

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.:	21231	Case Name:	N/A
Address or Square/Lot(s) of Property:		3021 15th Street, NE (Square 4017, Lot 22)	
Relief Requested:	N/A		

**ANC MEETING INFORMATION**

Date of ANC Public Meeting:	1	9	/	0	1	2	/	2	5	Was proper notice given?:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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Description of how notice was given: Public notice was provided on ANC 5B's website, [www.anc5b.org](http://www.anc5b.org),

as part of the agenda for ANC 5B's meeting on February 19, 2025.

Public notice was also provided on multiple neighborhood listservs and Commissioner Newsletters.

Number of members that constitutes a quorum:	4	Number of members present at the meeting:	6
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**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*):

ANC 5B supports BZA Application #21232 submitted by Courtney Bolin and William Gabler.

Attached you will find ANC 5B's letter of support along with additional key documents.

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*):

N/A

**AUTHORIZATION**

ANC	5	B	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	6-0-0
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Name of the person authorized by the ANC to present the report:	Jingwen Sun, Commissioner for 5B03
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Name of the Chairperson or Vice-Chairperson authorized to sign the report:	Edward Borrego
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Signature of Chairperson/ Vice-Chairperson:		Date:	2/28/2025
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Board of Zoning Adjustment  
CASE NO.21231  
EXHIBIT NO.13

**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.**



**Government of the District of Columbia  
Advisory Neighborhood Commission 5B  
3401 12<sup>th</sup> Street NE #4449  
Washington, DC 20017  
Website: [www.anc5b.org](http://www.anc5b.org)**

February 27<sup>th</sup>, 2025  
Board of Zoning Adjustment  
transmittal via [bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov)

**Re: BZA CASE 21231**

Chairperson Hill and members of the BZA:

On behalf of the Advisory Neighborhood Commission (ANC) 5B, I am writing to convey our support for BZA Case 21231, which involves an appeal of the decision made on August 23, 2024, by the District of Columbia Department of Buildings Zoning Administrator to issue Building Permit Number B2309496.

During a duly noticed, regularly scheduled monthly meeting on February 19, 2025, with a quorum of commissioners (4 out of 7) and members of the public present, the aforementioned application was presented to us. ANC 5B unanimously voted 6-0-0 in favor of this application and will submit this letter of support to the Board.

The applicant circulated a two-page document and a presentation prior to the meeting. The two-page document titled "The 1507 Irving St Homeowners' Request" outlines the reasons the applicant sought ANC 5B's support. Both documents are included below for your reference.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Ed' and 'Borrego'.

Edward Borrego, Vice Chair

## THE 1507 IRVING ST HOMEOWNERS' REQUEST

When the Zoning Regulations provide a clear rule, the Zoning Administrator must enforce that rule. Ms. Bolin and Mr. Gabler ask ANC 5B to support their zoning appeal by urging the BZA to enforce the Regulations as written.

### THE ZONING REGULATIONS

The Zoning Regulations govern the placement of buildings in the District based on their ***structure*** and ***use***. Because a building's structure and use are important when determining whether or not a permit should be issued, the Regulations provide ***definitions***—the Zoning Administrator must apply these definitions when reading the Regulations. For example:

Structure Definitions	Use Definitions
<ul style="list-style-type: none"><li>• A “<b><i>detached building</i></b>” is a “building that is completely separated from all other buildings and has two (2) side yards”</li><li>• A “<b><i>semi-detached building</i></b>” is a “building that has only one (1) side yard</li><li>• A “<b><i>row building</i></b>” is a “building that has no side yards.”</li></ul>	<ul style="list-style-type: none"><li>• A “<b><i>principal building</i></b>” is the “building in which <i>the primary use of the lot</i> is conducted”</li><li>• An “<b><i>accessory building</i></b>” is a “subordinate building located on the same lot as the principal building, the <i>use of which is incidental to the use of the principal building</i>”</li><li>• An “<b><i>accessory apartment</i></b>” is a “<i>dwelling unit that is secondary to the principal [building]</i> in terms of gross floor area, intensity of use, and physical character, but which has kitchen and bath facilities separate from the principal dwelling and may have a separate entrance.”</li></ul>

**The structure and use definitions are not mutually exclusive.** For example, detached building (structure) may be used as a principle building (i.e., a single family home), an accessory building (i.e., a garage, shed, stand-alone office space), or an accessory apartment (i.e., a mother-in-law's house).

**Both structure and use govern the placement of a building on a lot.** For example, Courtney and William live in Brookland at 1507 Irving Street NE. Homes in this area must be detached buildings. Accessory apartments in this area have to be located within the principal building (i.e., single family home) or a separate detached building. Subtitle D § 200.3; Subtitle D §§ 201.3, 5001.1; Subtitle U § 253.2. If the accessory apartment is located in a separate detached building, it must comply with all of the “development standards in Subtitle D, Chapter 2 . . . except as specifically modified by” Subtitle D, Chapter 50. Subtitle D § 5001.1. This means that **an accessory apartment must have 8 foot “side yards”** unless the accessory apartment is located beside the main home (instead of behind it), then § 5001.1 requires a **larger** side yard.

