



ADVISORY NEIGHBORHOOD COMMISSION 6B PLANNING AND ZONING COMMITTEE

Virtual Meeting

March 2, 2021, 7:00 p.m.

Commissioners: Samolyk, Sroufe, Ready, Oldenburg, Holtzman, Holman (Chair), Horn, Krepp
Resident Members: Friedman, Mijares, McGaffey, Jarboe, Danks, Ryan, Thomas, Garry

Beth Purcell of Capitol Hill Restoration Society was present to answer questions of the committee related to a nomination, which the ANC supported in 2019. The only question asked was to clarify the standards of review for a contributing building vs a landmark and there is no functional difference.

Motion: Consent (Holman/Ready) to support the application specifically under the proposed criteria

1. BZA 18238A: 413 8th Street SE [6B03]

Chipotle; **Special Exception** to extend the terms of the special exception granted on July 19, 2011, for an additional ten (10) years, to allow a fast food restaurant use in the MU-25 Zone

Attorney: Samuel Porter, Ice Miller **Hearing Date:** 3/31/2021

The committee was updated on the long running negotiation between the applicant and neighbors on the 700 block of E Street SE and 400 block of 7th Street SE. The applicant's attorney and neighbor representative have reached the outlines of an understanding on enclosing the trash area and connecting it to the principal building. The committee was happy to hear this and supported the general thrust of the agreement. The neighbors and applicant are still working on wording to include the conditions in the zoning order. The committee was not able to vote in support or opposition until these guidelines are finished. The ANC is expecting final language by Monday and will have to take this up in the full committee

2. BZA 20409: 102 9th St SE [6B05]

Penthouse addition for a stairway to roof deck. Special exceptions for general penthouse regulations in RF-1 zone.

Applicant: Joseph and Elizabeth Lunsford

Architect: Derrick Sieber

Hearing Date: 3/10/2021

The committee had a long discussion on this case noting the troubles the applicant is having getting his application ready for board review. The property owner was present and the committee encourage him to fix the deficiencies in the application discussed by the Office of Planning. Based on the past two meetings, the committee still supports the intent of the stairwell enclosure. The committee decided to support the general intent of the idea but two write a letter indicating our support is limited to the application as captioned and noting our support does not include any needed variances. There still hasn't been positive contact with the neighbors. Commissioner Holtzman and the property owner will continue to be in contact over the next couple of days. The committee made a motion to support in narrow way.

Motion [Holman/Holtzman] to support the application as captioned, noting the problems faced by the applicant, and the lack of positive contact with the neighbors. Sroufe opposed. Ryan abstained.



3. BZA 20422: 610 South Carolina Ave SE [6B03]

Special Exception to construct a one-story addition to two-story building for lot occupancy (53.4% existing, 60% by right, 66.7% proposed).

Applicant: Michael Hsu and Seema Gajwani **Architect:** Mike Fowler, Fowler Architects **Hearing Date:** 3/24/2021

Commissioner Horn Recused

The committee hear plans for a rear screened porch with extensive neighbor support. On the sides of the porch facing the neighbors, the applicant has agreed to only high windows to respect the privacy of the neighbors.

*Motion on Consent [Ready/Holtzman] to support the application. Unanimous support. **Commissioner Horn Recused***

4. HPA 21-218: 15 8th Street SE [6B02]

Concept: Two-Story rear addition adjacent to alley

Applicant: Ted Jutras and Erica Stanley **Architect:** Paula Morris, Morris Architects **Hearing Date:** 3/25/2021 or 4/1/2021

The committee heard plans from the property owner to do two-story rear addition on the alley. The committee liked the brick façade look and generally supported the project. Commissioner Sroufe noted the six over six windows may not have CHRS support but that wasn't an issue for him.

Motion on Consent [Sroufe/Ready] to support the project. Unanimous.

5. BZA 20429: 411 New Jersey Ave SE [6B01]

Multiple special exceptions and variances to construct two new principal dwelling units/rowhouses on a vacant lot

Applicant: MADM Development LLC **Architect:** Mateusz Dzierzanowski, DZ Architecture
Attorney: Alexandra Wilson, Sullivan and Barros **Hearing Date:** 3/31/2021

The committee sees this project returning again for zoning relief after multiple rounds of historic. The committee's continued concern about non-residential use continues to be addressed through design. The project is seeking three special exceptions for 10 foot rule, height, and penthouse setback and one variance for rear yard relief. The penthouse setback relief for a guardrail on a second floor deck will no longer be needed after the zoning commission publishes a proposed rulemaking already approved. The rear yard relief (18.5 feet proposed, 20 feet required) is a variance only because it's new construction. The ANC regularly approved rear yard special exception relief much great than 18.5 feet and the committee felt the building would not unduly impact light/air since it's nowhere near another building. The 10 foot rule, again, is set far away from the adjoining building and has no real impact on light/air.

Motion on Consent [Samolyk/Holman]. Unanimous.

6. BZA 20437: 1819 A Street SE [6B10]

Special exception for number of units on lot (two-by right, three proposed) and for 10-foot rule (12 foot beyond



adjoining property)

Applicant: Datis Properties

Attorney: Alexandra Wilson, Sullivan and Barros **Hearing Date:** 4/14/2021

The committee had a long discussion on this case with the adjoining neighbor. The applicant has adjusted the project to give a 10 foot clear radius to the adjoining property's chimney. The project is adding 4 parking spots where only 1 is required. After long discussion with the neighbors, the committee felt there was more work to be done. Specifically, a construction management agreement with the neighbor, adding permeable parking spaces to help mitigate the impacts of runoff, to address some of the design issues with the front of the building. Commissioner Krepp will continue to work with the neighbors over the next week.

No motion

7. Review of Zoning Administrator Decisions at 207 3rd Street SE

A neighbor of this property reached out to the ANC to ask about pursuing an appeal to grant a building permit for a six-unit building, despite an inconsistent use history and potentially not being grandfathered in.

Brian Wise, adjoining neighbor of 207 3rd Street SE, presented a slide deck showing the continued failure of DCRA to enforce the grandfathering provisions of the zoning regulations which prohibit nonconforming uses after three years of not using that nonconformity. The project at 207 3rd Street SE has been through a series of unclear permit revisions, falsified documents, and other inconsistencies from both the applicant and DCRA. The committee felt an appeal is the right play here and voted to recommend the ANC file the appeal, pending review of a rough draft or outline of the appeal from Mr. Wise and reviewed by Commissioner Samolyk and Resident Member Jarboe.

Motion not on consent [Samolyk/Holman]. Unanimous

Upcoming Case:

April:

6B08 BZA 20445: Variance to expand restaurant use to cellar and second story in RF-1 Zone at 106 13th Street SE. April 21

6B04 Zoning Commission text amendment on applying inclusionary zoning to the NC-6 (Lower Barracks Row) zone.

May:

6B05 BZA 2046: Special exception for three story rear addition. Special exceptions for lot occupancy and 10 foot rule. May 26 hearing. 232 10th Street SE

6B02 BZA 20465: Variance to increase lot occupancy from 66.5% to 72% to construct screened porch in rear dogleg. May 19. 13 7th St SE

6B06 BZA 20461: Special exception for lot occupancy. 1525 K Street SE. May 19 hearing.