

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA CATHEDRAL HEIGHTS • CLEVELAND PARK MASSACHUSETTS AVE. HEIGHTS MCLEAN GARDENS • WOODLEY PARK
Single Member District Commissioners 01-Lee Brian Reba; 02- William Kummings; 03-Anne-Marie Bairstow; 04-vacant; 05-Leila Afzal; 06-Trudy Reeves 07- vacant; 08-Catherine May; 09-Nancy MacWood	4025 Brandywine Street, NW Washington, DC 20016-1843 P: (202) 657-5725 F: (515) 474-8595 Website http://www.anc3c.org

October 8, 2009

Matthew LeGrant
Zoning Administrator
Office of Zoning
Government of the District of Columbia
One Judiciary Square
441 4th Street NW
Suite 210S
Washington, DC 20001

Re: BZA Appeal No. 17966 regarding zoning administrator decisions approving construction at 2709 31st Street, N.W.

Dear Mr. LeGrant,

At the September 21, 2009 public meeting of Advisory Neighborhood Commission 3C ("ANC") considered the appeal filed by Mr. Stephen Bruce. Previously, the ANC has heard presentations by counsel for the owners of 2709 31st Street, Mr. Bruce, and Reuben Pemberton, formerly of your staff. Based on what we have heard, we believe that significant mistakes were made by a previous zoning administrator resulting in the current controversy.

All parties agree that an attached garage roof was altered and extended in approximately 2001. Since no building permits have been found for that work, the ANC assumes that the construction was not permitted. That should never occur. Had permits been sought, the zoning administrator would have realized that the proposed extension of the garage roof raised side yard and lot occupancy issues that might have required zoning relief in order to issue building permits. There is no record that any zoning relief was sought. The residents in the neighborhood where the construction occurred, and indeed all District residents, rely on the zoning administrator to ensure that only legal construction is allowed but that trust seems to have been ignored in this case.

The current controversy centers on permitted construction earlier this year that enclosed the area beneath the previously extended garage roof. This work resulted in the conversion of the attached garage to a bedroom with direct internal access to the attached house. Mr. Bruce believes that the

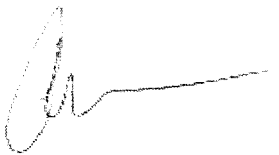
BOARD OF ZONING ADJUSTMENT
District of Columbia
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EXHIBIT NO. 22

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former garage is now an accessory apartment but the owner asserts that it is used for an elderly relative. Mr. Bruce also states in his appeal that the side yard allowance required in an R-1 zone has not been met and that construction below the roof extension in order to convert the garage to additional living space requires zoning relief from side yard requirements. He makes additional assertions based on area requirements, but the crux of his concern seems to be the side yard issue. That issue should have been resolved in 2001 during the zoning administrator's review of building permit applications for the roof construction. The issues are further complicated by the fact that Mr. Bruce claims the most recent permits describe the property as zoned R-3 where side yards are not required, rather than R-1 where they are.

ANC 3C strongly objects to the incidence of illegal construction and urges the Department of Consumer and Regulatory to work with other agencies to cooperatively identify and stop this practice. Building permit applications must be filed with accurate information and carefully reviewed so that any proposed construction that does not comply with zoning regulations can be publicly considered by the BZA for relevant zoning relief. In this case there is evidence that the current zoning administrator reacted quickly to the concerns raised by Mr. Bruce and that an investigation ensued, but the continuing concern expressed by Mr. Bruce has revealed that mistakes were made many years ago by the Department of Consumer and Regulatory Affairs and the office of the zoning administrator. We hope that all parties will realize that these mistakes are the basis for continuing controversy and disagreement between neighbors. ANC 3C hopes the decision of the BZA on this appeal will be swift and clearly establish what the role of DCRA, the zoning administrator, and the previous property owner should have been to avoid the current case

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne-Marie Bairstow', with a long horizontal flourish extending to the right.

Anne-Marie Bairstow
Chair

Cc: Marc Loud, Chair, BZA
Linda Argo, Director, DCRA
Con Hitchcock, Esq.
Stephen Bruce