



ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK
FRIENDSHIP HEIGHTS

c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015

ANC3E RESOLUTION APPEALING CONSTRUCTION PERMITS AT 4319-21 FESSENDEN STREET, N.W.

Whereas *Department of Consumer and Regulatory Affairs (DCRA)* on 12/26/06 issued permits for construction at the following addresses on Fessenden St., NW: 4319 (permit #101584), 4319 ½ (permit # 101585), 4321 (permit # 101587) and 4321 ½ (permit # 4321 ½ for “alteration and repair); owner, Dunn, Whiskey, LLC

Whereas, DCRA has made available for review by affected residents only three of the four building permits for a recently (April 06) approved subdivision containing Lots 0017, 0018, 0019, 0020 in Sq1655

Whereas, the plans made available to affected residents show a lot coverage above the 40% allowed by regulation *in an R2 zone*;

Whereas, one of the permits describes a “renovation” and on these lots all the existing structures have recently been razed and there are no buildings or foundations remaining;

Whereas, the plans describe a common single 14-foot driveway serving four dwellings, with no separate access to the rear lots, and no evidence that an easement for the benefit of the adjoining rear lot has been recorded;

Whereas, the Zoning Regulations requires that “[e]ach lot created after February 15, 1966, to be used and occupied by a one-family detached dwelling . . . have a street frontage measured along the street a distance equal to at least forty percent of the required minimum width of the lot and no case less than fourteen feet (14ft).” 11 DCMR § 401.6 (emphasis added);

Whereas, the only street frontage provided for Lots 17 and 18 (the two rear lots) is a single, 14-foot common driveway, and therefore one of these rear lots lacks the required minimum 14 feet of street frontage;

Whereas, under the Zoning Regulations, a single family dwelling in a residential zone must have one parking space for each dwelling unit. 11 DCMR § 2101.1. Moreover, unless approved as a special exception by this Board, “all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.” *Id.* § 2116.1.; the building plans depict parking that does not conform to these requirements;

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17631

EXHIBIT NO. 2

Be it therefore resolved that:

1. ANC3E hereby appeals the building permits for this construction on the basis that these permits do not conform to the applicable regulations, including but not limited to Sections 401.6 and 403.2 of the Zoning Regulations.
2. ANC3E requests that DCRA immediately issue a "stop work" order at this site until all these zoning issues are resolved, and/or that the BZA issue an order staying the effectiveness of the permits.
3. That affected residents immediately be provided with copies of all relevant permits, permit applications, and permit plans and drawings pertaining to the construction at 4319, 4319 ½, 4321 and 4321 ½ Fessenden Street, NW.
4. That in the event DCRA, the Board of Zoning Adjustment or a court decides or rules that the permits issued for the property in question were improperly issued or are not in full compliance with the zoning regulations, that those permits be immediately rescinded.

ANC 3 E approved this resolution by a vote of 3-0 at a special duly noted public meeting on February 23, 2007, with a quorum present. Commissioners present were Amy McVey, Anne Sullivan, and Carolyn Sherman.

ANC3E authorizes Andrea C. Ferster to file this appeal with the Board of Zoning Adjustment on behalf of ANC3E.


Amy McVey

Chair,

ANC3E