



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

202-332-2630 • <http://www.anc1c.org>

Commissioners:

October 14, 2005

Chairperson

Alan Roth (1C01)

Vice Chairperson

Graham King (1C06)

Secretary

Mindy Moretti (1C04)

Treasurer

Jon Canty (1C02)

Bryan Weaver (1C03)

Andrew Miscuk (1C05)

Vacant (1C07)

Lynn Taylor (1C08)

Jerrily R. Kress, FAIA
Director, Office of Zoning
441 4th Street, NW – Room 210 South
Washington, DC 20001

Re: Appeal of Advisory Neighborhood Commission 1C
From Issuance by DCRA of Permit No. B474628
at 1825 Vernon Street, NW (Square 2555, Lot 0005)

Dear Director Kress:

I am enclosing an Appeal of the above-referenced building permit issued by the Department of Consumer and Regulatory Affairs, together with supporting materials and a copy of a resolution approved by Advisory Neighborhood Commission 1C (ANC 1C) by a roll call vote of 6-0, a quorum being present, at our October 5, 2005 monthly business meeting. As you will note from the final paragraph of the resolution, I have been authorized as Chairperson to file this appeal on the ANC 1C's behalf.

In addition to the original, twenty copies of the Appeal and all accompanying documents are being provided herewith.

If you have any questions, please feel free to contact me at (202) 347-3030. Thank you for your cooperation and assistance.

Sincerely,

Alan J. Roth
Chairperson

cc: All Parties Listed on
Certificate of Service

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17449

EXHIBIT NO. 1

RECEIVED
D.C. OFFICE OF ZONING
2005 OCT 14 PM 12:57

**ADVISORY NEIGHBORHOOD COMMISSION 1C
RESOLUTION AUTHORIZING FILING OF APPEAL
AGAINST BUILDING PERMIT ISSUED AT
1825 VERNON STREET, NW**

WHEREAS, 1825 Vernon Street LLC, the owner of 1825 Vernon Street, NW, located within the boundaries of Advisory Neighborhood Commission 1C, has obtained Building Permit No. B474628 from the Department of Consumer and Regulatory Affairs (DCRA) for the “Modification/Projection, Alteration, and Repair” of said building, and

WHEREAS, the building permit, among other things, provides for the “interior build-out of [the] unfinished basement with four apartment units,” which will require the removal of an existing concrete floor beneath an apartment building with approximately 16 living units, almost all of which are currently occupied by tenants, and

WHEREAS, it appears to ANC 1C that the existing building is a non-conforming structure within the meaning of the Zoning Regulations in that it already exceeds the maximum 1.8 floor area ratio (FAR) and 60% lot occupancy allowed in this R-2-B District, and

WHEREAS, the plans submitted by the owner to DCRA appear to call for the full or partial removal of the berm in front of the building to create new basement entrances at or below the adjacent finished grade, which suggests that these alterations will increase the existing non-conformities, and

WHEREAS, the owner’s plans and drawings raise important issues concerning zoning as noted above, as well as the right of the tenants to the habitability and quiet enjoyment of their premises, and

WHEREAS, the building permit, dated “6/09/05”, was not visibly posted on the premises until October 3, 2005, and did not come to ANC 1C’s attention until receipt from DCRA of a print-out entitled “Building Permits Issued July 2005” (in which the date of the permit is stated to be “7/5/2005”), in an envelope postmarked August 15, 2005, and

WHEREAS, section 3112.2(a) of the Zoning Regulations requires an Appeal of a building permit to be filed “within sixty (60) days from the date the person appealing the [permit] had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier,” meaning that the deadline for appealing this building permit might be held by the Board of Zoning Adjustment (BZA) to expire as early as October 15, 2005,

NOW, THEREFORE, BE IT RESOLVED, that ANC 1C hereby authorizes the Chairperson to file on ANC 1C’s behalf an Appeal with the BZA of this and any other building permits that have been or may hereafter be issued with respect to 1825 Vernon Street, NW in order to protect the rights and interests of the tenants and the surrounding community in the location’s R-2-B zoning.

Offered by: Commissioner Roth
Seconded by: Commissioner Miscuk
Vote: Approved by roll call vote, 6-0
 AYE Roth, Canty, Weaver, Moretti, Miscuk, Taylor
Date: October 5, 2005