ANC 6C Planning, Zoning, and Economic Development Committee Report

ANC 6C Commission Meeting: September 12, 2018

PZE Meeting Date: September 5, 2018 6:30 pm

Meeting Location: Northeast Library
7th & D Streets NE

Committee Attendees: Mark Eckenwiler (Chair)
Joel Kelty
Bobbi Krengel
Chris Mitchell
Lauren Oswalt
Bill Sisolak

Other Commissioners Present: n/a

Agenda Items

1. **1119 Abbey Pl. NE (BZA 19840)** – Application of Julie Qureshi Hummel, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions
   a. under Subtitle E § 5201 from
      i. the lot occupancy requirements of Subtitle E § 304.1,
      ii. the rear yard requirements of Subtitle E § 306.1, and
      iii. the nonconforming structure requirements of Subtitle C § 202.2, and
   b. under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5
to enclose a rear porch and construct a second-story rear addition to an existing principal dwelling unit in the RF-1 Zone at premises 1119 Abbey Place, NE (Square 773, Lot 183). Representative: Gay Hardwick (architect). Hearing on October 31, 2018. [6C06] (Application file; notice of hearing with instructions on public participation is at case exhibit 30)

2. **Proposed letter to Council** – Discussion of proposal to send letter recommending legislation amending the Building Code to require that
   a. DCRA print the legal days/hours for performing construction activity on every construction permit, and
   b. All applications proposing exterior alterations or additions include photographs clearly depicting the affected elevation(s).
Agenda Item #1: Discussion and Recommendations

1119 Abbey Pl. NE (BZA 19840) – Application of Julie Qureshi Hummel, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions

a. under Subtitle E § 5201 from
   
i. the lot occupancy requirements of Subtitle E § 304.1,
   
ii. the rear yard requirements of Subtitle E § 306.1, and
   
iii. the nonconforming structure requirements of Subtitle C § 202.2, and

b. under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5

to enclose a rear porch and construct a second-story rear addition to an existing principal dwelling unit in the RF-1 Zone at premises 1119 Abbey Place, NE (Square 773, Lot 183). 
Representative: Gay Hardwick (architect). Hearing on October 31, 2018. [C06]

Motion  To recommend support if the application qualifies for special-exception treatment, but opposition if the relief sought requires a variance (see below) (carried 6-0)

Key Discussion Points:

1. The applicant seeks permission to remove an existing rear projection and construct a new rear addition to the same depth, for the full width of the lot. The new addition would extend to include a second story, as well as enclose the open area underneath the existing projection (which sits on piers).

2. The proposal would also include a deck/walkway projecting an additional 3’ past the current footprint, plus stairs leading down to the rear yard. The drawings are inconsistent as to whether this deck/walkway would extend the full width of the 16’-wide lot (plat and Sheet A0.0) or only ~13’ from the north lot line (Sheets A2.1 and 3.1).

3. By enclosing the area under the existing projection, the addition would reduce the depth of the available parking space below the minimum required 18’. The new space would meet the standard for a compact parking space (8’x16’, per Subtitle C § 712.6).

4. PZE members were not opposed to the reduction in the size of the parking space given the small lot size. However, there was extensive discussion about the new deck/walkway at the rear.

5. The regulations’ definition of “building area” (which is the numerator in determining percentage of lot occupancy) includes “outside balconies” but excludes “uncovered stairs, landings, and wheelchair ramps that serve the main floor.” The applicant’s architect argued that the rear deck/walkway is a landing; PZE members agreed that the ~3’ portion at the top of (and as wide as) the stairs qualifies as a landing, but questioned the suggestion that the full 13’ (or 16’) width also does.
6. If the additional portion of the deck/walkway (30-39sf) counts toward “building area” and lot occupancy, that would increase lot occupancy from the current 67.75\% by 3\% or more, putting the proposal over the 70\% maximum for special-exception relief and necessitating a variance.

7. The motion passed by the unanimous PZE recommends that the ANC

   a. note the inconsistencies in the drawing of the rear deck/walkway;

   b. note the question about the status of the deck/walkway as a “landing” or not;

   c. support the special-exception application if the BZA determines that the rear deck/walkway would not cause lot occupancy to exceed 70\%; and

   d. otherwise oppose the application on the grounds that the application does not satisfy the demanding standards for a variance to occupy in excess of 70\% of the lot.
**Agenda Item #2: Discussion and Recommendations**

Proposed letter to Council – Discussion of proposal to send letter recommending legislation amending the Building Code to require that

- a. DCRA print the legal days/hours for performing construction activity on every construction permit, and

- b. All applications proposing exterior alterations or additions include photographs clearly depicting the affected elevation(s).

**Motion**

To recommend sending a letter to the Council Chairman (see below)  
(carried 6-0)

**Key Discussion Points:**

1. The Building Code allows construction activity, absent an after-hours permit, only Monday-Saturday 7am-7pm. Work on District holidays or Sundays is prohibited.

2. Current building permits, which are electronically generated, do not display this information anywhere. PZE members agreed that including this information would better educate property owners and contractors; members likewise noted that MPD officers are often unaware of these rules and unwilling to enforce them.

3. On a separate issue, PZE members discussed the recurring problem with unscrupulous permit applicants either failing to include a depiction of a property’s existing condition (as happened recently at 310 E St. NE and 1168 Abbey Place NE) or even submitting fraudulent drawings depicting non-existent structures as existing conditions (e.g., Redux Properties at 518 6th St. and 635 Constitution).

4. PZE members agreed that the current regulations—which require only drawings (plans and elevations) of existing and proposed structures, per 12A DCMR § 106.1.12.3 and .4—are insufficient to deter applicant deception or to remind DCRA of its obligations to obtain the necessary information.

5. The motion passed by the unanimous PZE recommends that the ANC send a letter to Chairman Mendelson (cc’ing Councilmember Allen and DCRA Director Bolling) urging the Council to amend the Building Code to require that

- a. DCRA print the legal days/hours for performing construction activity on every construction permit, along with a list of non-work holidays (or a concise URL to a website enumerating those holidays). This notice should also state that MPD is authorized to enforce against work performed outside legal hours. All such text should appear on the face of the permit in type at least as large as that showing the address of the property.

- b. all applications proposing exterior alteration(s) or addition(s) include photographs clearly showing all existing elevations.