

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.:	20065	Case Name:	Dilan Investments LLC		
Address or Square/Lot(s) of Property:		1818 Rhode Island Ave NE, Sq 4208 Lot 7			
Relief Requested:	relief from Minimum Parking Requirements (Special Exception)				

ANC MEETING INFORMATION

Date of ANC Public Meeting:	06 / 19 / 19	Was proper notice given?:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Description of how notice was given:	email, SMD Meeting, ANC Agenda Distrib			

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

Parking: Trash: Public Space: Staging
Substantial adverse Impact to Community
@ RI Ave NE and Irving St. NE.

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):

See attached:
SMD 5C07: Notice of Adverse Decision Incorporated
into ANC 5C denial of support:

AUTHORIZATION

ANC 5C	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	6-0-0.	
Name of the person authorized by the ANC to present the report:		Jeremiah Montague Jr, Comm; 5C07	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:		Jacqueline Manning	
Signature of Chairperson/ Vice-Chairperson:			Date: 06/19/2019

**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.**

Board of Zoning Adjustment

District of Columbia

CASE NO.20065

EXHIBIT NO.31



Advisory Neighborhood Commission 5C

P.O. Box 92352

Washington, DC 20090

Notice of Denial of Support

In the matter of BZA application 20065, Dilan Investments LLC, seeking a special exception from the parking requirements for its project at 1818 Rhode Island Avenue Square 4208 Lot 0007, 20018, the Commission ANC-5C conducted before a properly noticed public meeting of the full commission, and with a quorum, did the following:

On Wednesday, June 19, 2019, at said meeting, the full commission assembled, did vote without abstention or objection; to deny a Letter of Support to the applicant and Deny Support for the proposed project. Further, within its vote it acted to incorporate the Notice of Adverse Decision resolution from SMD-5C07, denying support as the Commissions statement and reasons for not supporting the proposed project by the applicant.

Advisory Neighborhood Commission 5C

June 19, 2019



Advisory Neighborhood Commission (ANC-5C07)

Single Member District Meeting

June 5, 2019

Notice of Adverse Decision

Location

Woodridge Public Library
Main Meeting Room
1801 Hamlin Street NE
Washington, DC 20018

In the matter of **BZA Application 20065**, where the applicant, Dilan Investments, LLC is seeking Special Exception Relief of Subtitle C § 703.2, from minimum parking requirements, to raise the existing principal dwelling unit, and to construct a new 10-unit residential apartment in the MU-4 Zone at premises at 1818 Rhode Island Avenue NE, 20018, Square 4208, Lot 0007. The applicant seeks to build a four-story apartment with cellar having a footprint of 35 feet width, by 66.63-foot length. The lot sits in the former Subdivision of William Walsh, and now part of present day Greater Woodridge. The following report occurs as a matter of record.

The applicant was present, Mr. Jehat Mehmetoglu. Stating that the project's construction will occur as a matter-of-right, the applicant's representative presentation focused on the issue of the Special Exception Relief request. The applicant notes that there is no rear alley, and cannot provide the two parking spaces required. Further, there appears no nearby parking available. *The commissioner notes that the applicant's representative stated the building would include three stories and a cellar. However, the drawings provided show otherwise (four stories and a cellar).*

After hearing the presentation of the applicant's representative, there was discussion of the proposal, and the assembled held a vote on the matter.

After ending the presentation, Commissioner Montague, conducting the meeting, asked for those in favor of the application to indicate so. There were no votes supporting the project either audible or visible. The commissioner then asked for those opposed to the application to indicate so. Hands rose of all assembled, and living within the SMD, voting to oppose the application (13). One attendee lives within 100 feet of the applicant's property. The applicant's representative departed after the vote.

The commissioner stated that he would prepare a report of the decision for the full-commission ANC-5C's consideration, and the zoning commission of the Adverse Decision by the SMD.

The Recommendation

Having decided unanimously in the negative, it is hereby the recommendation of ANC-5C07, in the matter of BZA Application 20065, 1818 Rhode Island Avenue NE, 20018, the denial and rejection of said application. The vote occurred on June 5, 2019 at 7:03 pm.

