



Government of the District of Columbia
**Advisory Neighborhood
Commission 6C**

December 18, 2020

Anthony J. Hood
Chair
Zoning Commission
of the District of Columbia
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: ZC 20-19 (Text Amendment, Accessory Buildings)

Dear Chairman Hood:

We write to offer ANC 6C's official comments¹ on the proposed amendments addressing accessory buildings.

Maximum Shed Height

The proposed text would allow sheds up to 10' in height. *See* Office of Planning Hearing Report (Case Exhibit 6) at 3, amending 11-B DCMR § 100.2. ANC 6C questions the necessity and appropriateness of this height, as lot-line fences are limited to 7'. A 10' shed would often have measurable impacts on light afforded to adjacent properties, and it is unclear why 10' is needed as a practical matter. (Our research indicates that typical pre-fabricated sheds stand 8' or slightly taller.) **ANC 6C recommends that shed height be capped at no more than 9'.**

- OP's hearing report states (*see* p. 2) that the 10' standard dates to the 1958 regulations and asserts that reducing this maximum could result in a large number of nonconforming structures.

We respectfully suggest that OP's statement both misses the point and exaggerates the consequences of a lower height. First, a ten-foot shed seems to us objectively unreasonable—what is the practical need for a shed that tall? OP provides no substantive justification—as well as potentially obtrusive. It may be some existing sheds are so tall, although OP offers no supporting evidence, but that seems a weak justification for allowing the practice to continue. Moreover, making any existing

¹ On December 9, 2020, at a duly noticed and regularly scheduled monthly meeting, with a quorum of six out of six commissioners and the public present via videoconference, this matter came before ANC 6C. The commissioners voted 6-0 to adopt the position set out in this letter.

sheds nonconforming has trivial consequences. It is one thing to make a primary residential, commercial, or other structure nonconforming after the fact, but in this case the change would affect only sheds, often temporary modular structures, with minimal footprints and purely accessory uses.

Rules for Measuring Accessory Building Height

The new rule for measuring the height of all accessory buildings—11-B § 308.9—raises multiple concerns. First, the proposal allows measurement from “finished grade,” which is manipulable by the owner (*e.g.*, by mounding up soil). **ANC 6C recommends that the bottom measuring point be from the lower of a) “finished grade” or b) “natural grade” (defined in current 11-B § 100.2 to exclude recent grade modifications).**

- OP argues in favor of retaining “finished grade” as the sole measuring point, asserting that new changes could have unintended consequences. However, ANC 6C remains concerned about the types of mischief the Zoning Commission sought to prevent in its ZC 17-18 rulemaking on rules of measurement. “Finished grade” is whatever the owner cares to create, without limitation. Adding “natural grade” would preclude such gamesmanship while leaving existing structures largely unaffected. (The “lookback” period for grade alterations in the exclusion from “natural grade” is only five years, meaning that for most existing accessory structures “natural grade” and “finished grade” are the same.)

New 11-B § 308.9 also proposes measuring to the highest point of the roof of the accessory building. However, other provisions in the current regulations allow for an additional 4’ parapet on flat roofs in residential zones (11-B § 308.3). Both parapets and penthouses (see “Maximum Height of Accessory Buildings” below) would have significant implications for the air, light, and privacy of adjacent buildings, especially in residential zones. **ANC 6C recommends that accessory building height be inclusive of any parapet or penthouse.**

- In response to informal comment from a member of ANC 6C, OP’s hearing report does propose (at p. 3) a new section 308.10 explicitly including penthouses in accessory building height, which partially addresses our concerns. We believe that parapets should be likewise be included. (We also question the desirability of adding the phrase “and rooftop structures”; the latter is undefined, and either simply duplicates the meaning of “penthouse” or creates a separate category of uncertain scope.)

Garage Setbacks from Alley Centerlines

OP proposes amending current 11-E § 5000.3 (which should be renumbered; see “Miscellaneous” heading below) to reduce the alley centerline setback from 12’ to 7.5’. The Commission already made this change for alley lots earlier this year in ZC 19-13; the new proposal would apply the same standard to street-facing lots that abut an alley.² **ANC 6C questions the purpose and efficacy of the setback requirement, especially in light of the fact**

² In ANC 6C’s comments on ZC 19-13, we urged that the standards for both types of lots be harmonized but did not argue for a specific setback amount. *See* ZC 19-13 Case Exhibit 24.

that fences, bollards, and even roll-up vehicle gates are not subject to any alley setback minimum. Section 11-E § 5004.1 as proposed also excludes sheds from the setback rule. To the extent the setback minimum serves an important purpose, it is unclear how that interest is served by allowing so many exceptions. (This question arises equally in other residential zones, not just RF.)

Maximum Height of Accessory Buildings

OP recommends revising 11-E § 5002.1 to increase the maximum height of accessory buildings in the RF zone from 20' to 22'. ANC 6C has no objection to the change.

We did, however, vote to object to deletion of the phrase “including the penthouse” given the lack of any other provision in the regulations imposing such a restriction. That objection is now moot in light of the hearing report’s new addition of 11-B § 308.10. (See discussion above under “Rules for Measuring Accessory Building Height.”)

Miscellaneous

Because OP proposes to insert a new subsection 11-E § 5000.2 after 5000.1 (*see* Hearing Report at 7), current 5000.2 and 5000.3—both being retained—should be renumbered accordingly to 5000.3 and 5000.4.

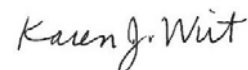
- The hearing report corrects a cosmetic error in the original hearing notice. ANC 6C’s comment addresses a separate numbering anomaly in this same section.

ANC 6C also voted to object to the introduction of the undefined term “accessory apartment” in the original hearing notice (*see* new proposed 11-E § 5000.2(b) at p. 6). OP’s hearing report revises this language to “principal dwelling unit,” fully addressing our concern.

* * *

Thank you for giving great weight to the views of ANC 6C.

Sincerely,



Karen Wirt
Chair, ANC 6C