### THE ZONING ADMINISTRATOR'S DETERMINATION

- When an accessory apartment is built behind the lot's main home in the R-1 zone (like ANC 5B03), the Zoning Administrator has determined that **no side yards are required**. Property owners can build, as a matter of right (without seeking a special exception or neighbor support), an accessory apartment on the back corner of their lot without leaving any space between their property and their neighbors' property.

## THE IMPACT OF THE ZONING ADMINISTRATOR'S DETERMINATION IN BROOKLAND IF LEFT UNCORRECTED

- **Unsustainable Development:** The Zoning Administrator's decision creates issues for Brookland's future. Certain lots will be vulnerable to being crowded out and homeowners who take advantage of this overcite could prevent neighbors from using their property (or building their own accessory apartment in the future).
- **Fire Safety Issues:** To build on the property line, homeowners must enter "covenants" with the District. These covenants name the *neighbor's* home. They specify certain fire safety issues created by the accessory apartment and tell the owner that they must make changes to the accessory apartment if the neighbor builds. These covenants are confusing and neighbors are not put on notice of them. Enforcement will be problematic because owners are required to self-police. This poses a fire safety threat to existing homes.
- **Families With Lesser Resources Will Lose Their Property Rights.** The cost to file an appeal is \$1,100. This is without factoring in the cost of obtaining legal representation and other expenses (e.g., property surveys, property damage costs, printing and mailing expenses). Families on fixed incomes and families without savings cannot afford to pursue an appeal. The time to appeal is short—60 days from the date that the permit issues—and families without savings cannot afford the immediate costs. Because of this, the poorest families are the ones most vulnerable to lost property rights and property devaluation.
- **Neighbors' Relationships Will Become Hostile:** The Zoning Administrator is issuing permits as a matter of right—without requiring a special exception—for homeowners to build accessory apartments on a shared property line. Once the permit issues, a neighbor's only option for relief is filing a costly appeal. No one wins and relationships are harmed.
- **Neighbors Lose Exclusive Use of Private Property and Privacy:** It is inevitable that the owners of the new accessory apartment will need access to the neighboring property—the workers cannot build the home without space for ladders, property owners cannot maintain the home without space to walk around and inspect the exterior, etc. This necessarily results in a loss of privacy.
- **Liability:** In the District, if you allow someone to come onto your property and they get hurt, you can be sued (for example, the legal doctrine of "premises liability" could leave a neighbor liable for money damages if a worker slips on ice in their driveway while working on their property with their consent). Neighbors accommodating construction workers who have to be on their property as a result of the Zoning Administrator's decision are at personal risk.
- **Property Damage:** In certain circumstances, new construction could occur a few feet away from a neighbor's home without a special variance. With excavation and other necessary construction measures, the neighbor's home can be damaged. Proving damage can be impossible or expensive—for example, if electrical problems begin or if a structural issue is not discovered until months later. In those circumstances, neighbors will have to bear the costs of repair.

# BZA Appeal No. 21231

## 1507 Irving: Before Demolition



# 1507 Irving: After Demolition



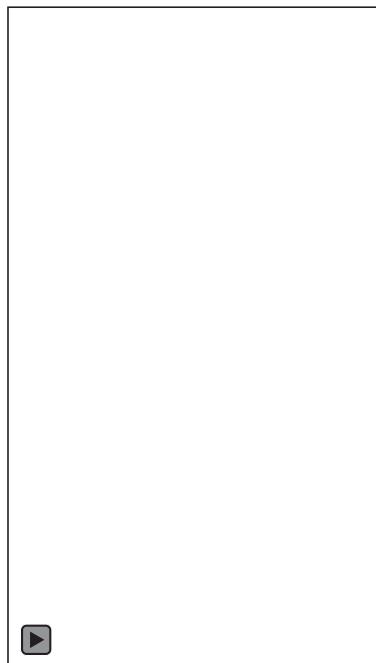
# 1507 Irving: Construction At Property Line



