



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

May 11, 2017

Board of Zoning Adjustment
of the District of Columbia
441 4th Street, NW
Suite 210-S
Washington, DC 20001

Re: BZA 19494 (507 2nd St. NE)

Dear Members of the Board,

On May 10, 2017, at a duly noticed regularly scheduled monthly meeting of ANC 6C, with a quorum of five out of six commissioners and the public present, this case came before ANC 6C. The commissioners voted 5-0 to oppose the application as set forth below.

The applicant requests after-the-fact relief for a rooftop mechanical screening wall. Although the applicant undertook the work in question pursuant to an extensive (and fully permitted) renovation of the property, the rooftop mechanical equipment and associated screening wall were improperly constructed in a manner that deviated substantially from the approved drawings. As a result, the screening wall as installed is set back less than half the required 1:1 ratio from the rear building wall.

In considering the applicable criteria under 11 DCMR subtitle C, section 1504.1, ANC 6C believes that the application should be measured in relation to the condition of the property *ex ante*, and not with respect to the existing self-created non-conforming condition. Specifically, we believe that strict application of the zoning regulations **would not** result in “construction that is unduly restrictive, prohibitively costly, or unreasonable, or ... inconsistent with building codes.” § 1504.1(a). On the contrary, the applicant’s original intent (as expressed through the approved drawings and issued permit) demonstrates emphatically that conforming construction was economically and physically feasible.

The application likewise fails to satisfy other relevant considerations. As compared to the original approved plans, allowing the existing condition to remain would not “result in a better design of the roof structure” (§ 1504.1(b)), but instead create a more visually intrusive screening structure. *See* § 1504.1(c).

We are sympathetic to the applicant’s assertion that fault for the non-compliant construction lies with its contractor and not with the applicant itself. However, we believe the remedy in this case lies against the contractor for its careless conduct. Granting zoning relief for such a

significant—and entirely avoidable—mistake is not, in our view, appropriate under these circumstances.

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

Sincerely,

A handwritten signature in cursive script that reads "Karen J. Wirt".

Karen Wirt
Chair, ANC 6C