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

Re: Comments on proposed rulemaking ZC 14-11D (vesting for rear-yard extensions)

Dear Chairman Hood:

On July 12, 2017, at a duly noticed, regularly scheduled monthly meeting of ANC 6C, with a quorum of 6 out of 6 commissioners and the public present, the Commission voted 6-0 to submit this letter stating our views in case ZC 14-11D.

ANC 6C strongly opposes the proposed text amendment. The purpose of the new rule adopted in Order 14-11B was (and remains) to protect District property owners from the potentially enormous adverse impacts of large rear additions on adjacent properties. Retreating from that decision to grandfather certain permit applications would deprive neighboring property owners of the new rule’s important and much-needed protections.

At the March 27, 2017 meeting at which the Commission took final action to approve the changes in Order 14-11B, the Commission affirmatively declined to adopt any vesting rule allowing permit applicants to avoid seeking special-exception relief. We believe that decision was a sound one. As Commissioner May remarked on the record, “if folks need to push back further than ten feet[,] then they would need the special exception.” (Transcript at 19.)

Our concern is not purely academic. ANC 6C has a pending appeal (in BZA 19550) from a March 31 permit authorizing a massive rear extension. As indicated on the attached extracts from the permit drawings, this three-story addition would extend roughly 50’ past the identical rowhouses on either side, dwarfing them.

If ANC 6C prevails in its appeal, any subsequent revised permit application ought to trigger BZA review under the new 10’-addition rule. Unfortunately, if the Commission approves the grandfathering proposed in 14-11D, we fully anticipate that the owner would seek to take
advantage of it in order to avoid BZA review.¹ Such a result would be grossly unfair to the abutting property owners, whose situation is exactly the type Order 14-11B sought to address.

Accordingly, we urge the Commission to reject the proposed text amendment creating a grandfathering exception to the amendments adopted in ZC 14-11B.

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

Sincerely,

Karen Wirt
Chair, ANC 6C

¹ The permit application at issue was filed on March 23, 2017.