Respectfully submitted,

Jeremiah Montague, Jr.
Commissioner ANC-5C07
2914 25th Street NE
Washington, DC 20018-2510
(202) 670-8543
5C07@anc.dc.gov

The proceeding

On June 5, 2019, at a duly called and properly noticed meeting held at the Woodridge Public Library, before assembled constituents of ANC-5C07, Ms. Alex(andra) Wilson, Sullivan & Barros, LLP (awilson@sullivanbarros.com, 202-503-3581), representing Dilan Investments LLC, presented their case. She fielded questions from the assembled and responded.

During the discussions, Ms. Wilson, characterized the project as one occurring as a Matter-of-Right in the MU-4 zone. She also did not characterize proposed request as the result of a particular difficulty or arising from hardship. Circulating a few sets of drawings, meets the requirements for the zoning, except for the two parking spaces required. The building would extend to the property line on its east and west. It would extend to the property line at its front facing Rhode Island Avenue NE. Plans call for, when completed, the selling of units as market rate rentals, but does provide a single IZ unit.

Constituents raised questions regarding, elevation of the two adjacent residents in relation to the street grade. The applicant noted that there would be an excavation of the property, allowing direct access to Rhode Island Avenue. Constituents expressed greater concerns regarding the difference in elevation/grade of the existing properties contrasted with the proposed and potential damage to them.

Constituents raised concerns regarding trash removal. The owner responded stating that there would be receptacles placed at the front of the building. He believe that there would be as many as 10. However, constituents pointed out that a minimum of twenty were more likely. This predicates upon having a single for trash, and another for recyclables per unit. Asked if there were plans to contain the trash receptacles within the cellar, the owner said no. The commissioner reiterated that meant, trash receptacles within the public space. There was a debate regarding the extent of public space at the front of the proposed building.

Constituents expressed concerns that although the applicant proposed providing bike racks and storage for them, they believed that the premise that all tenants not having cars was unrealistic. They expressed great concern given the scarcity of on street parking. The neighbor adjacent offered his difficulty of parking his single automobile on Rhode Island Avenue NE giving the restrictions. Further, he felt greatly inconvenienced having to park two or three blocks away. To him the project simply would exacerbate the issue. This was to say nothing of the parking situation and disruption when the nearby nightclub, "SIP" is operating.

Constituents expressed concerns regarding bringing another apartment building given the large vacant structure at the western corner of the block.

The owner offered an example of his success in the neighborhood, constructing an apartment building at 1904 Irving Street NE. He was awaiting his Certificate of Occupancy. Further, he stressed that he was a local business owner. He felt the project good for the city. Further, he noted that there were no plans for a roof-deck for the building.

After a review of the plans, and revelation that there is no rear alley access, there is a greater concern of rear fire egress. Although, the plan provides fire escape stairways, the direct access

from rear to front is via a common hallway. Further, the rear stairs descend into an area below grade, necessitating entry into the cellar to reach Rhode Island Avenue, and no chance of accessing the rear adjacent properties. There are private areaways at the front and rear of the building. However, the front area way projects into the public space.

Further the assembled held that ANC-5C07 and ANC-5C hold that granting the request will cause substantial detriment to the public good and to adjacent properties. The concerns regarding trash collection and storage warrant an alternative solution. The adjacent residence's are at an elevation predating the 1907-1910 grading of the area for extending Rhode Island Avenue eastward to the city boundary. Consequently, if the project proceeds, the project will create an awkward streetscape. It is unclear what impact of the planned streetscape project for Rhode Island Avenue NE will have upon this project.

While there is a characterization that the proposed project occurs as good development, the result may create uncomfortable difficulties for co-existence. There will be a substantial impact upon the quality of life. Foremost, there exists no possibility for a side. The applicant proposes a structure set back in a manner, creates a bathtub effect. The design may unnecessarily compromising first responders, as well as, tenant, public and property safety.

Thus, this proposal stands to comprise substantially, adjacent properties and public safety if allowed. It will alter substantially the character of the immediate neighborhood to its detriment, raising hopes for speculative opportunities for repeating such across the community.

Since the most nearby houses on the same side of the street, date to 1922, the SMD holds that the proposed structure is substantially inconsistent with the general intent and purpose of the Zoning Regulations.

This is replacement and "in-fill", distinct from the adjacent Single Family Units, predating the zoning to MU-4. The will result may be an inhospitable residence if allowed, particularly at the cellar level. The near proximity would compromise privacy, and create an awkwardly situated structure inconsistent with those along the street.

Having no further discussions or inquiries from the assembled, and the subsequent voting, the applicant and representative departed.

Lastly, at this time, there is no notice of the public hearing on this case posted at the property.