

ANC2F Community Development Committee
September 28, 2005 – 7 PM
Washington Plaza Hotel

In Attendance:

Mike Benardo, 2F06
Chris Dyer, Chairman
Bob Ellison, 2F05
Kevin Ivers, 2F04
Helen Kramer, At-large
Jim Loucks, 2F06
Jim Richardson, 2F02
Samuel Robfogel, 2F01
Ryan McGuinness, 2F03
Mike Sheaffer, 2F05

Absent:

Sandra Biasillo, 2F05
Jim Cook, 2F02
Jim Loucks, 2F06
Kara McCabe, 2F01

The Chairman called the meeting to order and noted that a quorum was present. He stated that ANC2F will meet on October 5, 2005, and will make decisions based on the recommendations of this committee.

1321 Naylor Court

The Chairman stated that this subject would be removed from the agenda, per the developer's request to revise plans.

936 N Street

Paul Tummonds presented on behalf of the owner requesting a BZA Variance. Tummonds stated that the existing building is a former 13 unit apartment building (R4 zone). Tummonds said that this building is non-conforming as it has lot occupancy of 78%.

Development plans call for the addition of a mezzanine or fourth floor level on the top of the building. In an R4 zone, there is a maximum building height of 40 feet and a three level restriction.

A building permit was issued for this project, and when completed, will result in 7 condominium units. Earlier this year, there were concerns about the permits issued, so various inspectors went out to the site, and a stop work order was issued to the property owner.

The owner was then asked to file for a variance for relief of the mezzanine/fourth floor.

This project has come before the LCCA and the ANC previously, and received approval. They are asking for the same approval for the same project, this time with the proper variance approval granted.

The BZA has scheduled a hearing for their application on November 8, 2005.

Helen Kramer asked if part of the lowest level on the diagram presented a slope. She was answered yes, that parts of the lowest level was below street levels, and top levels were former attic windows.

She wondered if BZA was counting below grade levels as entire levels. She was answered yes.

Jerry Schultz, 920 N Street, asked if this would be the tallest building on that side of the street, and then asked if parking was to be provided as originally planned.

Tummonds answered no; there would be no parking provided. He stated that zoning regulations and historic preservation guidelines do not require developers to provide parking.

Donna Clark, 1239 10th Street NW, said that she does not oppose rehabilitation, and would like to see everything brought up to code. However she cannot support this project because it is a vacant building with an addition. She claimed that permits were never issued and wanted to present documentation from DCRA to support this. She gave history of the two stop work orders – first for not having proper documentation, and second for not getting a variance.

She stated that the current state of the building is open and left to rot in the neighborhood.

Kramer stated that the standard for establishing entitlement to a variance is higher than for special exceptions. The language provides that the property owner demonstrate that the variance is required because of special difficulties posed by the property (odd shape, significant environmental damage) and that the burden of proof is on the developer.

Tummonds presented copies of the permit allowing them to reduce from 13 to 7 units. He then stated that he was going to prove the need for a variance with three reasons:

First, the developer is required to show that this property is subject to exceptional positions and this property includes other buildings, on the same lot, and therefore prevents demolition. Development on this site is subject to the non-conforming structure.

Second, there is a practical difficulty to satisfy zoning regulations. To add on to a non-conforming building, they need the variance. In order to bring this building up to code, they have to provide some additional square footage area.

With regards to the additional floor, in order to provide the quality of building appropriate for this site, the least impact that would occur on this neighborhood would be to build up and not out, expanding gross floor area, but still within the 40 ft requirement.

Third, granting the variance will not cause detriment to the intent of the zoning map. They have moved this addition significantly back so that an individual on the street would not see it. The addition provides access to a roof deck, and will not effect light or air to adjoining properties.

Robfogel asked if this project, as presented today, had already been approved by HPRB and the LCCA. He was answered yes, by Tummonds, who presented documentation dated in 2003 and signed by Jim Loucks.

Ed Horvath, 929 M Street, said this property was in bad shape, and made from the worst construction he's ever seen, and not performed under a good construction management team. He attended the first hearings and the neighborhood welcomed it. Horvath said that presently, the property is derelict and unsafe. The shoddiness of the construction and not knowing the outcome is his concern.

Mr. Friedman, the owner of the building said that he took that comment personally, because he sold the project, and then took it back, and is now trying to rectify the situation.

Ron Berry, 1241 10th Street, said that the back of his house faces the structure. Presented pictorial evidence of what he's been looking at for the past two years and prior to the building's construction.

He said he does his part to keep the neighborhood attractive, and despite what the developers say, everything they do is very ugly.

He then presented pictures that showed poor drainage systems around the building.

Dyer said that his evidence is not germane to this discussion. The issue is whether or not a zoning variance is going to be recommended.

Bill Bonstra, architect for the project, stated that there is no negligence on the part of the design team. He stated that this project went through all the proper channels including a thorough review process and was issued work permits. He said that was an interpretive issue that brought the stop work order, and an administrative issue with the city, that halts this development.

Kramer moved for the recommendation of approval to the ANC for the requested zoning variance to allow the addition of a mezzanine to the existing historic building. Robfogel seconded.

Kramer then added that a reason for approval is that the developer has, in the CDC's opinion, met its burden of showing difficulty, meriting the variance.

VOTE: unanimous.

Review CDC Guidelines

Dyer asked if the CDC needed to take recommendations from LCCA's historic preservation committee, and if the CDC needed to include them in the process.

Kramer answered that the LCCA was the leader in bringing a historic district designation to the neighborhood. The membership of LCCA has a high concentration of architects, and members volunteered thousands of hours to help guide the ANC.

Tummonds said that LCCA provides a great resource for homeowners and smaller developers unknown to the process.

Robfogel stated that whether it is written or not, HPRB does not like to consider projects in the neighborhood without the input of LCCA's committee. Kramer answered that those who are new to the area probably do not understand the lengths and history of this committee, who was called upon to be an advisory body to the ANC.

A member of the audience said that the CDC needs to take a firm stance on what the rules of bypass are.

Dyer said that as long as he is a commissioner and as long as he is chair of the committee, it would take an act of God for someone to bypass the committee.

The resident then clarified that large businesses are not the problem, those without knowledge and experience are the problem.

Kramer said that special exceptions are made for reasons such as the CDC was not meeting, summer vacation, or holidays, and that there were in the past, a few special exceptions.

Robfogel then agreed to work on the document as presented, and would bring it back for further review. Bernardo suggested community input on the document's revisions.

With no further discussion pending, the meeting adjourned at 8:10 PM.