information System Filing - IZIS

RE: BZA 20467: 232 10th Street SE; concept/three-story rear and roof addition, roof deck, remove garage

Dear Chairman Hill:

At a regularly scheduled, properly noticed meeting on July 13, 2021, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 9-1-0 in support of the above-referenced request. Please find attached a completed copy of Form 129.

As the record reflects, this application, in response to widespread opposition of neighbors, has undergone substantial reduction in massing between its initial filing in February of this year and now. This reduction comes from (i) scaling back the extent of 1st and 2nd floor and basement expansions which relate directly to the scope of zoning exceptions requested in lot coverage and rear setback and (ii) the removal of a planned 3rd floor which was otherwise available to the Applicant as a matter of right. ANC6B's decision to support this application is predicated on the combined result of both elements.

The 3rd Floor Addition

Neighbors have observed that they have no recourse if the Applicant retains the right to add a 3rd floor in the future and that this possibility necessitates denial of the zoning relief sought in the current application. In this regard, ANC6B asks that the Board take official note of the assertion of the Applicant to our Commission, in a public meeting of ANC6B's Planning & Zoning committee on July 7, 2021, that they have no intention of adding, at some later date, a third floor of any kind to this structure, regardless of whether such an addition would require relief from zoning rules or would be deemed permissible as a matter of right. ANC6B relied heavily on this assertion in giving its support.

High Levels of Community Engagement in Opposition

Over the last 4 months, this application has been the subject of two well-attended ANC-facilitated meetings between the Applicants and neighbors as well as multiple smaller meetings and other exchanges. In addition to anticipated adverse impacts on specific neighboring properties, neighbors' concerns prominently emphasized the disproportionate size of the original expansion and its impact on privacy, light, and air and on the character of the shared alley. Objections to adding a 3rd floor were universally shared by all residents who participated or contacted the ANC.

The extensive, sustained, and unanimous opposition by neighbors to the initial plan needs to be recognized. The Board's record only partially reflects this. Over 50 nearby neighbors residing in the 200 blocks of 10th and 11th St SE, (most of whom share the alley in question) registered written objections to ANC6B. In contrast, a single letter of support was filed with the Board and shared with us by the Applicant. (Exhibit 11) However, even this property owner notified our Commission on May 28th that they had retracted their support without major reductions in the plans (Exhibit 70)

In response, the Applicants and their architect have engaged neighbors in dialogue and demonstrated a willingness to substantively adapt their plans, albeit gradually, to reflect neighbors' genuine concerns. At the same time if their initial proposal had been less expansive, much of this process might have been avoided.

Following the latest revision removing the third floor on June 30th, both adjoining property owners, as well as 4 other neighbors, notified ANC6B that they no longer oppose this application as have 2 other neighbors. However, our Commission has also received written communication noting continued opposition by 15 neighbors, many of whom have applied individually or collectively for party status in this case.

The issue of Light and Air

Anticipated adverse impacts on light and air were a major aspect of neighbors' opposition to this application. Removal of the 3rd floor and substantial reduction of the setback have mitigated most of these impacts.

Shadow studies provided by the Applicant show continued, albeit lessened, impact on light of two adjoining properties to the south. The owners of the immediately adjoining property, 230 10th St SE, have noted (Exhibit 72) that they do not oppose this impact. The owners of 228 10th St SE do note their opposition and have applied for party status (Exhibit 38a). ANC6B requested that the Applicant explore any architectural changes which might mitigate this loss of light by modest additional setback of the 2nd floor or through some other manner. They responded that they had no practical way to address this without major changes in design.

Construction Agreement

If the Board approves the application, we request that it asks the Applicant to enter into a construction agreement with nearby neighbors sharing the alley in question prior to beginning work.

Steve Holtzman, SMD Commissioner for this property, and Corey Holman, Chair of ANC 6B's Planning and Zoning Committee, are authorized to represent ANC 6B in front of the Board on this matter.

Please contact Commissioner Corey Holman, ANC 6B's Planning and Zoning (P&Z) Committee Chair, at 301-664-4132 or 6b06@anc.dc.gov if you have questions or need further information.

Sincerely,



Brian Ready
Chair, ANC 6B

Applicant/Architect: Geoff Anderson and Harriet Tregoning/Jennifer Fowler
P&Z Chair: Corey Holman
SMD Commissioner: Steve Hotlzman



**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	<input type="checkbox"/>	No	<input type="checkbox"/>
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.**

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.