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D.C. OFFICE OF ZONING

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703 D Street, SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

March 19, 2010

BZA #18070

OFFICERS

Chairperson
David Garrison
Vice Chairperson
Ken Jarboe
Secretary
Kirsten Oldenburg
Treasurer
Carol Green
Parliamentarian
Neil Glick

Richard S. Nero, Jr.
Deputy Director of Operations
HR Advisor & FOIA Officer
Government of the District of Columbia
Office of Zoning
441 4th Street, N.W., Suite 200-S
Washington, D.C. 20001

RE: BZA Appeal Filing for 136 D Street, SE – Private Club

Dear Mr. Nero,

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Mary Wright*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Kenan Jarboe*
SMD 6 *Will Hill*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Michael Patterson*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

Per your e-mail request of Chairman David Garrison, please find enclosed 20 copies of our Form 125 and supporting document.

Please let us know if you require any additional information.

Sincerely,

A handwritten signature in black ink that reads "Bert Randolph".

Bert Randolph
Executive Director

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18070

EXHIBIT NO. 3

Board of Zoning Adjustment
District of Columbia
CASE NO. 18070
EXHIBIT NO. 3

Form 125 – Exhibit 1

(Revised 05/01/08)

Case No.

18070


**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

APPEAL

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to Section (s) §3100 and §3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken

from the administrative decision of:

Name of administrative officer and title

Matthew Le Grant, Zoning Administrator

made on

Date of decision

April 24, 2009

, to the effect that

136 D Street, SE does meet the definition set forth

in DCMR 199.1 to be classified as a private club.

Address(es) of Affected Premises	Square(s)	Lot(s)	Zoning Districts
136 D Street, SE	0733	0041	DAP/R-4

Present use of Property:

Private home

Proposed use of Property:

Private club

Owner of Property:

Brett McAllister

Telephone No.:

202-861-8083

Address of Owner:

1775 K Street, NW; Washington, DC 20006

Name, address and telephone number of lessee:

Name, address and telephone number of appellant, if other than owner:

Advisory Neighborhood Commission -6B

703 D Street, SE; Washington, DC 20003; Phone: 202-543-3344

State specifically manner in which appellant is aggrieved by the administrative decision, the allegations of error in the

administrative decision, and the relevant sections of the Zoning Regulations (see reverse for more detailed explanation).

Please use a separate piece of 8 1/2" x 11" to respond and attach it to the Form 125 Appeal.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.

(D.C. Official Code § 22-2405)

Date:

March 17, 2010

Signature:

David Garrison Appellant*

* If appeal is filed by agent of the Appellant, Form 125 Appeal shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.

To be notified of hearing and decision (Appellant or Authorized Agent*):

Name:

David Garrison

Address:

703 D Street, SE; Washington, DC 20003

Phone No.:

202-543-3344

Fax No.:

202-543-3507

E-Mail:

david6b01@anc6b.org

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

RECEIVED
 D.C. OFFICE OF ZONING
 2010 MAR 18 PM 3:33

Department of Consumer and Regulatory Affairs

Permit Operations Division

941 North Capitol Street NE Room 2106

Washington DC 20002

Tel. (202) 442-4889 Fax (202) 442-4862

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557

B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK
UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 09/16/2009

PERMIT NO. B0906887

Expiration Date: 09/16/2010

Address of Project: 138 D ST SE		Zone: CAP/R-4	Ward: 6	Square: 0733	Suffix:	Lot: 0041
Description Of Work: INTERIOR ALTERATIONS AND REPAIRS FOR EXISTING BASEMENT APARTMENT. FOR USE AS A PRIVATE CLUB.						
Permission Is Hereby Granted To: Airports Council International		Owner Address: 138 D ST SE WASHINGTON, DC 20003-1810		PERMIT FEE: \$1,095.00		
Permit Type: Alteration and Repair	Existing Use:		Proposed Use:		Plans: Yes	
Agent Name: Michelle Miller	Agent Address: 2529 Herrell Court Falls Church, VA 22043	Existing Dwell Units:	Proposed Dwell Units:	No. of Stories:	Floor(s) Involved:	
Conditions/ Restrictions: Interior work only. Does not include approval for replacement of exterior windows, doors, or other exterior features. This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.						
Director: Linda K. Argo		Permit Clerk Lucratia Mackney				
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.						

Nero, Richard (DCOZ)

From: David Garrison [davegarrison@mac.com]
Sent: Friday, March 19, 2010 2:37 PM
To: LeGrant, Matt (DCRA)
Cc: Nero, Richard (DCOZ); Bert Randolph
Subject: Appeal of permit for private club at 136 D St SE
Attachments: 136 D BZA ltr 3 15 10.pdf; ATT40602.txt; 136 D BZA appeal form 3 17 10.pdf; ATT40603.txt; 136 D St SE permit.pdf

Mr. LeGrant:

ANC 6B voted at its most recent monthly meeting to appeal the Zoning Administrator's decision to grant a of-right permit to the Airports Council International (ACI) to renovate 136 D Street SE on the grounds that the intended use of the property was as a private club and thus exempt from needing special permission under the DC Zoning code. I have attached a copy of the following:

- * the appeal form filed with the BZA on March 18, 2010
- * the letter from ANC 6B to the BZA stating the grounds for the appeal
- * a copy of the permit issued to ACI

I have copied Mr. Richard Nero of the BZA on this transmittal so that the BZA will have this record of ANC 6B having provided the Zoning Administrator a copy of our appeal form and related documents.

Thank you for your attention.

David Garrison
Commissioner, ANC 6B01
Chair, ANC 6B