

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

July 10, 2006

Mr. Geoffrey Griffis
Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

RE: BZA Appeal No. 17502, Appeal of Jonathan Gottlieb

Dear Chairman Griffis:

Advisory Neighborhood Commission 3D held its regularly scheduled meeting at Sibley Hospital's Ernst Auditorium on July 5, 2006, and a quorum (4) was present at all times. Notices of the meeting were posted throughout the neighborhood, on the ANC Website and in the Northwest Current on June 28 and July 5. The Commission's agenda was also posted on the Palisades Listserv.

The Commission voted 6-0-0 to support the Appeal of Jonathan Gottlieb, pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs (DCRA) to issue Building Permit No. 84942, dated January 17, 2006, allowing the rebuild of an existing dwelling and the new construction of a second dwelling. Appellant alleges that DCRA erred in granting the permit by violating numerous sections of the Zoning Regulations including but not limited to subsections 403.2, 405.9 and 1543.2. The subject property is located in the WH/R-1-A District at premises 4641 Dexter Street, NW (Square 1381, Lot 6.)

Mr. Gottlieb appeared before the Commission on July 5, 2006 and presented his case through photographs and a detailed narrative of his continued attempts to locate applications, permits and building plans related to construction at 4641 Dexter Street, NW. According to Mr. Gottlieb, "DCRA claims copies of applications, permits and plans are 'missing.'"

The Dexter Street construction site was first brought to the Commission's attention early in the New Year when a site visit by the ANC Chair occurred at the request of Barbara Ingersoll, an adjacent neighbor. An inspection showed Permit No. 84942 in the front

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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17502
EXHIBIT NO. 15

window of 4641 Dexter Street, issued 1/17/2006 for "Alteration/repair: existing/proposed floor plans mechanical, electrical, plumbing plans, new kitchen." Even in January it was evident construction far beyond a kitchen renovation was underway, including a sizable addition and complete gutting of the original house. However, Permit No. 84942 was the only building permit posted on site. Ms. Ingersoll reported that the Zoning Administrator had been out earlier in the week for a site visit.

As recent as June 15, ANC 3D filed for copies of the plans and were informed "the plans are missing." At the request of Mr. Gottlieb, another site visit was conducted by two ANC Commissioners on July 2. Permit No. 84942 was the only building permit in the front window.

The photographs presented by Mr. Gottlieb on July 5 are recent, confirm the size and massing of construction at 4641 Dexter Street and reflect what was found by commission members on July 2. It is obvious a sizable addition, equal to or greater in scale and mass than the size of the original house, has been added and a new, free standing two car garage is under construction in the rear yard.

Mr. Gottlieb informed the commission that 4641 Dexter Street lies within the Wesley Heights Overlay District (WHOD), and noted section 1543.2 states "No structure, including accessory buildings, shall occupy an area in excess of thirty percent (30%) of the lot ..."

Mr. Gottlieb has been severely hampered in this matter by the absence of applications, permits and plans. As a result he, his neighbors and the ANC have been unable to verify any facts. However, construction has continued and continues today without any documentation in the files at DCRA.

Mr. Gottlieb also informed the Commission of an email he received from Doris Parker-Woolridge who will represent DCRA in the Appeal. Ms. Parker-Woolridge has a conflict on July 18, the date of the hearing, and will be filing a Motion for Continuance. Given the possibility of a lengthy postponement, the Commission took under consideration a second matter and voted 6-0-0 to send a letter to the Zoning Administrator requesting that all construction on site at 4641 Dexter Street be halted immediately until a complete file of applications, permits and plans can be located and/or reproduced. Without this documentation there is no way to judge what has been permitted, the scope of the entire project, and its relationship to the WHOD. Also, the house could be sold by the time of the next hearing.

If in fact the Department of Consumer and Regulatory Affairs/Building and Land Regulation Administration issued Permit No. 84942 to Decker Development for the purpose of a kitchen renovation; and if Permit No. 84942 is the only permit that has been issued, the initial permit was issued in error. It does not reflect the scope of construction at the site. Further, if the "Application for Construction Permits on Private Property" (Form BLRA -33) was properly completed when submitted, it should contain information in excess of that noted on Permit No. 84942. For example, there is no mention of a new

two car garage on this permit and there is no permit posted for that new separate garage building. Any subsequent permits, that do not appear to exist, would reference the original permit, No. 84942.

Therefore, given the absence of the application or plans on which Permit No. 84942 was issued, the Commission found Appeal No. 17502 to be timely and appropriate and voted 6-0-0 to support it. The Commission also supports Mr. Gottlieb's concern that it is likely the construction at 4641 Dexter Street is not in compliance with the provisions of the Wesley Heights Overlay District.

Sincerely,

A handwritten signature in black ink that reads "Alma H. Gates". The signature is written in a cursive, flowing style.

Alma H. Gates
Chair

Enclosure (1)

cc:

Jonathan Gottlieb
Doris Parker-Woolridge
Bill Crews

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D

P.O. Box 40846
Palisades Station
Washington, D.C. 20016

July 10, 2007

Mr. Bill Crews
Zoning Administrator
DCRA
941 North Capitol Street, NE
Suite 2000
Washington, DC 20002

RE: BZA Appeal No. 17502

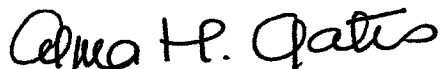
Dear Mr. Crews:

As you are aware, 4641 Dexter Street, NW is the subject of a BZA Appeal by Jonathan Gottlieb which Advisory Neighborhood Commission 3D heard on July 5, 2006, and voted 6-0-0 to support. The property is located in the Wesley Heights Overlay District and subject to all provisions of 11 DCMR § 1541. A copy of the Commission's letter supporting Appeal No. 17502 is enclosed; and, a copy of this letter is enclosed in the Commission's submission to the BZA.

The Commission was apprised by Mr. Gottlieb that the file at DCRA that should contain copies of all applications, permits and plans is empty and appropriate documentation is missing. The Commission also attempted to obtain copies of the plans on June 15 and was told the plans are missing.

Therefore, given the absence of any documentation and/or plans relative to 4641 Dexter Street, NW, the Commission voted 6-0-0 to request that a STOP WORK ORDER be issued immediately and kept in place until DCRA staff can recreate all documentation, including applications, permits and plans, provide them to appropriate staff, the ANC and BZA for review and verify that work done is according to applications, permits and plans.

Sincerely,



Alma H. Gates
Chair

Enclosure (1)

Jonathan Gottlieb
Geoffrey Griffis
Doris A. Parker-Woolridge