## 1507 Irving: Windows Obstructed By Construction



## 1507 Irving: Electrical Issues From Vibrations Caused By Excavation and Construction (Video)



# 1507 Irving: Workers Do Not Ask Permission Before Entering Property

**Workers Trespassed to Install Scaffolding on 1507 Irving Property**



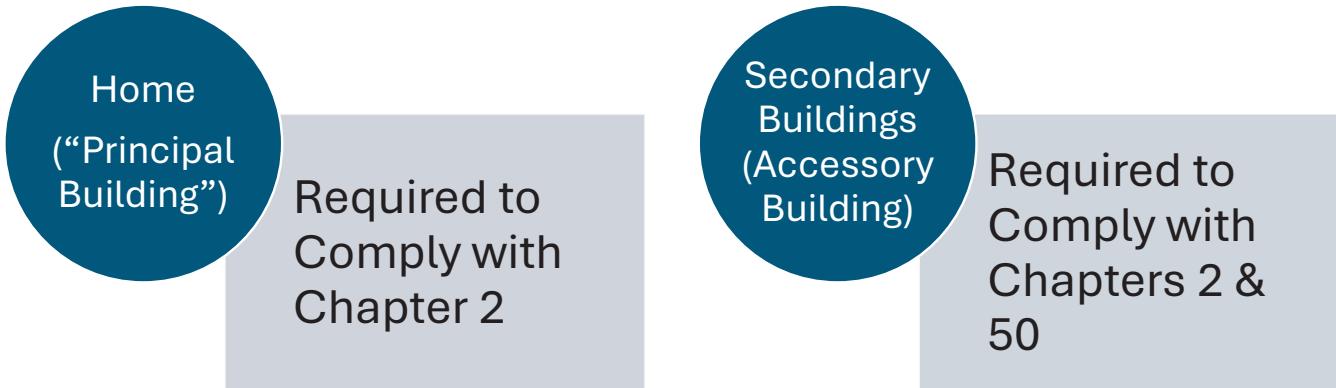
**Workers Leaned Against Cars In Driveway (Covered in Saw Dust From Work)**



**1507 Irving: Current Construction**



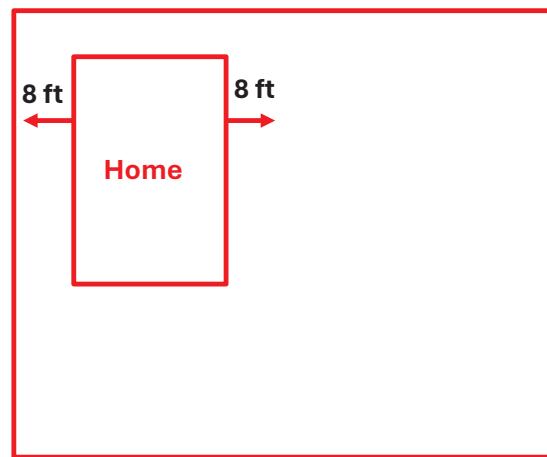
## Subtitle D, Chapters 2 and 50



## Subtitle D, Chapter 2

- **Chapter 2:**

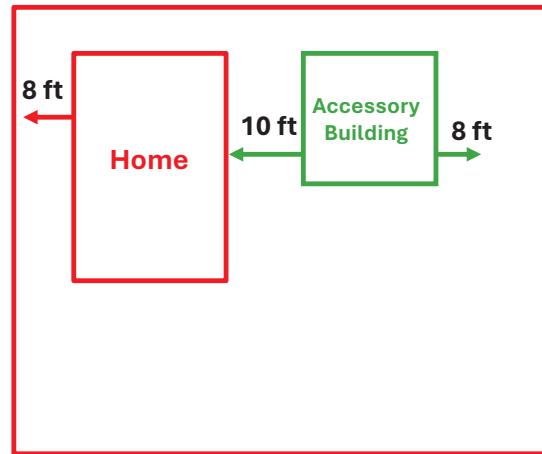
- 208.1: “[T]he minimum side yard requirements shall be as set forth in this section.”
- 208.2: “[A]ll detached buildings shall have side yards of “**eight feet** (8 ft.) in width.”
- 208.6 Existing conforming side yards shall **not be “eliminated.”**
- 208.7 “In the case of a **building with a non-conforming side yard**, an extension or addition may be made to the building” so long as “the width of the side yard adjacent to the extension or addition [is] a minimum of **five feet** (5 ft.).”



# Subtitle D, Chapters 2 & 50

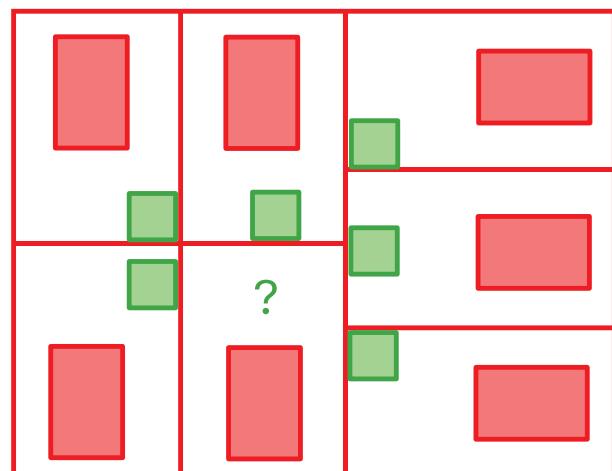
- **Chapter 50:**

- 5001.1: ***Subtitle D, Chapter 2*** “shall apply to **accessory buildings** ... except as **specifically modified** by this chapter. In the event of a **conflict** between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.”
- 5005.1: An accessory building other than a shed may be built beside a home if it is removed from the side lot line a **distance equal to the required side yard** and from the principal building a minimum of **ten feet** (10 ft.).
- 5005.2: A **shed** may be located within a required side yard of a principal building



## How will this impact Brookland?

- Unsustainable/Inequitable
- Decreased fire safety
- Lost property rights and property damage
- Financially vulnerable residents most likely to be harmed
- Hostile neighbor relationships
- Liability



# Please Support Our Appeal

